



Commissaire à l'admission aux professions

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International Health Worker Mobility: Professional Regulation, Qualification Recognition and Trade Agreements

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Presentation Outline

1. Regulation of Health Professions
2. Qualification Recognition and Mobility
3. Qualification Recognition and Trade Agreements
4. Main Takeaways

Preliminary Notes

The views expressed in this presentation are those of the Commissioner, not of the Government of Québec.

The Commissioner for Admission to Professions is instituted by legislation in Québec (Canada) as an independent ombudsman, oversight and research office.

The focus of the Commissioner's work is on admission to 56 health and non-health regulated professions (licensure, mobility, qualification recognition, including when related to trade and mutual recognition agreements). The Commissioner oversees the admission processes of 46 professional regulatory bodies.



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Regulation of Health Professions

Health Professions

- Many professions in health services are regulated around the world.
 - Physical and mental health, social services.
 - Either in a public health system or in a private practice setting.
- Ex.: physicians, nurses, dentists, pharmacists, etc.

Purpose of Regulation of Professions

- Professional activities are regulated when there are documented risks of harm or adverse impacts for the public (natural persons, organizations, businesses).
- Risks are of different natures (physical, psychological, financial, legal).
- Need to ensure the competency and fitness to practise of applicants for a profession.
- Need for public protection and to ensure the quality of services.

Principles of Sound Regulation of Professions

- Pursue legitimate objectives (public protection) and act in the public interest.
- Non-discriminatory on grounds of age, sex, religion, origin, ethnicity or social extraction.
- Based on competence and ability to provide the services and to manage the risk for clients.
- Fair, transparent, impartial, objective, efficient.
- No more burdensome than necessary.

The Issue

- Professional regulation is a legitimate and often necessary public policy. A legitimate gatekeeper, in the public interest.
- But requirements, processes and standards of practice are at risk of
 - overdoing it;
 - not being efficient, flexible and agile;
 - being entrenched in a strictly local perspective;
 - becoming an obstacle to meet different demands (access to services, mobility, economy).
- Observed recently in the COVID19 pandemic.



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Qualification Recognition and Mobility

Qualification Recognition and Mobility

- A tool for:
 - responding to increasing migration/mobility for trade, academic or personal motives;
 - implementing the liberalization of trade in professional services.
- Human beings are moving with their skills, qualifications and competencies.
 - The issue of recognition of their qualifications is crucial for them and for their country of destination or origin.
 - To succeed in their integration and to contribute to their full potential (socially and economically).

Qualification Recognition

- QR has its own legal, normative and technical framework.
 - Mostly coming from the education, labour, and migration fields.
 - International instruments (ex. Lisbon Convention), some trade/mobility agreements.
 - Guides, codes and other 'normative' documents.
 - Countries legal texts and public policies.
 - Principles and best practices.

Qualification Recognition

- QR, moreover in a mutual recognition agreement, has the potential for:
 - Transparent rules and processes.
 - Specific and efficient licensure pathways.
 - Group recognition instead of individual.
 - Predictable conclusion on an application and on gap training requirements or other conditions.



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Qualification Recognition and Trade Agreements

Trade Liberalization Principles

For a commercial environment:

1. Exempt from discrimination.
 - Most favoured-nation and national treatment.
2. With freer trade.
 - Progressive approach through negotiation.
3. Predictable.
 - Transparency, stability of the regulatory environment.
4. Competitive.
 - Fair competition, including government subsidies.

Trade Liberalization Principles

- Historically designed for goods, then applied to services and their providers (including natural persons/human beings).
- Applied to natural persons, they gain a new dimension with a complementary legal and normative framework (individual and social).
- This is where trade and qualification recognition principles and methods, although from different fields, intersect and mutually benefit.

Trade in Regulated Professional Services

- A topic that has gradually gained importance over the last 30 years.
- Markets are more active along globalization of companies and organizations.
- Strategic sectors with economic added value.
- Professional regulation is under increasing scrutiny about its social and economic impact
 - Access to services, migration and mobility, fairness toward applicants, trade in services, fair competition.

Trade Agreements and Professional Regulation

General objectives.

- Liberalize, to the extent possible.
- Try to harmonize requirements/standards or recognize qualifications.
 - For people and regulatory systems.
- Process applications efficiently and in transparency.
- Independent recourse (review, appeal).

Trade Agreements and Professional Regulation

The standard/condition at the source of a different treatment must be justified.

- Legitimate objective.
- Objective and transparent criteria.
- Requirements based on competency and ability to provide the services.
- No more burdensome than necessary.

Qualification Recognition

- Mentioned in some trade agreements.
 - GATS (Art. VII), ASEAN, CARICOM.
 - Broad principles, but not always operationalized with specific and efficient pathways.
 - Limited scope, often for temporary movement, under supervision and for more experienced practitioners.
- Some interesting initiatives underway
 - West African and East African countries.

Qualification Recognition

- Appears in recent trade agreements or others under negotiation.
 - CETA Canada-EU 2016.
 - CP-TPP 2018.
 - CUSMA 2018.
 - TISA (20??).
 - More details, greater expectations and wider scope.

Global Push for Qualification Recognition

Global Compact for Safe, Orderly and Regular Migration (UN, 2018).

- Objective #18: “Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”.
- Suggested action item (c) : “Conclude bilateral, regional or multilateral mutual recognition agreements or include recognition provisions in other agreements, such as labour mobility or trade agreements...”

The CETA Canada-EU 2016 approach to QR

- Innovation from usual trade agreements.
 - Specific and very elaborate chapter (chap. 11). on mutual recognition of professional qualifications.
 - Guidelines and process in the agreement destined for regulatory bodies for the negotiation of Mutual Recognition Agreements.
 - Oversight by a Canada-EU bilateral committee.
 - Largely inspired by the *Québec-France Agreement on Mutual Recognition of Professional Qualifications* (2008) and the European Directive on Recognition (2005).



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Main Takeaways

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- Qualification recognition and trade in services principles are converging and cross-leveraging.
 - Justification of requirements and process.
 - Transparency.
 - Predictability.
 - Efficiency.
- Qualification recognition has its own legal, normative and technical framework one can refer to for:
 - Enriching trade agreements with QR provisions;
 - Guidance in dealing efficiently with regulators.



Thank you.

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