

The BC-Alberta Trade, Investment and Labour Mobility Agreement and Boards of Education

What does this TILMA say about labour mobility?

Article 13 states that a worker certified for an occupation by a regulatory authority shall be recognized to practice in the other jurisdiction.

The listed occupations of interest to boards of education include teachers and psychologists who work in school districts.

The agreement indicates that if a regulatory authority of one party has certified a worker for an occupation, the other party shall recognize that work as qualified to practice that occupation.

For teacher qualification, reconciliation between the two provinces is under way to ensure that teacher preparation standards are equivalent between provinces.

The goal is to provide for greater mobility for individuals between the provinces.

The intent is not that each province must have the same training or certification process for teachers, but that each province is satisfied that teachers trained and certified in one province are acceptable to the other.

Each province will still be able to determine its own “character-based” fitness to teach criteria, such as the need for criminal checks.

The BC College of Teachers is negotiating these aspects of TILMA with Alberta.

What are the implications for boards of education?

- Once TILMA is fully implemented in April 2009, all board of education policies and practices must treat Alberta persons and businesses in the same manner as British Columbia's [*& vice versa*]
- During the transition period boards cannot adopt measures that are inconsistent with the TILMA
- Although a board policy may be the subject of a TILMA challenge, it is the provincial government that must respond to the challenge. The BC government will need to establish a process for ensuring that it meets its obligations under the TILMA. This may involve review of board policies and practices, or the government may decide to leave board policies and practices to voluntary compliance as it did with the Agreement on Internal Trade and deal with challenges as they arise.
- Boards will need to review purchasing policies to ensure that there is no preference for local suppliers on purchases greater than \$10,000 for goods, \$75,000 for services and \$100,000 for construction (or whatever different thresholds may eventually be negotiated during the transition period).
- Boards will need to ensure that their policies provide for the posting of tender notices for purchase at and over the threshold amounts through an electronic tendering system.
- Currently, boards use BC Bid for notification for larger capital purchases involving tender preparation - but could use BC Bid for smaller contracts with less formal processes. The cost of preparing documentation and posting on an electronic tendering system such as BC Bid may be greater than previous less formal processes, although experience in some sectors has shown that the opposite may also be true.
- The BC government considers ethical purchasing policies are “legitimate objectives” as defined in TILMA and are therefore not a concern. For example, policies that support environmental protection are not restricted under the TILMA.
- Disposal of property policies that provide for sale or lease first to local entities such as municipalities are not considered to be an issue by the BC government.

This is from BC School Trustees Association's *Education Digest* regarding the Trade, Investment and Labour Mobility Agreement between British Columbia and Alberta.

www.bcsta.org

BCSTA is grateful for the contributions of: Joan Axford, Secretary Treasurer, Saanich Board of Education; and Robert Musgrave, Director of Trade and Competitiveness, Ministry of Economic Development. The information and conclusions expressed in this report are those of BCSTA and do not necessarily represent the views of any individual contributor.

The official website of the Agreement

www.tilma.ca

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What are the implications for boards of education? (cont)

- A number of boards are or have been involved with purchasing consortia involving local governments, health authorities or post-secondary institutions. It is the government's position that these would not be disrupted if different thresholds apply.
- Boards of education will be able to limit for profit activity in education and corporate sponsorship or advertising providing the limits do not favour one province over the other.
- It is the BC government's position that policies and collective agreements that require utilization of only unionized contractors are acceptable providing they do not favour contractors from one province over the other. Boards of Education & the Trade, Investment and Labour Mobility Agreement (TILMA)
- Regulations limiting the amount of private, for profit activity, sponsorship or advertising in education are acceptable to the TILMA provided limits do not favour one province over the other.
- Policies to limit junk food in schools are not contrary to the TILMA as long as such bans apply equally to suppliers in both provinces.
- If a dispute cannot be resolved directly by the Parties (i.e. the two provincial governments) a panel of independent and impartial individuals will be called to issue a binding resolution report. If the Parties do not comply with the report, monetary penalties may be levied. It is unclear at this point what the implications may be if a board of education continued to uphold a policy or practice that had been determined to be contrary to the TILMA.

What opportunities might the TILMA provide to boards of Education [in BC]?

- TILMA could increase investment as projected by the Conference Board of Canada and provide more resources for public education, and increased enrolment if the new jobs attract new residents.
- Labour mobility could encourage more trained teachers - especially in specialty areas – to come to B.C.

Related Websites

Agreement on Internal Trade

http://www.iir.gov.ab.ca/trade_policy/Agreement_on_Internal_Trade.asp

Since 1995, Alberta and British Columbia have been committed to implementing the Agreement on Internal Trade. Information on this agreement and current related work can be found at this site.

Red Seal Program

www.red-seal.ca

Red Seal certified workers can work anywhere in Canada where their trade is designated. This site provides information about the Red Seal program and its requirements.

Canada West Foundation Dialogues, Winter 2007

www.cwf.ca/V2/ent/Scaba3e44cc1777987257288000f1ed.php

What is TILMA? Examining the Trade, Investment and Labour Mobility Agreement Between BC and Alberta - *Representatives of government, labour and business organizations, research institutions and think tanks write about what TILMA will bring to Western Canada.*

Conference Board of Canada:

Death by a Thousand Paper Cuts, May 2006 www.gov.bc.ca/ecdev/down/173_06_barriers_to_competition.pdf
A Conference Board of Canada report concludes that "a legacy of international and internal protection inhibits the development of competitive markets in Canada."

An Impact Assessment of the British Columbia/Alberta Trade, Investment and Labour Mobility Agreement, prepared for the BC Ministry of Economic Development, Sept. 2005. It concludes that the TILMA has the potential to add \$4.8 billion to BC's GDP and create 78,000 new jobs in the province.

www.gov.bc.ca/ecdev/down/conf_board_impact_assessment_2005.pdf

Labour Mobility/ Professions and Occupations

Professions and Occupations in Alberta

<http://employment.alberta.ca/cps/rde/xchg/hre/hs.xml/196.html>