



Commissaire à l'admission aux professions

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Fairness and Equity: make them your purpose

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Presentation Outline

1. The Commissioner.
2. International migration and labour mobility imperatives.
3. Qualification recognition and mobility.
4. Where does credential assessment stand?
5. Is recognition of qualifications a universal individual right?
6. What is fairness?
7. Takeaways: fairness as a purpose.

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Preliminary Notes

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The views expressed in this presentation are those of the Commissioner, in the independent exercise of his functions as provided for by law.

They do not represent the position of the Office des professions nor the Government of Québec.

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The Commissioner for Admission to Professions

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The Office of Commissioner

The Commissioner for Admission to Professions is instituted by legislation in Québec (Canada) as a specialised independent ombudsman, with oversight and research mandate and investigation powers.

The focus of the Commissioner's work is on admission to 56 health and non-health regulated professions.

- Licensure, registration, mobility, qualification recognition, credential assessment, including in the context of trade and mutual recognition agreements.

The Commissioner oversees the admission processes of 46 professional regulatory bodies and third parties.

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Functions-Mandate

1. Receive and examine individual complaints about admission to a profession.
2. Monitor (verification) any process or activity relating to admission to a profession.
3. Follow (monitor) the activities of a coordination government and stakeholders committee (re: gap training/bridging programmes and internships) and, if necessary, to make the recommendations.
4. Conduct studies and research, provide opinions and make recommendations on any matter relating to admission to a profession.

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Competence

- Competence on:
 - All aspects of admission to professions;
 - All actors of admission to professions:
 - Regulatory bodies;
 - Educational institutions (colleges, universities);
 - Government departments and agencies;
 - Other organizations or person, public or private sector.
 - Credential assessment organisations.
 - Examination Boards and language assessment organisations.
 - Internship settings and supervisors.

In either complaint, verification, study, research, opinion or recommendation mode.

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Competence

- Also overseeing the implementation of obligations under applicable trade, mobility and mutual recognition agreements when relating to admission to professions

Ex.

- Canadian Free Trade Agreement (CFTA, internal trade).
- Québec-France Mutual Recognition Agreement.
- Québec-Switzerland Mutual Recognition Agreement.
- Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union.

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International Migration

- 280 millions migrants in the world (IOM, 2020).
- 48% are female (UN-DESA, 2020).
- Most are skilled workers (often high skilled).
- Human beings coming with their skills, qualifications and competence.

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Labour Mobility Imperatives

- The economic imperatives.
 - Labour shortage.
 - All economic actors active and contributing.
 - Trade agenda of liberalization and efficiency.
- The individual imperatives
 - Push and pull effect in migration.
 - A personal decision.
- The rights and fair treatment imperatives.
 - Basics rights.
 - Access to a credible recognition process.
 - Fair, transparent, objective, impartial.

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International Labour Mobility

- Mobility of people
 - An active element of globalization.
 - More than goods or capital, humans (and brains).
 - A right to migration that is emerging.
 - Some steppingstone and circular migration.
- Positive aspects
 - Management of labour shortages on a global scale
 - Development of destination countries.
 - A certain and often precarious advantage for countries of origin.

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International Labour Mobility

- Negative aspects
 - Poaching of skilled workers by developed countries.
 - Loss of development capacity of countries of origin.
 - Economy, health and social dimension.
 - Unacceptable if these talents are wasted in the destination country through inadequate integration and recognition processes.

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International Labour Mobility

- Issues of
 - Global sustainable development.
 - Global and internal labour markets.
 - Qualification recognition.
 - Fair treatment.
- Challenge: balancing the rights and interests of individuals and those of countries of origin and destination.
 - Individual fundamental and social rights.
 - Socio-economic development.
 - Trade.
- The search for global governance and standards.

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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).

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Qualification Recognition

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

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QR - Legal and Normative Framework

- Different sources.
 - International.
 - International instruments, trade and mobility agreements.
 - Guides, codes and other 'normative' documents.
 - Internal.
 - Legal texts.
 - Public policies.
 - Principles and best practices.

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QR - International Sources

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- Migration.
 - UN and ILO Conventions, Recommendations and Multilateral Framework (Migrant Workers).
 - Humanitarian Conventions (Refugees)
 - [WHO Code of Practice](#) (Recruitment and Mobility of Health Personnel) (2010)
 - [List of “Sensitive” Countries](#)
 - [Guidance document on agreements on mobility](#) (March 2024)
 - [Global Compact for Safe, Orderly and Regular Migration](#) (UN, 2018)

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International Sources

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- Education, training and recognition.
 - Lisbon Convention on the Recognition of Qualifications concerning Higher Education (UNESCO) (1979 and 1997).
 - Global Convention on the Recognition of Higher Education Qualifications (UNESCO) (2019).
- Trade and mobility agreements.
 - Multilateral, regional and bilateral.

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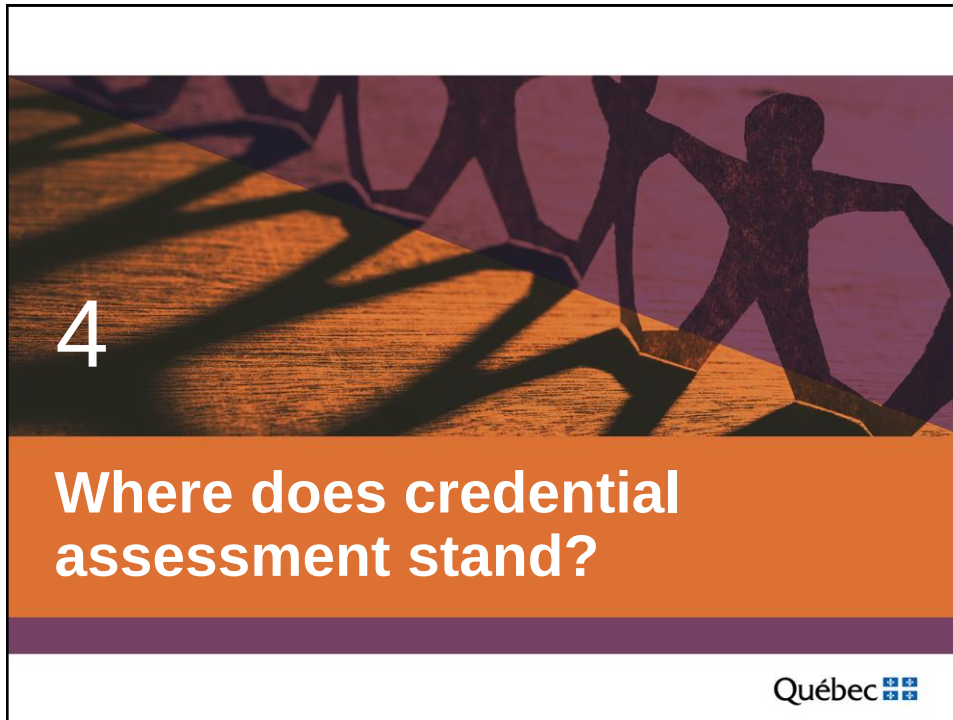
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Trade Agreements - Liberalization Principles

- 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.

Internal and Other Sources

- Constitution and legislation
 - Charter of Rights, laws
- Jurisprudence
 - Canadian ex.: *Siadat v. Ontario College of Teachers*, 2007 CanLII 253 (ON S.C.D.C.) (message: to go to easy way out. At least try to do something)
- Mobility agreements (Canadian ex.)
 - [Canadian Free Trade Agreement](#) (CFTA, internal to Canada) (2017)
 - [Quebec-France Agreement on the Mutual Recognition of Qualifications](#) (2008)
 - [Quebec-Switzerland Agreement on the Mutual Recognition of Qualifications](#) (2022)



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A critical role and responsibility

- Credential assessment is a major element of a qualification recognition strategy.
 - With others: accreditation, non-formal and informal learning recognition, micro-credentials.
- Combination of knowledge, skills, attitudes, and values for assessors.
- It comes with duties, principles and values.

Competency.	Integrity.
Rigour.	Impartiality.
Defensibility.	Objectivity.
Transparency.	Equity.
Collaboration.	Fairness.

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**Is recognition of qualifications
a universal individual right?**

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The Building Blocks

- Right to recognition of qualifications under UN and ILO international instruments.
 - Instruments not always to date. Issues of interpretation and cross-reference. Issues of variable obligations on concrete implementation aspects (ex. qualif. recogn.).
 - Depends on the status of the applicant (notion of migrant worker and some exceptions).
 - Depends on the implementation by countries and recognition process in place.

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The Building Blocks

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- Right to recognition of qualifications under the:
 - 1) Lisbon Convention on the Recognition of Qualifications concerning Higher Education (UNESCO) (1979 and 1997).
 - 2) Global Convention on the Recognition of Higher Education Qualifications (UNESCO) (2019).
 - Sound and concrete obligations.
 - For higher education.
 - In and between the ratifying countries.
 - Depends on the recognition process in place.
 - But, still, has a global credibility and appeal.

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The Building Blocks

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- Right to recognition of qualifications under trade and mobility agreements.
 - Depends on the prescriptive nature of the obligations and processes under the agreement.
 - Depends on the enforcement mechanisms.
 - Depends on the presence of exceptions and exclusions.
 - Depends on the recognition process in place.
 - Only in and between the signatory countries.
 - But, still, more and more provisions on QR.

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The Building Blocks

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- Right to recognition of qualifications under internal legal texts.
 - Depends on the nature of the qualification.
 - Depends on the status of the applicant (national, migrant, or categories thereof).
 - Only in a country with legal texts.
 - Depends on the recognition process in place.

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The Building Blocks – The European Experience

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- Institutions and decision-making process.
 - More than a trade agreement, a common market with political and legal frameworks.
 - European Parliament, Council of Europe, European Commission.
 - European civil society and private sector networks.

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The Building Blocks – The European Experience

- Legal framework and “European acquis”.
 - Sound and concrete obligations.
 - Free movement of individuals as a principle.
 - Common legal texts, values and policies.
Set of treaties and directives.
 - Recognition of qualifications directive with a number of professions under automatic mutual recognition. With complementary directives.
- Still some implementation issues.

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A Global Push for QR

- [Global Compact for Safe, Orderly and Regular Migration](#) (UN, 2018).
 - Outcome of global dialogue under the UN.
 - Non-legally binding but comprehensive and far reaching.
 - Objectives and commitments with suggested actions (policy options, best practices).
 - One objective (#18).
“Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”.

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A Global Push for QR

- Objective #18 suggested actions
 - Standards, guidelines, mechanism, network for mutual recognition, compatibility, cooperation.
 - Qualifications, formal credentials and non-formally acquired skills, qualification framework and stakeholders.
 - Transparency, compatibility, and use of technology.
 - Mutual recognition agreements (in or distinct from trade agreements).

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Converging Discourse

- Recognition of qualifications builds itself as an individual right, with social and economic aspects.
- This right is complementary and reinforcing the
 - Right to education;
 - Right to equality;
 - Right to work;
 - Right to decent work;
 - Right to fair treatment.

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Shift of focus on the person

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- Skills, qualifications and competence are personal attributes of any individual.
 - They cannot be denied on a discriminatory or frivolous basis.
 - Hence recognition as individual fundamental right.

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What is fairness?

Inspired by literature and practices from the ombudsman community in Canada

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A principle

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- A qualifier for the procedure and methods of credential assessment.
- A qualifier for the attitude and values of credential assessors.
- But what is fairness?

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The three angles to fairness

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1. Procedural fairness.
2. Substantive fairness.
3. Relational fairness.

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1. Procedural fairness

- About the process and the methods by which an assessment or a decision is made.
 - The person impacted is informed on the process and criteria, involved as much as possible, and has real opportunity to provide relevant input.
 - The assessor is thorough and thoughtfully review all relevant and credible elements.
 - The assessor is compliant with procedures, policies and methods.
 - The assessment and assessor are impartial.
 - The assessment conclusion is transparent and communicated with meaningful explanation understandable by the person impacted.
 - An efficient recourse is offered.

2. Substantive fairness

- About the assessment and conclusion being legal and reasonable.
 - The assessment and conclusion are according with the legal parameters.
 - The conclusion must be reasonable, and the reasoning behind it must be understandable to the person impacted.
 - The assessment does not discriminate against the person impacted on prohibited grounds (i.e. human rights).

3. Relational fairness

- About the way the person is treated and his/her perception of the assessment process and the conclusion.
 - Look beyond the process and the methodology.
 - Being considerate,
 - Being courteous, timely, clear, and direct in communication.
 - What is and what is not.
 - What we can do and what we cannot.
 - Confidentiality.
 - Admit error or misunderstanding, apologise, and correct.

Fairness in real life

- Fairness is not always easy or obvious.
 - Like an ethical discussion. Not a definitive and simple solution. Need to step back and think.
 - The situation tells the scope of a fairness issue, generates the rule and indicates the way forward.
 - Lessons learned, open discussion and feedback, sharing with colleagues pave the way for correcting a situation and improvements
 - The situation might reveal a limit or a flaw of the assessment process and methods. Need for improvement.

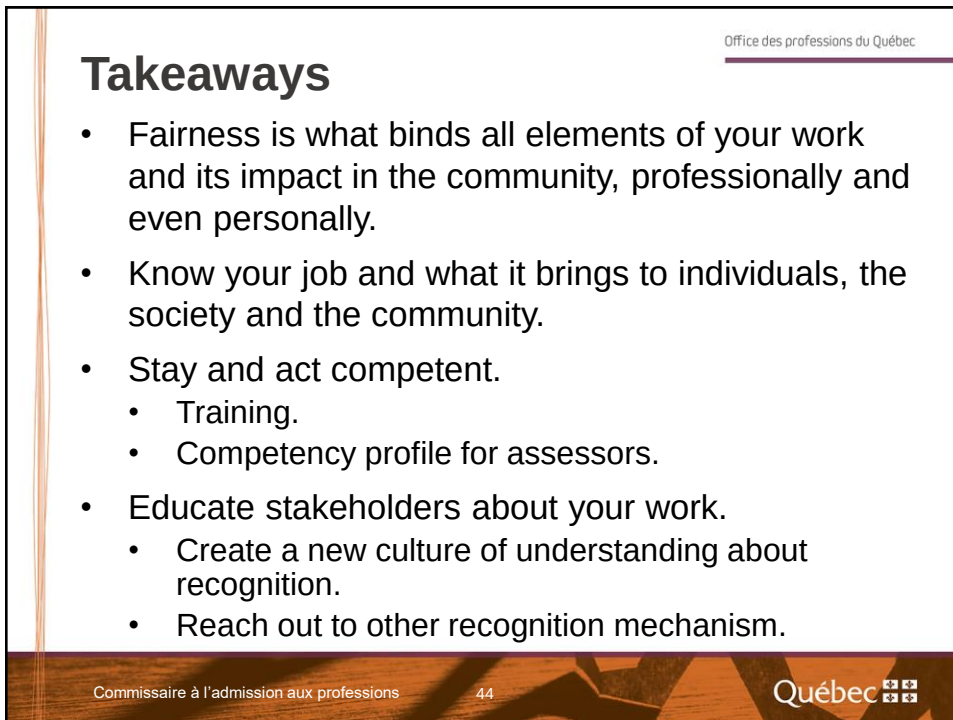


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Takeaways: fairness as a purpose

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Takeaways

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- Fairness is what binds all elements of your work and its impact in the community, professionally and even personally.
- Know your job and what it brings to individuals, the society and the community.
- Stay and act competent.
 - Training.
 - Competency profile for assessors.
- Educate stakeholders about your work.
 - Create a new culture of understanding about recognition.
 - Reach out to other recognition mechanism.

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Takeaways

- A shift in attitude.
 - Look to elements to recognize not to elements to refuse recognition.
- Be transparent.
- Be considerate.
- Fairness is not about you or your organisation, it's about people that will benefit from your work.
- Fairness is beyond a task, a condition or a rule, it's a purpose.

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Thank you.

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