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Re: Request for Consultation Under NWPTA Article 25(2) Concerning Labour Mobility for Health Care Assistants

The purpose of this letter is to highlight the unjust and unreasonable treatment of Alberta-based HCAs within B.C. and to recommend that the Government of B.C. immediately allow Alberta-based HCAs to register with the BC Care Aide and Community Health Worker Registry (on the condition of providing a clear criminal record and evidence of successful completion an Alberta-recognized HCA training program.)

(a) Factual basis for the matter at issue

In spite of the health human resource emergency that seniors care providers are facing in British Columbia,¹ Health Care Assistants (HCAs) from Alberta are currently facing significant barriers to labour mobility when seeking to practice their occupation in B.C.

As of January 2018, the BC Care Aide and Community Health Worker Registry requires that all out-of-province HCAs have their credentials assessed and recognized before they are eligible to work for publicly-subsidized care providers. HCAs must pay the \$800 credential assessment fee, as well as pay for their travel and accommodation to Vancouver—the only location that currently offers the testing. For some HCAs, costs can escalate to upwards of \$4,500 or more after additional courses and training.

Overall, B.C.'s credential assessment process is costly, time-consuming and inefficient, the net effect of which is that HCAs are discouraged from practicing their occupation in this province. The B.C. Ministry of Health reports that as of 2019, only 23% of out-of-province HCAs referred to credential assessment have successfully completed the registration process.²

The restrictions being place on out-of-province HCAs are not consistent with the labour mobility provisions of the New West Partnership Trade Agreement (NWPTA). Labour mobility requires that

¹ BC Care Providers Association, 2019. B.C. Interior's long-term care homes declare 'health human resource emergency' due to staff shortages. Vancouver. May 13, 2019. <https://bccare.ca/2019/05/b-c-interiors-long-term-care-homes-declare-health-human-resources-emergency-due-to-staff-shortages/>

² British Columbia, Debates of the Legislative Assembly, *Hansard*, 40th Parl, 4th Sess, (14 May 2019) at 1110 (Hon. A Dix).

certified workers be able to practice their occupation in another province or territory without having to undergo *significant additional training, work experience, examination or assessment, unless an exception has been posted.*³

However, no such labour mobility exception has been posted, nor has it been demonstrated that Albertan HCA programs are sufficiently different from B.C. programs such that a labour mobility exception would be required.⁴ Both B.C. and Alberta have developed provincial curricula for HCAs, and have established mandatory provincial registries to ensure that HCAs have the education, knowledge, skills and training to care for vulnerable persons.

BCCPA recommends that the government of B.C. allow Alberta-based HCAs to register with the BC Care Aide and Community Health Worker Registry as long as they have a clear criminal records check and have successfully completed a provincially-recognized Albertan HCA training program.

(b) Applicable provisions of the NWPTA

The following sections of the NWPTA are being violated by the current practices:

- **Article 13(1)**

“Any worker certified for an occupation by a regulatory authority of a Party shall be recognized as qualified to practice that occupation by the other Parties.”

- **Article 13(2)**

“Requirements imposed on workers to obtain a license, certification, or to register with a Party or one of its regulatory authorities prior to commencing work within the territory of that Party shall be deemed to be consistent with paragraph 1 provided that no material additional training, education, experience or examinations are required as part of that registration procedure and registrations are processed on a timely basis.”

(c) Description of the alleged inconsistency

The labour mobility provisions of the NWPTA requires that certified workers be able to practice their occupation in another province or territory without having to undergo *significant additional training, work experience, examination or assessment, unless an exception has been posted.*⁵

The current credential assessment process is not in keeping with labour mobility requirements because:

- **HCAs are Certified Workers:** Four Canadian provinces—British Columbia, Alberta, Ontario, and Nova Scotia—have established provincial registries to ensure that HCAs have

³ Government of Canada. 2017. *Canadian Free Trade Agreement: Consolidated Version*. Winnipeg: Government of Canada, Internal Trade Secretariat. <https://www.cfta-alec.ca/canadian-free-trade-agreement/>.

⁴ Mobility and Qualification Recognition Working Group. n.d. *Labour Mobility - Exceptions by Occupation*. Accessed 05 13, 2019. <http://www.workersmobility.ca/labour-mobility/exceptions/exceptions-by-occupation/>.

⁵ Government of Canada. 2017. *Canadian Free Trade Agreement: Consolidated Version*. Winnipeg: Government of Canada, Internal Trade Secretariat. <https://www.cfta-alec.ca/canadian-free-trade-agreement/>.

the education, knowledge, skills and abilities to care for vulnerable persons.⁶ All HCAs in B.C., Alberta and Nova Scotia must be registered in order to find employment with publicly-subsidized care providers. Ontario reports that their registry will be mandatory by December 2019.

- **Differences in Training and Education have not been Identified as Material in Nature:** HCAs across Canada perform similar work and have similar core competencies. It has not been demonstrated that the HCA education programs in Alberta, Ontario and Nova Scotia are sufficiently different such that an out-of-province worker would not be able to perform their full scope of practice, thus requiring a labour mobility exception.
- **Labour Mobility Exceptions must be Communicated:** Transparency requirements under Trade Agreements require that if any material deficiencies in education and training are identified, a labour mobility exception must be communicated in advance. No such labour mobility exception for HCAs has been communicated.⁷
- **The Credential Assessment Process for HCAs is Prohibitive:** If there are legitimate deficiencies in education and training, any measure taken by the regulatory body to address these deficiencies should not “more restrictive to labour mobility than necessary.” The current credential assessment process in B.C. deters qualified HCAs from practicing their occupation and is more prohibitive to labour mobility than necessitated by the legitimate objective to protect the health and safety of vulnerable persons.

(d) Possible economic effect of the measure

The current credential assessment process imposes direct and significant economic and social costs on workers and employers, as well as indirect costs for B.C.’s health care system and all Canadians. The costs include:

- **Health Care Assistants** must pay the \$800 credential assessment fee, as well as pay for their travel and accommodation to Vancouver. For some HCAs, costs can escalate to upwards of \$4,500 or more after additional courses and training. Furthermore, HCAs must bear the opportunity cost of lost wages and benefits, which may accrue over the course of many months.
- **Employers** are negatively impacted by the lost of productivity of otherwise qualified workers, as well as additional overtime costs to fill vacant shifts. There is an associated business risk that stems from having insufficient workers as well as the potential risk of harm for the people being served.
- **Users (seniors)** are indirectly but significantly impacted as their safety may be compromised by having an inadequate number of workers available and/or otherwise excess workload managed by too few workers.

⁶ The [BC Health Care Aide and Community Health Worker Registry](#), [Alberta Health Care Assistant Directory](#), Nova Scotia [Continuing Care Assistant Registry](#), and the [Personal Support Worker Registry of Ontario](#) respectively.

⁷ Mobility and Qualification Recognition Working Group. n.d. *Labour Mobility - Exceptions by Occupation*. Accessed 05 13, 2019. <http://www.workersmobility.ca/labour-mobility/exceptions/exceptions-by-occupation/>.

- **B.C. Tax-Payers** indirectly bear the burden of this inefficient process, as the costs of recruitment are shouldered by B.C.'s publicly-funded health care system.
- **Canadian Residents** are indirectly impacted by creating dividing lines between provinces that serve to unfairly treat fellow Canadians. Despite our collective intention to offer nation-wide universal healthcare services, the application of this program is creating unfair treatment for workers, employers and society at large.

(e) Relief or remedy sought

BCCPA recommends that the government of B.C. allow Alberta-based HCAs to register with the BC Care Aide and Community Health Worker Registry as long as they have a clear criminal and have successfully completed a provincially-recognized Albertan HCA training program.

(f) Address for services

All further correspondence with me regarding this matter can be addressed as follows:

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Burnaby, BC, V5H 4M2
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Please contact me at the above address for service within the time period specified in NWPTA Article 25(3).

Sincerely,



Daniel Fontaine
CEO, BCCPA