

# LEGISLATIVE BRIEFING

A Regional Employers Services Publication

Vol. 58, October 30, 2023

## INTRODUCTION OF NEW FAIR CREDENTIAL RECOGNITION LEGISLATION FOR INTERNATIONAL PROFESSIONALS

On October 23, 2023, the [BC government](#) introduced [Bill 38-2023, \*International Credentials Recognition Act\*](#) (Bill 38), a new fair credential recognition legislation that will apply to internationally educated professionals. Bill 38 is proposed to ensure internationally educated professionals such as engineers, social workers, early childhood educators, paramedics, teachers and biologists will be able to start working in BC quicker. If passed, the legislation will affect 29 professions (see [Appendix 1](#)) that are overseen by 18 regulatory authorities (see [Appendix 2](#)).

### Background

Throughout the spring of 2023, the Minister of State for Workforce Development, Andrew Mercier, led broad external engagement with 1,450 people from regulatory authorities, internationally trained professionals, business associations, educational institutions, healthcare associations, immigrant serving organizations, and other members of the public. The purpose of the public engagement was to better understand challenges and opportunities related to credential recognition and the types of supports that could best help overcome barriers to credential recognition.

In July 2023, the “[What We Heard - Public Engagement on International Credential Recognition](#)” report was released which summarized the key elements of the external engagement process.

Bill 38 builds on the work being done currently by the Ministry of Health to create new pathways for health-care workers coming to Canada through the introduction of the 2022 [Health Professions and Occupations Act](#).

### Key points of the proposed legislation

As per the BC government announcement, the focus of the new credential legislation is fairness, efficiency, transparency and accountability. The proposed legislation aims to properly value international work experience and eliminate the catch-22 of requiring Canadian work experience prior to being accredited in Canada.

If passed, the legislation will come into force in summer 2024 and a new superintendent responsible for promoting fair credential recognition will be appointed. Along with promoting fair credential recognition, the superintendent will monitor regulatory-authority performance and enforce compliance with the new legislation.

Bill 38 sets out the following new responsibilities for the 18 professional regulatory authorities:

1. Enhance fairness

A regulatory authority has the responsibility to establish and implement an international credential assessment process (process) where applicants will be treated equitably and fairly, without prejudice. The process would:

- enable the certification of an internationally trained applicant who has knowledge, skills, ability and judgment that are substantially equivalent to those required for certification in the regulated profession;
- assess internationally trained applicants respecting certification requirements that relate to the protection and promotion, as applicable, of the safety, health and welfare of the public, the environment, animal or plant life or health, and/or consumers; and
- make best efforts to ensure that if relying on a third party to conduct assessments, then doing so in a way that is fair, efficient and transparent.

The regulatory authority is prohibited from:

- requiring an internationally trained applicant to have Canadian work experience in order to be certified, unless an exemption is granted;
- requiring (with some limited exception) an internationally trained applicant to submit new language testing results if they previously submitted valid language testing results as part of the application for certification; and
- imposing application fees, certification fees or similar fees that are greater than the fees imposed on applicants that are not internationally trained, unless the higher fee reflects the average actual costs of administering applications for certification by internationally trained applicants.

2. Increase efficiency

A regulatory authority must make a determination in an international credential assessment process within a reasonable time after receiving a complete application from an applicant. The Minister may impose a specific time limit for these determinations to be made, but that has not been decided upon yet. The regulatory authority must provide the determination of the process to the applicant within 14 days of the determination being made. The determination has to be in writing and must include the reasoning behind the decision.

3. Ensure transparency

New transparency requirements will require regulators to publish all information about their credential assessment processes online, on a website maintained by them or on behalf of them. This will make it easier for applicants to understand how to get certified. Examples of the type of information that must be included are:

- bylaws or policies in regards to procedural matters relating to international credential assessment processes;
- information on the certification requirements, or alternative means to meet these requirements;
- any requirement in the process that will be assessed by a third party, and details on that third party;
- the length of time that it usually takes for a determination to be made;

- whether an appeal or review process exists, and what that process involves;
- information about application fees; and
- information about how an applicant may request information from a regulatory authority about their application for certification.

#### 4. Require accountability

Accountability will be ensured through new reporting requirements and enforcement authorities. A regulatory authority must, on or before April 1 in each year, submit to the superintendent an annual report about the regulatory authority's international credential assessment process. The superintendent may require information about the process from applicants who are not internationally trained applicants for comparative purposes.

Superintendents have the power to conduct audits or inspections of the regulatory authorities regarding their responsibilities under the proposed legislation, and impose administrative penalties if breaches of the proposed legislation are found.

## What's Next?

As of October 23, 2023, [Bill 38–2023 International Credentials Recognition Act](#) is at first reading with the Legislative Assembly. RES will continue to monitor the bill as it moves through the subsequent stages and will provide updates as they arise.

## QUESTIONS?

If you have any comments or questions about this update, please e-mail [RES360@metrovancover.org](mailto:RES360@metrovancover.org) or call 604-451-6558.

## SOURCES

New credential legislation will get more people working in chosen fields quicker | BC Gov News - <https://news.gov.bc.ca/releases/2023PSFS0060-001634>

International professional credential recognition - Province of British Columbia (gov.bc.ca) - <https://www2.gov.bc.ca/gov/content/education-training/post-secondary-education/international-credentials>

What We Heard Report International Credential Recognition (gov.bc.ca) - <https://engage.gov.bc.ca/app/uploads/sites/121/2023/07/What-We-Heard-Report-International-Credential-Recognition-2023-07-24.pdf>

Bill 38 – 2023: International Credentials Recognition Act (leg.bc.ca) - <https://www.bclaws.gov.bc.ca/civix/document/id/lc/bill/current/4th42nd:gov38-1>

2022 Health Professions and Occupations Act (gov.bc.ca) – <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreq/22043>

## Appendix 1

### 29 Professions:

- Registered Music Teacher
- Professional Engineer
- Professional Teaching Certificate Holder
- Land Surveyor
- Early Childhood Educator
- Landscape Architect
- Early Childhood Educator Assistant
- Applied Science Technologist
- Conditional Teaching Certificate Holder
- Certified Technician
- Social Worker
- Veterinarian
- Registered Clinical Social Worker
- Lawyer
- Professional Biologist
- Architect
- Applied Biology Technician
- Notary Public
- Registered Biology Technologist
- Emergency Medical Assistant, Including Paramedics
- Professional Geoscientist
- Chartered Professional Accountant
- Registered Professional Forester
- Associate Real Estate Broker
- Registered Forest Technologist
- Managing Real Estate Broker
- Professional Agrologist
- Real Estate Representative
- Technical Agrologist

## Appendix 2

### 18 Regulatory Authorities:

- Applied Science Technologists and Technicians of BC
- Architectural Institute of BC
- Association of BC Forest Professionals
- Association of BC Land Surveyors
- Association of Professional Engineers and Geoscientists of BC
- BC College of Social Workers
- BC Institute of Agrologists
- BC Registered Music Teachers' Association
- BC Society of Landscape Architects
- College of Applied Biologists
- College of Veterinarians of BC
- Director of teacher certification (and BC Teachers' Council)
- Director of the Early Childhood Educator Registry
- Emergency Medical Assistants Licensing Board
- Law Society of BC
- Organization of Chartered Professional Accountants of BC
- Society of Notaries Public of BC
- Superintendent of Real Estate (and BC Financial Services Authority)