

Report on the Impact of TILMA on the BC Construction Industry

FINAL DRAFT

Prepared for the

**The Human Resources Planning Committee of
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By





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TILMA AND IMPACTS: SNAPSHOT

What is TILMA?

The Trade Investment and Labour Mobility Agreement was signed between the governments of BC and Alberta and went into force April 1st 2007. It is an agreement designed to remove trade barriers between BC and Alberta for goods, capital and labour. It does this in two ways:

- First by a process that smoothes out (harmonises) differences between regulations in BC and Alberta to make each Province's regulations the same – an example is axle loading requirements for heavy goods vehicles under Highway Traffic Regulations. Right now they are different – TILMA would make them the same.
- Second, where harmonisation is impractical or would require a very detailed review of regulations a simpler approach is taken. Mutual Recognition: this is where BC recognises Alberta's regulations and Alberta recognises BC's. An example is: If you receive your Millwright Ticket in BC, Alberta would recognise your qualification as equivalent to their Construction Millwright Ticket so that you would be able to work as freely in Alberta as if you had the Alberta Qualification.

Through a two year process of negotiation (the implementation period) barriers must be reconciled and removed by April 1st 2009. If the negotiation process has not been successful these barriers will be struck down by each government unilaterally.

Following the implementation period any perceived barriers can be challenged before a review panel jointly appointed by each government. The review panel has no power to change regulations but it does have the ability to lay large punitive fines to force regulatory change.

What are the risks?

The risks for BC boil down to the fact that BC regulations now need to take into account the needs of Alberta citizens before they are changed or newly enacted. If these changes would impact mobility of goods, capital and people they must be harmonised or reconciled with Alberta.

This could produce a 'regulatory chill' where governments are reluctant to engage in the greater effort of consultation and negotiation to enact new or modify existing legislation. Changes may expose the government to challenge by an interested party

(anyone in either Province) and further discourage modification of regulations for otherwise legitimate reasons.

Secondly, the review process may open up a drive to reduce regulations to the minimum common standard thereby reducing the standard of training and public protection measures in the Province.

Unfortunately because the panel has not begun to function it is not possible to confirm or deny the threat from these risks as to do so would be an act of speculation.

What are the benefits?

The Agreement has the effect of creating a large common market the size of Ontario resulting in greater opportunity for the citizens of both Provinces. Labour Mobility may reduce the pressures of skills shortages and it may permit each Province's contractors to take on work in either Province easily, enjoying the benefit of participation in one large market.

It may be that factors other than labour and capital mobility may restrict the economic benefits of TILMA. A prime example is TILMA does little to increase the overall size of the labour supply beyond current conditions and this is seen by many to be the main brake on both Province's economic growth.

Given that TILMA is a fact, what can the Construction Industry do to safeguard its interests and take advantage of any benefits?

Impacts on the Construction Industry are likely to fall into the following three main categories.

- Worker Protection
- Building and Planning Regulations
- Worker Certification

Each of these areas requires the industry to be alert to likely impacts as described below:

Worker Protection: Perceived unfairness in Alberta may be challenged

- Under TILMA worker protection legislation is exempted. Thus, while Alberta has different fall protection regulations than BC (in Alberta evidence of a fall protection course is mandatory prior to working above six feet, no such evidence is mandatory in BC) this is not considered a barrier under TILMA.
- However it is entirely likely that industry could challenge these differences as restrictions on mobility to trade where they resemble the creation of a new regulated occupation. Fall protection is a short course of study in Alberta, but what if the course of study is longer, does this constitute a regulated occupation and therefore subject to the same harmonisation / reconciliation requirements as worker certification below?
- Alberta has more mandatory worker protection certification than does BC so the challenge process, if legally admissible in the area of worker protection, which is doubtful, will affect Alberta worker protection legislation before it will affect BC's.
- Areas of worker protection requirement such as trenching and shoring regulations are slightly different between Alberta and BC (mainly through different wording conventions in legislation) and these will remain so under TILMA.
-

Building and Planning Regulations: Impact under TILMA will not affect industry interests

- Because building and planning regulations apply to structures and land they apply equally to BC and Alberta citizens, so TILMA will have no impact on these. Individuals may threaten to make use of the TILMA review panel to force building code or zoning changes, but this would be a negotiating tactic only. The panel has no remit to render decisions in these areas.
- Building Code requirements that mandate mandatory training for Workers in BC are subject to harmonisation and reconciliation requirements. However

mandatory training requirements are embedded in worker certification legislation and not building codes, therefore the Worker Certification process is of most interest as an area that will be affected by TILMA.

Worker Certification: Costly, yet influential, industry participation required

- Reconciliation and harmonisation of worker certification between the two provinces is required because different qualifications are issued and recognised in the two Provinces and do affect worker mobility.
- Alberta has operated a parallel certification system outside the Red Seal which TILMA does not permit. There is a risk that Alberta will seek recognition for the parallel process with BC under TILMA, in essence creating a 'BC Alberta Red Seal' but this risk is remote and therefore vigilance on the part of industry to protect their use of the Red Seal as the tool for mobility into Alberta is not required.
- Building, gas and electrical code requirements for qualified workers do rely on different definitions between BC and Alberta – most of these differences are variations on a theme rather than major new takes on trade certification and therefore reconcilable.
- TILMA does not mandate a means of reconciling and harmonising worker certification.
- Reconciliation has been ad hoc with public protection agencies in the two Provinces working together and beginning consultation processes with industry. Reconciliation and harmonisation will require stakeholders to meet between the Provinces and commence the harmonisation and reconciliation process with minimal support from government.
- If harmonisation and reconciliation have not been achieved between each Province's worker qualification requirements by April 1st 2009 then government will impose a solution.

- Therefore, in absence of any lead agency, and the threat of government action there is opportunity for stakeholders in BC to play a key role in reviewing and reconciling qualifications for workers in this Province.

Recommended Action for industry to take during the two year implementation process:

1. Worker Protection. Use the impending challenge mechanism in 2009 to lobby for changes between BC and Alberta that industry feels would increase the fairness of worker protection regulations for BC workers in Alberta. If there is no perception of unfairness currently then industry need do nothing in relation to Worker Protection under TILMA.
2. Worker Certification: Through representative means (construction associations are a good vehicle) begin the cross border review and consultation required to reconcile worker certification standards between Provinces. This process will allow for direct and meaningful input into worker qualification and ensure the interests of the industry in BC are met during TILMA implementation.
3. Fund the process: Reconciliation of worker certification has proven so far to be, while successful, an extremely time consuming and therefore, expensive process. Government has provided no vehicle for reconciliation of worker qualification under TILMA and industry needs to step in to make TILMA implementation happen fairly. Government should be requested to support this process financially through support to associations who will play a major role in carrying out this work.

Executive Summary

This report was commissioned by the Human Resources Planning Committee of the BC Construction Association and the BC Yukon Building and Construction Trades Council to describe impacts of TILMA on the BC Construction Sector.

While there is a lively public debate on the intent of TILMA and the ramifications for the public sphere in BC and Alberta this report focuses on impacts of TILMA, now that the Agreement has been proclaimed, on the Construction Sector in British Columbia. While impacts are possibly similar in the Alberta Construction Sector, this report does not explore those impacts in any detail.

It is useful to view the TILMA as having three distinct stages:

1. Intention,
2. Implementation, and
3. Interpretation.

The intention of the Agreement has been laid out in the document signed by the BC and Alberta governments, namely that standards and regulations be reconciled so they do not impose barriers to trade, labour mobility and investment and that government procurement and other activities don't unfairly discriminate against companies or individuals. The implementation stage is currently being worked out by the various Ministries and government agencies and is scheduled to be completed by the end of the two year transition period in April 2009. The final stage of interpreting the Agreement is unknown as the TILMA Panel has yet to receive any complaints or render any decisions. As a result of the implementation being in process and the interpretation being unknown, the impacts of the TILMA on the BC construction industry are largely based on speculation which is positive or negative depending on whether the speculators are supportive or not supportive of the Agreement.

Initial indications suggest that a number of areas of relevance to the BC construction industry will not see significant changes as a result of TILMA. These include building codes, Homeowner Protection Office regulations, procurement processes and taxation. However, two areas that will require significant reconciliation with Alberta and that will impact the construction industry are worker certification standards and safety regulations. The provincial government representatives have also signalled that they would welcome industry input on these and other issues associated with the implementation of TILMA.

Reconciliation of regulations and occupational standards

While the Investment articles of the Agreement may or may not have a broad effect on the Province as a whole, the area of the agreement treating employer certification and the mobility will have an immediate impact on worker certification standards and safety regulations which are founded on specific worker qualifications.

Two approaches could be taken to reconcile regulations and occupational standards:

1. **Harmonisation** - in which regulations and certification standards are made the same in both Provinces. Likely this would be accomplished across a range of regulations and standards at one time.
2. **Mutual Recognition** – in which the technical standards and content of each certification and regulation are compared on a case by case basis. Differences are noted and preserved so long as the basic regulatory or certification standard is maintained for each Province.

The TILMA language seems to create a space for this latter approach. No specific mutual recognition protocol is identified in TILMA and in practice so far in BC industry bodies have provided their own leadership in partnership with regulatory agencies to engage in discussion with their counterparts in Alberta. This discussion – two examples are reviewed – involves a careful comparison of the technical standards underlying each regulation or occupational standard under comparison. The end result is likely to be memoranda of understanding between all relevant parties to enable mutual recognition of standards which may well still have somewhat different content.

Thus it appears a space is created by TILMA during the two year implementation phase of the agreement for those stakeholders most affected by TILMA in the Construction industry to play the most active role in the process to reconcile BC and Alberta regulatory and occupational standards. This process will hinge on careful review of technical standards, will be time consuming and could be costly to any organisation which steps up to lead reconciliation on behalf BC industry of each specific regulatory and occupational standard impacting Construction.

Though costly in time the reconciliation effort will certainly have an impact as no Government organisation is mandated to engage in this process with stakeholders.

The process may in fact result in better articulated, more 'stakeholder responsive' regulatory and occupational standards for the Construction Sector in BC.

Overview of Methodology

Methodology

This report was commissioned by the BC Construction Association and BC Yukon Building and Construction Trade Council Human Resource Planning Committee.

The mandate given was to investigate impacts on the Construction Sector in BC now that TILMA is here. The focus has been kept to evidence based, non-speculative impacts on the Construction Sector, and does not treat the merits or deficiencies of TILMA, nor comment on the legitimate political discussion for and against TILMA which hinges on the question is TILMA good for BC's economic prosperity or does it expose British Columbians to harm through deregulation?

A literature review, provided as Appendix 4 gives an introduction to the extensive body of debate, position papers, research and legal opinion surrounding all aspects of TILMA. The interested reader will be able to learn more and follow up specific areas of inquiry on the Agreement from these sources.

Step 1: Literature Review

A literature review was conducted to identify the main arguments for and against TILMA. These were screened for relevancy to the Construction Sector in BC and used to inform our interviews with industry stakeholders.

Step 2: Interviews with key construction stakeholders and agents of influence in TILMA.

In consultation with the HR planning committee an extensive list of key respondents in were identified. These individuals and organisations are listed in Appendix 3. They are organised in the following categories:

- Industry Associations
- Regulators and Government Negotiating/ Implementation staff
- Labour Organisations

- Employers

Step 3: Interviews with employers currently active in BC and Alberta

Through the Regional Associations employers were identified and interviewed who currently work in BC and Alberta for their perspective on which regulations and certification issues were important for them.

All these sources have been combined into one report targeted to Construction stakeholders who may well have no prior knowledge or awareness of TILMA.

Summary of Findings

Overview of the TILMA

In April 2006, the BC and Alberta provincial governments signed the BC-Alberta Trade, Investment and Labour Mobility Agreement (TILMA), which came into effect on April 1, 2007. The TILMA is a free trade agreement between Alberta and British Columbia that is intended to harmonise government measures that affect trade, investment and labour mobility.

Key goals of the Agreement are:

1. Standards and regulations be **mutually recognised and/or reconciled** in order to alleviate restrictions on trade, investment or labour mobility; and,
2. Government bodies in each province will **not discriminate** unfairly against businesses or individuals from the other province in their procurement and other activities.

There is a transition period of two years during which government policies and regulations will be reviewed and brought into line with the goals above. At the end of the transition period the Agreement will also extend to all non-federal government or quasi-government agencies including provincial Ministries, Crown Corporations, municipalities, health authorities, school districts and post-secondary institutions.

BC and Alberta can maintain or adopt standards, regulations or procurement processes that are inconsistent with the two objectives above provided the measures are designed to achieve a legitimate objective and are no more restrictive

than is necessary to achieve this legitimate objective. A partial list of legitimate policy areas includes measures relating to:

- Public security and safety
- Public order
- Protection of human, animal or plant life or health
- Protection of the environment
- Conservation and prevention of waste of non-renewable or exhaustible resources
- Consumer protection
- Protection of the health, safety and well-being of workers
- Provision of social and health services within a province
- Affirmative action programs for disadvantaged groups
- Prevention or relief of critical shortages of goods essential to a province

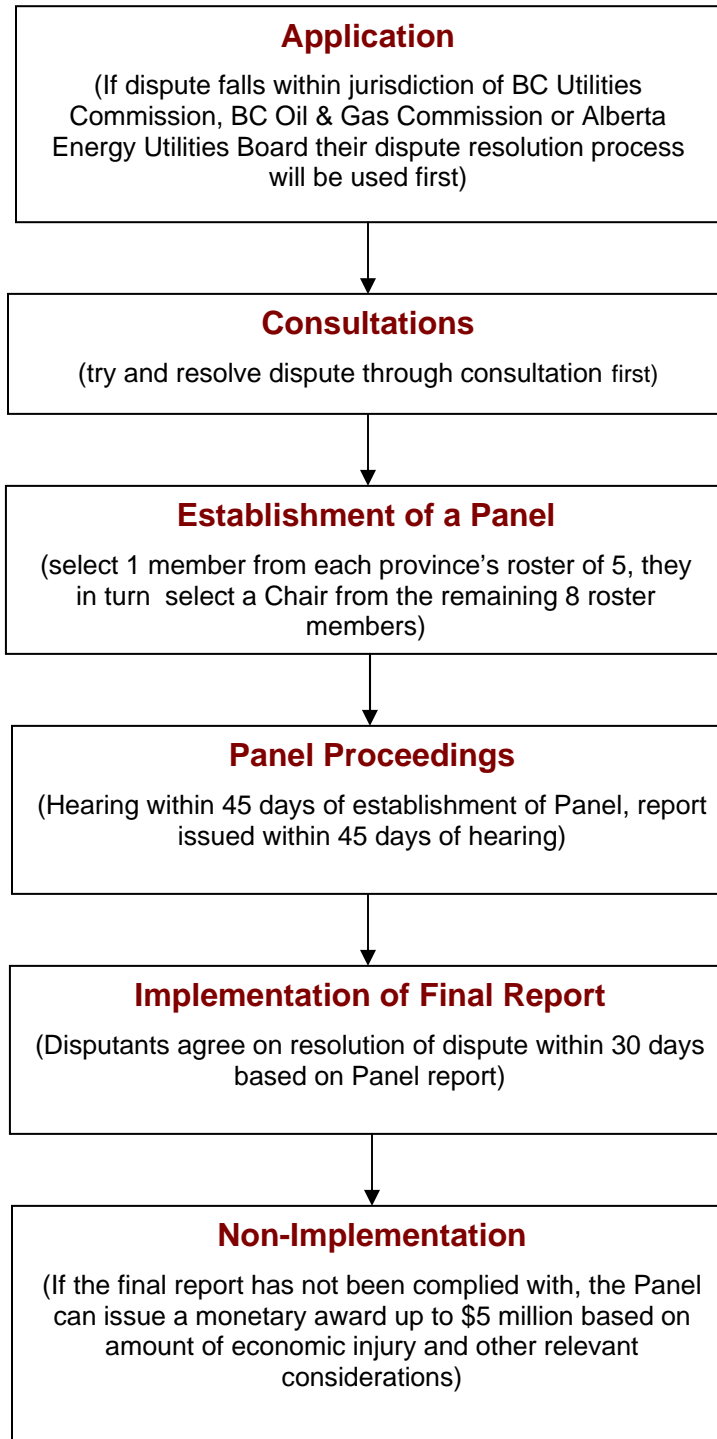
Alberta and British Columbia have also mutually agreed to exclude measures in several areas from the Agreement. A partial list of these exempted areas includes:

- Aboriginal peoples;
- Water, and services and investments pertaining to water;
- Social policy, including labour standards and codes, minimum wages, employment insurance, social assistance benefits and worker's compensation;
- Business subsidies related to assistance for recreation, academic research or non-profit organizations;
- Procurement of health services and social services;
- Environmental measures relating to the management and disposal of hazardous and waste materials

A key difference of the TILMA as compared to other trade agreements BC is signatory to is the process for resolving disputes. Under the national Agreement on Internal Trade (AIT), provinces could ignore judgement panel rulings that found they

were in violation of the Agreement. Whereas, under TILMA, the dispute Panel (see member list in Appendix 1) can assess financial penalties if government agencies are found to have regulations or policies that contravene TILMA and refuse to revise them to be in accordance with the Agreement.

Dispute Resolution Process:



General Observations

Low Awareness

In the course of conducting interviews with various organizations and industry representatives, it was found that, other than those people who are directly involved in implementing the TILMA, awareness of TILMA, how it will work and its potential impacts is very low.

Interpretation of the TILMA

How the TILMA Panel will interpret the concepts of “obstacles” and “barriers” to trade, investment and labour mobility is central point of contention that generates differing perceptions as to what the impacts of the TILMA will be. Although it is currently not known how the Panel will interpret the Agreement, government representatives suggest it will follow intentions behind the Agreement while others feel the Panel may use a more absolute interpretation of the wording in the Agreement.

There is also debate as to how well exemptions and legitimate objectives allowed under the TILMA will work in practice. This debate is again linked to how the Panel will accommodate exemptions, how it will rule on legitimate objectives and how it will interpret the concept of measures in these areas being no more restrictive than is necessary.

If the Panel does choose to interpret disputes in a manner that is determined by the two provincial governments to be not in keeping with the spirit of the Agreement, the two provincial governments can, at any time, issue a joint decision declaring their interpretation of the Agreement which is binding on the Panel.

Speculation on Impacts

Because the details of the Agreement are in the process of being worked out and it is unclear how the dispute Panel will interpret complaints under the TILMA, opinions on the impacts of the Agreement involve a high degree of speculation. As a result, supporters of the Agreement anticipate largely positive impacts while those who do not support the Agreement anticipate numerous difficulties.

Anticipated benefits include:

- Access to the labour pools in both provinces which will make it easier for construction companies to hire workers and for construction workers to find work.
- The removal of labour mobility barriers will make it easier for BC companies to employ graduates from NAIT, SAIT and other Alberta post-secondary programs.
- Over the long term, the improved efficiency from removing regulatory and procedural barriers will create stronger economies in both Alberta and British Columbia
- The creation of a bigger labour market for international credential recognition may help to attract more foreign workers to the region.
- The Agreement will provide open access to Alberta procurement opportunities – which is the faster growing economy.
- The removal of duplicate registration, reporting and residency requirements, will make it easier and more cost-effective for a business to expand into both provinces
- Strict and enforceable subsidy rules will ensure that competing businesses from Alberta will not receive subsidies that give them an unfair advantage
- Commercial trucks will not be required to re-register for temporary travel in the other province which will reduce transportation costs.

Some anticipated problems include:

- TILMA will create pressure to adopt the lowest standards between the two provinces
- Reconciliation of worker certification standards will be very complicated and take a very long time to resolve
- The Agreement will prevent government agencies from adopting new regulations that carry a higher standard of care or responsibility
- Land use regulations will be challenged
- Government agencies will be exposed to a high degree of risk without a commensurate increase in benefits

- BC's current system for approval of foreign workers is less onerous than Alberta's so, there is a potential loss in current competitive advantage compared to Alberta in attracting foreign workers
- There will be increased competition for BC procurement contracts from Alberta companies
- Because the construction industry is not paying as much as the oil sands, the TILMA could remove any remaining small barriers to more workers moving from BC to Alberta
- Over the short run, labour shortage issues may trump any economic benefits as both economies are already running at near capacity.
- The high number of regulations within both provinces (250,000+ in BC alone) will create a field day for lawyers to pursue damages on behalf of clients

Government Open to Input

BC government Ministries are in the process of reviewing their standards and policies to ensure they are compliant with TILMA by the end of the transition period in April 2009. For some Ministries there are many details to sort out and officials have expressed a desire to receive feedback from industry groups such as the construction sector so that they are aware of issues of high importance and the industry's position on these issues. Perceived issues range from none, to a great deal of work required, for example:

- Taxation – Definition of business subsidy was the key issue from a tax perspective. No issues from BC side. Provincial tax systems do not have to be reconciled.
- Building code – Preliminary expectation is no major changes to housing and construction standards are required
- Electrical code - BC has enacted amendments to the Canadian Electrical Code (CEC) - known as BC Amendments to the CEC or simply 'The BC Electrical Code' - which strengthen portions of the Canadian Electrical Code. Alberta has not amended the CEC and so therefore BC has a higher electrical code standard which will need to be reconciled.
- Safety Regulations – There are two issues concerning reconciliation of Safety Regulations:

1. Specific regulatory requirements at a high level must be reconciled. Arguably BC's worker protection and public safety regulations use more of a risk based verification and enforcement model than do Alberta's regulations. What this means in practice is Alberta has more universal inspection of work (as with Electrical Inspection) than does BC which correlates inspection with past performance (relying on Field Safety Representatives to certify work is to standards and performed by qualified workers.)
 2. Regulatory requirements which reference specific occupational certification standards must be reconciled. Examples are Power Engineers and Electrical Workers who are required to be qualified to work. In the case of Electricians Alberta accepts an Alberta Ticket of Qualification as sufficient to perform Electrical Work. There is currently no equivalent in BC which uses Red Seal endorsement as the required training standard. (more detail on these two related issues is provided in the next section of the report).
- Homeowner Protection Office – while housing construction is unregulated in Alberta, the Homeowner Protection Office regulation is determined to be a legitimate regional difference. Therefore, both the existing and planned changes to HPO regulations are allowed under TILMA
 - Labour certification – Work needs to be done to recognize certifications in a number of occupations including trades (more detailed information is provided on this issue in the next section of this report)
 - Engineers and Architects – mobility of these professionals between provinces was largely resolved prior to TILMA. Reference to need to resolve Architect certification in TILMA document is an error.
 - Procurement – BC procurement processes are by-and-large already very open and transparent so the impact of TILMA is not seen to be high. Partnerships BC do not anticipate any change to their policies as they currently work with construction companies based in Alberta and other provinces.

In reviewing the TILMA, there are two interrelated elements that are subject to the greatest degree of change and most relevant to the construction industry. These two elements are certification of workers to facilitate mobility and reconciliation of safety regulations between the Alberta and BC. Both these areas are addressed together in the following section.

Occupational Certification and Safety Regulation

Technical Standards

Occupational Certifications and Safety Regulations relating to the Construction Sector are founded on technical standards. Technical standards define what must be learned and demonstrated in order to be awarded a trade qualification, expressed in BC as Program Standards or Curriculum Outlines. Likewise technical standards identify in construction, installation and maintenance how work must be carried out and with what specific materials used to ensure worker safety.

Thinking of Occupation Certification and Safety Regulations as sets of related technical standards is a helpful tool to use in comparing different Provinces' occupational certifications and regulatory standards.

Safety Standards impacted primarily through qualification requirements

As mentioned above, TILMA impacts on safety regulation are centred on qualifications requirements to perform certain types of work.

The main types of work subject to such regulation in BC are:

- Electrical
- Steam boiler operation
- Pressure vessel maintenance
- Elevating device installation and repair
- Gas fitting

In BC, under the Safety Standards Act, the above types of work must be performed by qualified individuals. The BC Safety Authority certifies workers who perform work in these regulated areas provided they meet minimum qualification requirements. These requirements reference the Industry Training Authority as the relevant authority in identifying Provincial Standards. Thus, in order to be allowed to write the exam to be certified as a Field Safety Representative, to in turn certify electrical work, you must first prove to the Safety Authority you are qualified by presenting an electrical trade qualification.

While it is true that safety regulations differ between Alberta and BC, as for example, Worker's Compensation requirements and employer premium rates, these regulations apply to all individuals working in either jurisdiction regardless of their Province of Residence. That means under TILMA this type of regulation need not be harmonised or reconciled provided as no barrier is presented to investment and worker mobility by these regulatory differences. Arguably the BC Amendments to the Canadian Electrical Code will need to be addressed and reconciled, but this is the exception in terms of Safety Regulations.

The area of greatest impact from TILMA on safety regulations is in the qualification requirements needed to perform the types of work in BC listed earlier; i.e. electrical, steam boiler operation, pressure vessel maintenance, elevating device installation and repair and gas fitting. In Alberta this list is more extensive, requiring occupational trade qualifications for the following types of construction related work:

- boilermaker;
- crane and hoisting equipment operator;
- electrician;
- electronic technician;
- elevator constructor;
- gasfitter;
- heavy duty mechanic (now known as heavy equipment technician);
- ironworker;
- plumber;
- refrigeration and air conditioning mechanic;
- sheet metal worker;
- steamfitter - pipefitter;
- welder.

Compulsory Trades, whether explicitly stated as in Alberta, or implicitly as in BC through the Safety Standards Act, state which Qualification an individual must possess in order to be legally permitted to perform work. Invariably qualification requirements are stated as follows:

- The Individual must hold the Interprovincial designation for the trade (where applicable) or...
- They must hold the Provincial Certificate of Qualification for the trade occupation.

Where the requirement is to hold the Provincial Certification there is an automatic barrier to worker mobility for workers from other Provinces with that Province's trade qualification.

Red Seal Designation

The Interprovincial Red Seal is not affected by TILMA, which continues to apply so long as the relevant Apprenticeship Authority in each Province maintains signatory status to each of the Red Seal Occupations they currently participate in. The Red Seal is a minimum standard of achievement, which a particular Provincial Apprenticeship Program must meet or exceed, as gauged by a final multiple choice exam referred to as the Interprovincial, or Red Seal, exam – which apprentices write at or near the conclusion of their apprenticeship.

In interviews with stakeholders, concern was expressed about threats to the viability of the Red Seal from TILMA. These largely stem around two concerns:

1. **Alternate mobility route:** Currently to work in Alberta in a compulsory trade the Alberta Certificate of Qualification is required or the Red Seal. If BC and Alberta reconcile their respective Certificate of Qualifications in effect a tool for inter Provincial mobility has been created between BC and Alberta. That this tool for mobility is not the Red Seal may weaken the relevance of the Red Seal endorsement in BC and Alberta.
2. **Red Seal standard as a barrier:** Because many trade occupations which are compulsory in Alberta are voluntary in BC, it may be that either through the process of TILMA implementation or through a subsequent challenge, the standard for certification could be lowered in Alberta effectively removing that occupation from the Red Seal by lowering standards below the minimum required. This sees the Red Seal in some trades as a casualty of the process to reconcile the most obvious division between BC and Alberta trade qualifications which is that in BC trade certification is voluntary while in Alberta it is generally mandatory.

Compulsory Trades vs. Voluntary Trades

In Alberta many of the Construction trades are compulsory – meaning that in order to do legally perform work in the trade area a worker must hold that Province’s Trade Designation or hold the Red Seal endorsement on another Province’s trade qualification where such endorsement exists.

In BC no trade is compulsory with the exception, by virtue of the Safety Standards Act, of electrical, power engineering and other covered occupations such as elevator mechanic. The Safety Standard Act is in effect a compulsory qualification requirement for the trade areas under the Act’s umbrella. However as a whole across all trade areas, the Industry Training Act removed any compulsory qualification requirement, so that in BC trade qualification is voluntary.

This difference between Alberta and BC will need to be reconciled during the implementation phase of the Agreement.

Occupations of interest

Appendix 2 contains a list of occupational qualifications which require reconciliation during the two year Implementation Phase of TILMA. The list was created by mutual agreement of BC and Alberta – while an occupational qualification or certification requirement is listed, no challenge to that standard is permitted. Alberta requested all Red Seal trades be applied to the list most likely due to the fact that all if not most of the Red Seal trades listed in the occupations of interest are compulsory in Alberta. No challenge to the compulsory trade requirement will be possible while these trades are listed and reconciliation is in process.

Harmonisation vs. Mutual Recognition and Reconciliation

How exactly does a Province proceed to reconcile its qualification and safety standards? There are two approaches noted by stakeholders in construction and officials in government.

1. **Harmonisation:** This is a process whereby each jurisdiction seeks to make its standards the same. Where one jurisdiction has higher technical standards there are 3 options:
 - i. The jurisdiction with lower standards must accept the higher standards,

- ii. The province with the higher technical standards accepts the lower technical standards, or
 - iii. Both provinces participate in a process to arrive at a new standard.
2. **Reconciliation:** Reconciliation appears to be the primary process for addressing differences in standards under the TILMA. Reconciliation could follow one of two processes:
- i. **Recognition:** Each Province recognises the qualification of the other Province as equivalent to that Province's own qualification. This process makes the assumption that, within Canada, technical standards are similar between Provinces due to a Federal presence in Construction Codes and Guidelines. As Alberta and BC are both participants in Federal Building Code guidelines, electrical codes and other major national code guidelines and regulatory frameworks the assumption follows that there can be minimal risk of introducing a lower standard by recognising the other Province's qualifications. This process can be used to reconcile multiple occupational standards and qualifications at one time.
 - ii. **Review for agreement and agreed exceptions:** This requires comparison of the technical standards which comprise each occupational qualification and safety regulation. Commonalities, similarities and exceptions are noted and documented and an agreement led by technical experts is arrived at which recognises a core equivalency between the occupational or safety standard. Where a mutually agreed upon core of the respective technical standards is the same, an equivalency agreement is arrived at. This process functions on a case by case basis as detailed analysis of the specific technical standards underlying a qualification or regulation is required.

What has happened to date? Experience so far

The following example – drawn from the crane industry in BC and Alberta – illustrates a process driven by stakeholders for reconciliation of regulations and occupational standards between the two Provinces. It is the process furthest along the reconciliation process and was begun before TILMA came into force, but was initiated with an awareness of TILMA requirements.

Prior to TILMA coming into effect Crane Industry stakeholders in BC and Alberta began to participate in a process to compare the regulations and occupational standards governing crane use in each Province. Crane operation in Alberta is a compulsory trade. Following the lead of Ontario, Alberta has instituted a mandatory practical assessment which must be passed in order to receive certification as a crane operator. Alberta requested that Crane Operator be added to the Occupations of Interest list under TILMA as they knew BC had no mandatory qualification or licensing structure for crane operators.

In parallel to this, WorkSafe BC through an industry led body, the BC Association for Crane Safety, had developed an amendment to the Occupational Health and Safety Regulations (Section 14.3) that requires as of July 1st 2007 Crane Operators to have proof of competence issued by an industry body. In essence this is a crane licensing scheme that requires all operators to pass an assessment of competence. Occupational standards were revised through the Industry Training Authority to align with the industry identified operator standard of competence.

In BC, the BC Association for Crane Safety has emerged as the crane industry's lead body in matters concerning occupational standards and safety regulations. The key regulatory stakeholders are WorkSafeBC and the Industry Training Authority. The Association is governed by a bilateral board representing crane owners and employees.

In Alberta, the Crane Industry is represented by the Provincial Industry Advisory Group (PIAG), an industry led group of key industry stakeholders who set technical standards on behalf Alberta Apprenticeship.

During the re-development of Crane Standards in BC the BC Association for Crane Safety took the lead in bringing together all relevant governmental and industry stakeholders from both BC and Alberta to ensure everyone was informed and consulted about the developing regulation.

Under the impetus of TILMA, consultation efforts have been formalised as a project to review and reconcile regulatory and occupational standards between the Provinces. This process has been supported and engaged in by government but has primarily been led by industry in BC, by the BC Association for Crane Safety, and in Alberta, by the Crane PIAG with Alberta Apprenticeship. WorkSafe BC and the ITA have been involved in the technical review of standards in a process matching that described in the bullet point "Review for Agreement and Agreed Exceptions". A memorandum of understanding between the relevant parties has been produced and is to be signed shortly.

Comparison of Standards: Objectivity is possible

Key to the process described above was a willingness to review the technical content of Occupational Standards and Regulatory requirements. In the case of the Crane industry, broad agreement to facilitate recognition of each Province's safety and occupational standards appears to have been agreed while preserving necessary differences in occupational standards. BC for example sees extensive use of lattice boom friction drive cranes on the water. This use of cranes is rare to non-existent in Alberta however, the reconciliation process has recognised this difference and preserved water related crane use in BC's Mobile Crane Occupational Standards.

A similar objective review process of technical standards has been initiated by the BC Safety Authority to review pressure vessel, electrical, power engineering and elevating device technical standards with regulatory counterparts in Ontario. This process will begin in the Fall of 2007 and involve the review by technical committees of all relevant standards. Once the review committees have reported their findings industry stakeholders will be consulted and a reconciliation plan drawn up.

The important point to note here is that while TILMA has been the prime motivator in getting these two reconciliation projects off the ground, TILMA itself, nor either government, does not define a process by which reconciliation should happen.

TILMA in essence requires reconciliation of occupational standards and safety regulations but does not state how the reconciliation process should be done. In absence of guidelines or requirements for a process of regulatory and standards reconciliation, TILMA provides a space for those agencies and stakeholders likely most affected by reconciliation to take a lead role in the process.

Reconciliation of Occupational and Safety Standards: Grassroots

The two examples so far cited appear to show that the reconciliation process, when run by stakeholders of the standards and regulations to be reconciled, take the form of a technical review of the content of those standards and regulations.

This process attracts stakeholders because it skirts around any parochial sentiments of 'our standard is better than yours' and looks to the evidence. As noted previously, a review of the evidence shows clearly the similarities and differences between the standard and regulation under review. This process also permits stakeholders to

skirt the bigger picture issues of compulsory trades and Worker's Compensation policies by focusing on technical reconciliation.

Benefits and costs of reconciliation

Unlike harmonisation, mutual reconciliation avoids concerns there could be a 'one size fits all' solution to resolve differences across a variety of regulations and occupational standards. That harmonisation could trigger this solution raises concerns amongst stakeholders, whether justified or not, of trade fragmentation, reduction in standards and increased liability for regulators.

That mutual recognition avoids triggering these concerns is strength of the process but also a weakness. Mutual reconciliation, evidenced so far, involves a time consuming and close review of technical standards amongst relevant stakeholders. To work it requires industry lead bodies which may or may not exist or have capacity to do this work.

In BC industry lead bodies, a rough equivalent to the Alberta Provincial Industry Advisory Groups, are developing under policy of the Industry Training Authority as Industry Training Organisations (ITOs). It seems likely that mutual reconciliation will place a burden on these fledgling organisations where they exist and where they do not exist it is unclear what the process would be for an entity to step up and legitimately lead the interests of BC industry in the process of standards and regulatory reconciliation.

Having framed this last as a negative, it may in fact be a positive opportunity for stakeholders to form standards review groups amongst themselves and assume from the grassroots a leadership position in reconciliation. For the construction industry this may present an opportunity for sector to come forward through existing organizations to participate in technical review committees and shape worker certification and associated safety regulations.

TILMA Impacts on the BC Construction Industry, Legislative Overview and Safety Standards Act review

Introduction

The BC / Alberta TILMA Agreement will affect the construction industry in BC through its requirement that the BC and Alberta Government's reconcile or harmonise all legislation and attendant regulations that may pose a barrier to investment, trade and labour mobility.

This section of the report identifies the key legislation relevant to the Construction Industry in BC and identifies the corresponding body of legislation in Alberta. Our analysis is guided by these principles:

- We take as given that legislation will be differently codified and worded in each jurisdiction.
- Different wording between related BC and Alberta legislation does not require reconciliation in and of itself and is therefore not commented upon
- Comment is made where the technical requirements (of greatest interest to Construction Industry Stakeholders) of the legislation and body of regulation differ between the two jurisdictions
- Technical requirements for conforming work (electrical installations, gas installations, building envelopes etc.) are best understood by Technical Subject Matter Experts in each Province, wherever possible we have relied upon expert analysis.
- Reconciliation of Technical Standards between BC and Alberta is already well underway, where this is so we have engaged with the process and described how Construction Industry Stakeholders can further engage in the reconciliation of Technical Standards

What follows is a high level overview of the legislation most relevant to the Construction Sector in BC.

BC Legislation Relevant to the TILMA and the Construction Industry

Community Charter

[Buildings and Other Structures Bylaws Regulation \(B.C. Reg. 86/2004\)](#)

Employment Standards Act EXEMPTED UNDER TILMA; ALBERTA HAS ALSO BEEN A RECIPROCATING PROVINCE SINCE 1983

[RSBC 1996] Chapter 113

[Historical Table](#)

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Employment Standards Regulation \(B.C. Reg. 396/95\)](#) *[amendments up to B.C. Reg. 197/2007, July 2, 2007]*

[List of reciprocating provinces](#)

Homeowner Protection Act

[SBC 1998] Chapter 31

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Building Envelope Renovation Regulation \(B.C. Reg. 240/2000\)](#)

[Exemption Regulation \(B.C. Reg. 181/2002\)](#)

[Form of Evidence Regulation \(B.C. Reg. 334/2000\)](#)

[Homeowner Protection Act Regulation \(B.C. Reg. 29/99\)](#)

[Notice to Mediate \(Residential Construction\) Regulation \(B.C. Reg. 152/99\)](#)

[Prescribed Persons Regulation \(B.C. Reg. 377/98\)](#)

Industry Training Authority Act

[SBC 2003] Chapter 34

[Table of Legislative Changes](#)

[Industry Training Regulation \(B.C. Reg. 324/2003\)](#)

[Insurance Act](#) *[updated to June 1, 2007]*

[RSBC 1996] Chapter 226

[Historical Table](#)

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Building Envelope Renovation Regulation \(B.C. Reg. 240/2000\)](#) see
[HOMEOWNER PROTECTION ACT](#)

[Homeowner Protection Act Regulation \(B.C. Reg. 29/99\)](#) see
[HOMEOWNER PROTECTION ACT](#)

[Labour Relations Code](#)

[RSBC 1996] Chapter 244

[Historical Table](#)

[Table of Legislative Changes](#)

[Labour Relations Board Fees Regulation \(B.C. Reg. 395/2003\)](#)

[Labour Relations Regulation \(B.C. Reg. 7/93\)](#)

[Local Government Act](#) [Formerly titled **Municipal Act**]

[RSBC 1996] Chapter 323

[Historical Table](#)

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Additional Powers Joint Venture Agreement Regulation \(B.C. Reg. 88/97\)](#)

[Additional Powers Regulation \(B.C. Reg. 236/2002\)](#)

[British Columbia Building Code Regulation \(B.C. Reg. 295/98\)](#)

[Safety Authority Act](#)

[SBC 2003] Chapter 38

[Table of Legislative Changes](#)

Safety Standards Act *[updated to June 23, 2006]*

[SBC 2003] Chapter 39

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Administration Delegation Regulation \(B.C. Reg. 136/2004\)](#)

[Boiler Code Adoption Regulation \(B.C. Reg. 99/2004\)](#)

[Electrical Safety Regulation \(B.C. Reg. 100/2004\)](#) *[amendments up to B.C. Reg. 17/2007, February 15, 2007]*

[Elevating Devices Safety Regulation \(B.C. Reg. 101/2004\)](#) *[amendments up to B.C. Reg. 17/2007, February 15, 2007]*

[Fee Setting Criteria Regulation \(B.C. Reg. 102/2004\)](#)

[Gas Safety Regulation \(B.C. Reg. 103/2004\)](#) *[amendments up to B.C. Reg. 50/2007, March 7, 2007]*

[Monetary Penalties Regulation \(B.C. Reg. 129/2005\)](#)

[Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation \(B.C. Reg. 104/2004\)](#) *[amendments up to B.C. Reg. 50/2007, March 7, 2007]*

[Safety Standards General Regulation \(B.C. Reg. 105/2004\)](#) *[amendments up to B.C. Reg. 217/2006, July 17, 2006]*

Vancouver Charter

[SBC 1953] Chapter 55

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

Part IX — Buildings

304. Interpretation

305. City Building Inspector

306. By-laws for —

Regulating construction

Scaffolding

Use of street during construction

Permit to be obtained
Conditions of permit
Powers of inspection
Standards for dwellings
Plumbing and heating facilities
Sewer and water connections required
Tests for plumbers
Excavations to be guarded
System established re Building By-law
Elevators
Withholding of permit

Workers Compensation Act (EXEMPTED UNDER TILMA)

[RSBC 1996] Chapter 492

Historical Table

Table of Legislative Changes [Edition 2](#) [Edition 1](#)

[Boards of Review Regulation \(B.C. Reg. 31/81\)](#)

[Occupational Disease Recognition Regulation \(B.C. Reg. 71/99\)](#)

[Occupational Health and Safety Regulation \(B.C. Reg. 296/97\)](#)

[Reports of Injuries Regulations \(B.C. Reg. 713/74\)](#)

[Transitional Review and Appeal Regulation \(B.C. Reg. 322/2002\)](#)

[Workers Compensation Act Appeal Regulation \(B.C. Reg. 321/2002\)](#)

[Workers Compensation Act \(Review Board\) Regulation \(B.C. Reg. 32/86\)](#)

[Workers Compensation Appeal Tribunal Compensation Regulation \(B.C. Reg. 359/2002\)](#)

Procurement Services Act

[SBC 2003] Chapter 22

Table of Legislative Changes

TILMA Impacts on the BC Safety Standards Act

Introduction

The BC Safety Standards Act is administered by the BC Safety Authority under writ of the Ministry of Forests and Range. Administrative authority to administer the BC Safety Standards Act is granted to the BC Safety Authority through the BC Safety Authority Act.

The primary areas of concern under the Safety Authority's mandate are:

- Electrical inspection
- Gas Fitter Standards and Inspection
- Power Engineer and Pressure Vessel Standards and Inspection
- Elevating Device Standards and Inspection

It should be noted that the Safety Authority is only involved in setting training and competence standards for Gas Fitters and Power Engineers. The Safety Authority's mandate is of strong interest to the Construction Industry and any harmonisations of its mandate with legislation in Alberta are of some concern. This is in large part because the Safety Standards Act is seen as the preservation of some elements of mandatory trade certification following the proclamation of the Industry Training Act in 2004 which made trade certification voluntary across all trades.

That the *Safety Standards Act* creates a mandatory trade certification by virtue of regulation is only true in the case of gas and pressure vessel installations. The Safety Authority considers itself a stakeholder in setting standards for electrician's but is not in fact the standards setter. More detail on each of these is found below in the detailed analyses of electrical, gas, pressure vessel and elevating device regulation.

Process for Resolving Differences between BC and Alberta Safety Acts

In the implementation of the TILMA and the requirements to reconcile regulations, the BC Safety Authority anticipated a large volume of work would need to be completed for them to make recommendations to the Ministry of Forests and Range who hold the *BC Safety Standards Act* and associated regulations. In order to manage this volume of work the Authority has undertaken a four step process:

1. Technical review of safety regulations with Alberta counter parts
2. Development of draft recommendations
3. Consultation with stakeholders (Fall 2007)
4. Final recommendations to Ministry of Forests and Range

Technical expert committees from BC and Alberta have been meeting over the last number of months to review and compare the differences in the safety legislation/regulations between the two jurisdictions. These committees include representatives from the organizations responsible for specific safety areas – e.g. in BC the various Safety Managers -, training institution representatives and operators/subject matter experts.

Much of the safety legislation in the two provinces was found to be comparable. In those instances where there are differences, the representatives from BC and Alberta have gone through each issue and reached agreement on what adjustments could be made to reconcile the differing regulations from a technical perspective. A summary of these proposed reconciliations is being finalized for a consultation process with stakeholders in both provinces beginning in the later part of September 2007.

The consultation process will be widely based and include all industry and union groups affected by the safety legislation. The initial recommendations for reconciling differences in safety regulations between Alberta and BC will be presented to stakeholder groups for feedback. This feedback will be aggregated and used to refine the BC Safety Authority's initial recommendations into a final submission of recommendations to the Ministry of Forests and Range which will be used to inform revisions to the *BC Safety Standards Act*.

As of this writing a consultation document has been released seeking input from Gas Contractors. The electrical, steam fitting, power engineering and elevating devices are pending.

The consultation documents will be useful for industry as tools to gauge and react to the impact of TILMA on the Construction regulatory environment in BC.

The consultation documents will:

1. Describe in detail the process used to arrive at the Technical Reconciliations to allow industry to gauge the relevance and reliability of the recommendations brought forward for consultation.
2. Highlight the most significant adjustments.
3. Map out a process for Industry to efficiently engage and influence the Consultation process on Safety Standards Act Reconciliations.

General Differences between BC and Alberta Safety Regulations

Two general differences between the regulation of safety in Alberta and BC are the degree of regulatory consolidation and the provincial work inspection systems.

In British Columbia safety regulations previously contained within 5 different Acts were consolidated into the BC Safety Standards Act in 2004. In contrast Alberta's safety regulations have not been similarly consolidated and, as a result, are spread across a number of agencies.

The second major difference is that British Columbia has moved to a "risk based" inspection system for regulated work such as electrical and gas installations, whereas, Alberta has maintained a 100% inspection regime for similar installations. While these two different approaches need not be reconciled under TILMA (i.e. BC revert to mandatory inspection or Alberta adopt a risk based approach) there is some thought that the different systems result in a different attitude in trades workers. Namely that BC workers take legal responsibility for conducting final inspections of their work while Alberta workers are used to relying on an independent inspector reviewing installations and picking up any deficiencies.

Electrical

Electrical Standards fall into two broad categories:

- 1) Installation Standards (Electrical Codes), which includes:
 - a) Qualifications to inspect and certify installations meet relevant codes

- 2) Worker Standards, which includes:
 - a) Qualifications required to make installations (pull permits or be authorised to conduct permitted work)

In Canada the Canadian Electrical Code Part 1 (2006) – Electrical Installations sets standards for all electrical installations in residential, commercial and industrial applications. The Canadian Electrical Code (CEC) is authored and published by the Canadian Standards Association (CSA), an independent not – for – profit private sector organisation.

The CEC standards are developed through a consensus development process, bringing together volunteers from all jurisdictions in Canada from varied sectors within those jurisdictions. The CSA administers the process of consensus standards development and reviews and reissues Electrical standards on a three year rotation beginning with the release of the 20th edition of the CEC in 2006. Thus the 2009 revisions are in process now.

Both BC and Alberta governments and industry participate in the technical committees that develop the CEC. In BC the Safety Authority's Electrical Program Safety Manager is heavily involved in the CSA technical review committees. The CEC Code, Part 1 is a voluntary code for adoption and enforcement by regulatory authorities. Both BC, Alberta and both Province's local and regional authorities use CEC Part 1 as the basis of their electrical regulations. Municipalities typically adopt the CEC into their Building Code bylaws without revision, although BC has drafted minor amendments to some areas of the CEC, known as the 'BC Amendments to the Canadian Electrical Code 2006'. These amended standards are likely to be devolved into the CEC at large under the impact of TILMA implementation – the Authority believes this process has been underway for years and that TILMA is not the precipitating cause of the BC Amendments being rolled into the CEC, rather TILMA implementation has become the catalyst to speed up a process that was already underway.

The code requirements, discussion on BC Amendments excepted, are then not a factor in the reconciliation of standards between the two Provinces under TILMA, as BC and Alberta currently enforce the same National Code for Electrical Work.

The qualification required by an individual to inspect and certify the code compliance of electrical installations do differ between the two Provinces, and this then is an area requiring reconciliation effort.

Who can inspect and certify electrical installations?

The key issue in the area of electrical safety regulations is the recognition of certifications for individuals qualified to inspect and certify the legality of electrical installations. In BC there are Field Safety Representative designations which allow individuals that have taken the associated training and examinations to receive the certification which allows the Field Safety Representative (FSR) to pull permits and inspect electrical work. In Alberta, the Master Electrician certification allows the holder of the certification to pull permits but not inspect work unless the Master Electrician also holds a Safety Codes Officer certification.

There is also the related issue in BC of which individuals are “qualified workers” who are eligible to become Field Safety Officers. Currently qualified workers include electricians, electrical engineering technologists or electrical engineers and special cases as determined by the provincial safety manager. Because the BC Safety Authority is not the occupational standards setting agency for electrical workers, the issue of who is a qualified worker has been referred back to the BC Industry Training Authority. However, the Safety Authority expresses a strong preference for use of the Red Seal Electrical Endorsement on an electrical trade qualification as the vehicle by which they can most easily recognise Provincial Trade Qualifications from outside BC for purposes of determining eligibility to write the FSR exams. More analysis of Electrical worker qualification follows below.

Qualifications required for Electrical Installation

In Alberta all workers conducting permitted electrical installations must possess the Provincial Certificate of Qualification, Electrical or the Inter Provincial Electrical or Industrial Electrical Red Seal endorsement on an Alberta or other Province’s Electrical Trade Qualification.

In BC there is no mandatory requirement for a training based qualification to conduct electrical work. There is such a requirement to secure a permit for electrical work, contract electrical work and certify electrical work. This is the BC Certificate of Qualification Electrical or Industrial Electrical or Inter Provincial Red Seal endorsement on another Province’s Electrical Trade Qualification.

Trade Qualification Standards are not governed under the *Safety Standards Act*. The *Industry Training Act* administered by the Industry Training Authority of BC empowers the Industry Training Authority of BC (ITA) with standards setting authority. There is analysis of the Industry Training Act elsewhere in this report, so

the salient point here is that under the ITA mandate industry is to play a leadership role in setting trade qualification standards.

In terms of electrical standards the Electrical Standards Review Project, led by the BC Construction Association in 2005, resulted in the Construction Electrician 2006 Program Outline. This is the Standards document governing the Electrical Trade Qualification for Construction Electricians in BC. It is this standard which will be reconciled with the Alberta TQ for Electrician for purposes of technical harmony. This process may not be necessary if it is deemed that the Red Seal Program functions sufficiently to permit electrical worker mobility between BC and Alberta.

The technical content of training may only therefore be relevant as it impacts the FSR program.

Gas Fitting

- Initially thought the trade would be quite different between the two provinces but standardizing of the trade has been done with minor adjustments
- BC's scope of allowed work for Class B fitters is wider than Alberta – BC will narrow its scope but will grandfather existing gas fitters based on a self assessment process

The Technical Consultation for gas fitting confirms this initial speculation of TILMA impacts on BC Gas Fitting Contractors.

Of specific note is that under TILMA, all regulated occupations in both provinces that are currently under 'transitional' status will not be subject to TILMA until April 1, 2009. All occupations regulated by the BC *Gas Safety Regulation* fall into this transitional category.

At present, the proposed amendments to the *Gas Safety Regulation* that concern gas fitters and gas workers as related to TILMA and to the BCSA "Accident Prevention Model" (which is the omnibus inspection and certification of qualified workers under the BCSA mandate) are:

1. To harmonize BC qualifications with Alberta and the rest of the provinces - Amend Section 7(2)(b) and (c) of the *Gas Safety Regulation* to limit the scope of work of the Class B gas fitter to all single appliances with inputs up to and including 400 MBTUs.

2. To be consistent with Class A gas fitter training and current work practices – Amend Section 8 (d) of the *Gas Safety Regulation* and restrict the installation, repair and maintenance of 3-phase motors and controllers integral to heating and equipment to certified Class A gas fitters.
3. Implement the Field Safety Representative program for certified BC gas fitters by amending Sections 21 and 27 of the *Gas Safety Regulation*. This will require that the Field Safety Representative be designated to represent the gas contractor on contractor licences and permits. To obtain Field Safety Representative (FSR) certification gas fitters may be required to obtain additional non-technical training and pass an FSR examination. The exam will cover the *Safety Standards Act* and its accompanying regulations, Code and other related requirements.

To comply with the above three proposed amendments, current BC Class A and B gas fitters will have the opportunity to maintain their current status through “grandparenting” – a self assessment program to determine whether or not a gas fitter is qualified to work at his/her existing level of Regulation. An individual gas fitter will be required to declare that through their knowledge, skills, experience and training they are capable of maintaining this higher scope of work.

4. To create a comparable Class A gas fitter training requirement between BC, Alberta and the other provinces – Amend Section 6(1) of the *Gas Safety Regulation* to require BC gas fitters to obtain Class B training before obtaining their Class A certificates of qualification.
5. To removed the current labour mobility restriction for gas fitters from Alberta and other provinces – Amend Section 20(1) and (2) of the *Gas Safety Regulation* to allow the Provincial Safety Manager to accept the certification of qualified gas fitters from Alberta and other provinces, allowing them to work in BC without technical examination.

Elevating Devices

- Seismic differences in code for BC has been accepted
- In BC there are a variety of training systems. The industry needs to sort out some standard and the Safety Authority may facilitate this process
- Industry recognizes the need for certification

- There are some international standards for elevators which currently offer a de facto harmonised standard across North America

More detail will be forthcoming in the Technical Consultation but preliminary assessment shows that, because elevating device installation is largely governed by an international code of practice, impact from TILMA will be negligible to the industry in this trade / regulatory area in both BC and Alberta.

Pressure Vessels and Power Engineers

Primary impact of reconciliation will be on power producers and heavy industrial users. Nonetheless the Construction Industry needs to be aware of proposed adjustments to the classification of Power Engineers between BC and Alberta which currently differ. The Construction Industry is a user of more technically advanced power generation and boiler equipment by virtue of constructing new installations.

The Safety Authority believes BC's regulations are quite outdated and don't match the detailed modern regulations that Alberta has enacted, fuelled largely by the needs of the oil and gas processing industry.

What changes this harmonization will lead to is up for speculation until the release of the Technical Reconciliation Paper.

Apprenticeship, Training and Certification Standards

Introduction

TILMA impacts mandatory training and certification in BC and Alberta because under the agreement a different training standard or certification *for the same work* cannot represent a barrier to workers from BC working in Alberta and for workers in Alberta working in BC.

The Inter Provincial Red Seal Program is in place to permit this sort of mobility between BC and Alberta, and also between BC and any other Province or Territory in a trade that each of these jurisdictions is signatory to through the Canadian Council of Directors of Apprenticeship.

Under the *BC Industry Training Act*, worker training standards [note exceptions with reference to the act – include in omnibus table below] are voluntary. The government sets certification standards through its apprenticeship agency, the Industry Training Authority, and these standards govern the content and therefore funding of post secondary block release programs in BC, as well as the requirements individuals must meet to receive a BC Certificate of Qualification (C of Q). Unlike in Alberta, which requires mandatory certification in many trades (see table below for specifics), BC does not require certification in order to legally work in the individual's relevant trade area of expertise.

Under TILMA, because BC's construction industry's main occupational areas are already open to any worker who can prove to the employer they are able to do the job, TILMA will have less impact on BC Occupational Certifications than on those of Alberta. Exceptions for Gas Fitter, Steamfitter, Power Engineer, Electrician and Elevator Mechanic are noted and further discussed in the section of this report describing the impacts on Worker and Public Safety legislation of the TILMA.

This discussion will then focus on the potential impacts of TILMA to the following areas of Apprenticeship Training and Certification:

1. Mobility of Alberta mandatory trades between BC and Alberta. Issue of changes to Alberta requirements making it easier for skilled workers to leave BC
2. Effect on occupational standards governing the C of Q in BC.

Mobility of Mandatory Trades

Currently in Alberta there are two ways to work in a Mandatory trade area. They are:

1. Produce a valid Red Seal endorsement on your trade certificate from Alberta or any other Province or Territory.
2. Show your Alberta Certificate of Qualification (without Red Seal endorsement) for the relevant trade area.

Under TILMA, which specifically references the Red Seal program as a desirable mechanism to foster unfettered Inter Provincial trade mobility in its wording, the Red Seal designation would function as it does currently to permit recognition of inter jurisdictional training standards. If you have attained the Red Seal as an electrician

on your BC Certificate of Qualification you are able to work in Alberta without any further training or issuance of an Alberta Qualification.

So the first method of meeting Alberta's mandatory certification requirements to work in many trades – possessing a valid Red Seal endorsement on your trade qualification – won't change under TILMA.

The second method of meeting mandatory qualification requirements in Alberta – possessing an Alberta C of Q – will however be impacted by TILMA.

Currently apprentices in Alberta require their C of Q to work legally in their trade in Alberta. Many do not either write the Inter Provincial Red Seal multiple choice exam, and many do write it and fail. Under the Alberta Apprenticeship system this is not an impediment to their receiving their Alberta Qualification. It must be pointed out that this doesn't necessarily mean Alberta trades people are trained to a lesser standard than another Province's apprentice who does pass the Red Seal exam in their trade.

In Alberta, industry, through Provincial Advisory Committees at the Provincial level, down through Local Advisory Committees regionally, places a great deal of emphasis on their ability to determine the content of the Apprenticeship program. In some case industry has requested different content in the final year of the Apprenticeship than that stipulated by the Red Seal program. This is definitely a factor in an Alberta Apprentice's success on the Red Seal – they are being tested on material that is not part of their program, and conversely material that is part of the program is not on the Red Seal examination for their trade.

This is not to say Alberta Apprentices are not meeting a high standard. Alberta's apprenticeship system is time-based and so in order to receive the Alberta C of Q apprentices must have a verified number of hours in their trade; a number of hours which usually meets or exceeds Red Seal requirements.

Alberta apprentices all must pass a Provincial level exam at the conclusion of each year's apprenticeship technical training. Failure to pass any of these exams means the apprentice will not receive their C of Q. In Alberta it is up to the Apprentice whether they wish to write the IP in their trade. They may write the IP independently of their result on the final year level exam – and there are instances of apprentices writing the IP, passing it, but failing the final level exam and therefore not receiving their C of Q.

Under TILMA this situation won't change for Alberta apprentices, but there is a problem that TILMA raises that Alberta must address, and this is also where there is an impact on BC workers from the Agreement.

The problem for Alberta that TILMA raises is this:

Alberta recognises the Alberta C of Q as sufficient to meet mandatory training requirements but it does not recognise other Province's and Territory's C of Qs as sufficient to meet mandatory training requirements. All out of Alberta C of Qs must be endorsed with the Red Seal to be recognised.

Under TILMA this constitutes a barrier to mobility for BC workers. The agreement in essence states that BC and Alberta workers can be treated no differently from each other. Thus, under TILMA, Alberta appears to be obligated to accept BC Certificates of Qualification as sufficient certification to work legally in Alberta in one of the mandatory trades. This raises several questions:

1. Is the content, the program standards leading to the BC and Alberta C of Qs, the same?
2. Does the content have to be the same under TILMA or can each province recognise the other's C of Q as equivalent to their own?
3. In short, does TILMA require qualifications be harmonised – made the same – or that they simply be recognised across the two jurisdictions with differences noted and accommodated?
4. How are standards to be compared and then harmonised or recognised as appropriate?

The tables on the following pages summarise the differences and similarities between BC and Alberta construction occupations. The tables also highlight the trade areas where harmonisation and reconciliation are required.

BC & Alberta Construction Occupations – As of April 1, 2007

In AB (or BC) Add Req's (AR) = additional education, exam or training may be required for certification/licensing for non-Red Seal Blank = Recognized, no barriers*

Red Seal (if applicable) or Construction Trade Name	BC Trade Name	Alberta Recognition of BC Credentials		Alberta Trade Name	BC Recognition of Alberta Credentials	
		Red Seal Rec. AB	In AB Add Req's (AR)* Or a Not Recog (NR) Trade		Red Seal Rec. BC	In BC Add Req's (AR)* Or a Not Recog (NR) Trade
Blaster	Blaster		AR	Blaster		AR
Boilermaker	Construction Boilermaker	X	AR	Boilermaker	x	
Boom Truck Operator	Boom Truck Operator	X	Under review	Crane & Hoisting Equipment Operator – Boom Truck	x	Under Review AR
Bricklayer	Mason	X		Bricklayer	x	
Cabinetmaker	Joiner	X		Cabinetmaker	x	
Carpenter	Carpenter	X		Carpenter	x	
Concrete Finisher	Cement Mason	X		Concrete Finisher	x	
Construction Craft Worker			AR	Construction Craft Labourer		
Construction Electrician	Electrician	X	AR for Field Safety reps	Electrician	X	AR
Electric Motor System Technician	Winder Electrician	X	Certification not available in AB	Electric Motor Systems Technician Electronic Technician		Certification not available in AB

Report on the Impact of TILMA on the BC Construction Industry

Red Seal (if applicable) or Construction Trade Name	BC Trade Name	Alberta Recognition of BC Credentials		Alberta Trade Name	BC Recognition of Alberta Credentials		
		Red Seal Rec. AB	In AB Add Req's (AR)* Or a Not Recog (NR) Trade		Red Seal Rec. BC	In BC Add Req's (AR)* Or a Not Recog (NR) Trade	
Electrician	Electrician	X	AR for Field Safety reps			x	AR
Electronics Technician (Consumer Products)	Electronics Technician Consumer Products	X		Electronic Technician		X	
Elevator Mechanic	Elevator Mechanic		Elevator Industry CEIEP Cert recog	Elevator Constructor			AR + AR for Field Safety reps
Engineer	Engineer		NB	Engineer			AR for specialty areas
Floorcovering Installer	Floor Covering Installer			Floorcovering Installer			
Gasfitter	Gasfitter		Diff stds	Gasfitter			Diff stds
Glazier	Glazier	X		Glazier		X	
Heavy Duty Equipment Technician	Heavy Duty Equipment Mechanic	X	AR	Heavy Equipment Technician - Heavy Duty Equipment Mechanic (Off Road)		X	
Industrial Electrician	Industrial Electrician		NR - Industrial Electrician	Electrician			

Report on the Impact of TILMA on the BC Construction Industry

Red Seal (if applicable) or Construction Trade Name	BC Trade Name	Alberta Recognition of BC Credentials		Alberta Trade Name	BC Recognition of Alberta Credentials	
		Red Seal Rec. AB	In AB Add Req's (AR)* Or a Not Recog (NR) Trade		Red Seal Rec. BC	In BC Add Req's (AR)* Or a Not Recog (NR) Trade
Industrial Mechanic (Millwright)	Millwright	X	AR	Instrument Mechanic (Millwright)	X	AR for Field Safety reps
Instrumentation and Control Technician	Industrial Instrument Mechanic	X		Instrument Technician	X	
Insulator (Heat and Frost)	Heat and Frost Insulator	X		Insulator	X	
Ironworker (Generalist)	Ironworker	X	AR	Ironworker	X	
Ironworker (Reinforcing)	Ironworker (Reinforcing)	X	AR	Ironworker (Reinforcing)	X	
Ironworker (Structural/Ornamental)	Ironworker (Structural/Ornamental)	X	AR	Ironworker - Structural/Ornamental	X	
Land Surveyor	Land Surveyor		AR	Land Surveyor		AR
Lather (Interior Systems Mechanic)	Wall and Ceiling Installer	X		Lather (Interior Systems Mechanic)	X	
Locksmith	Locksmith		Must be AB resident	Locksmith		AR
Metal Fabricator (Fitter)	Metal Fabricator	X		Structural Steel & Plate Fitter	X	
Mobile Crane Operator	Mobile Crane Operator <80 tonnes	X	Under review	Crane & Hoisting Equipment Operator-	X	AR

Report on the Impact of TILMA on the BC Construction Industry

Red Seal (if applicable) or Construction Trade Name	BC Trade Name	Alberta Recognition of BC Credentials		Alberta Trade Name	BC Recognition of Alberta Credentials	
		Red Seal Rec. AB	In AB Add Req's (AR)* Or a Not Recog (NR) Trade		Red Seal Rec. BC	In BC Add Req's (AR)* Or a Not Recog (NR) Trade
	Mobile Crane Operator (unlimited tonnage) Lattice Friction Crane Operator Lattice Hydraulic Crane Operator			Mobile Crane Crane & Hoisting Equipment Operator-Hydraulic Mobile Crane Crane & Hoisting Equipment Operator-Conventional Mobile Crane		
Painter and Decorator	Painter and Decorator	X		Painter and Decorator	X	
Plumber	Plumber	X	AR	Plumber	X	
Powerline Technician	Powerline Technician	X		Power Lineman	X	AR for Field Safety reps
Pressure Welder, including Grades B & C, & Machine Welding Operators	Pressure Welder		AR	Pressure Welder		AR
Refrigeration and Air Conditioning Mechanic	Refrigeration Mechanic	X	AR	Refrigeration and Air Conditioning Mechanic	X	AR for Field Safety reps
Rig Technician, Levels 1 or 2	Rig Technician, Levels 1 or 2 Rig Technician		Must meet licence req's	Rig Technician, Levels 1, or 2		
Rig Technician Level 3	Rig Technician Level 3	X		Rig Technician Level 3	X	
Roofer	Roofer	X		Roofer	X	

Report on the Impact of TILMA on the BC Construction Industry

Red Seal (if applicable) or Construction Trade Name	BC Trade Name	Alberta Recognition of BC Credentials		Alberta Trade Name	BC Recognition of Alberta Credentials	
		Red Seal Rec. AB	In AB Add Req's (AR)* Or a Not Recog (NR) Trade		Red Seal Rec. BC	In BC Add Req's (AR)* Or a Not Recog (NR) Trade
Sheet Metal Worker	Sheet Metal Worker	X	AR	Sheet Metal Worker	X	
Sprinkler System Installer	Sprinkler Systems Installer	X		Sprinkler Systems Installer	X	
Steamfitter/Pipefitter	Steamfitter/Pipefitter	X	AR	Steamfitter/Pipefitter	X	
Tilesetter	Tilesetter	X		Tilesetter	X	
Tower Crane Operator	Tower Crane Operator			Crane & Hoisting Equipment Operator-Tower Crane		
Water Well Pump Installer	Water Well Pump Installer/ Water Well Driller		Diff stds	Water Well Pump Installer/ Water Well Driller		Diff stds
Water Well Driller	Water Well Driller		Diff stds.	Water Well Driller		Diff stds
Welder	Welder Level "A" or Welder Level "B"	X	AR	Welder	X	

Provincially Certified Trades

*Req'mts = License or Certification Requirements

Provincially Certified Trades	BC Trade Name	From Another Prov. Must meet BC Req'mts *	Certification not available in AB	Alberta Trade Name	From Another Prov. Must meet AB Req'mts *	Certification not available in BC
Architectural Sheet Metal worker	Architectural Sheet Metal worker	X	X			
Architectural Technologist	Architectural Technologist	X	X			
Building Envelop Technician	Building Envelop Technician	X	X			
Construction Craft Labourer				Construction Craft Labourer	X	X
Community/Urban Planner				Community/Urban Planner	X	X
Construction Formwork Technician	Construction Formwork Technician	X	X			
Crane & Hoisting Equipment Operator – Well Heed Boom Truck				Crane & Hoisting Equipment Operator – Well Heed Boom Truck	X	X
Domestic/Residential HVAC Heating Technician	Domestic/Residential HVAC Heating Technician	X	X			
Domestic/Residential Hydronics Heating Technician	Domestic/Residential Hydronics Heating Technician	X	X			
Electrical Contractor,				Electrical Contractor,	X May	X

Report on the Impact of TILMA on the BC Construction Industry

Provincially Certified Trades	BC Trade Name	From Another Prov. Must meet BC Req'mts *	Certification not available in AB	Alberta Trade Name	From Another Prov. Must meet AB Req'mts *	Certification not available in BC
Professional				Professional	need add req's	
Electronics Technician	Electronics Technician	X May need add req's	X			
Engineering, Registered Professional Technologists				Engineering, Registered Professional Technologists	X	X
Forklift Operator	Forklift Operator	X	X			
Hardwood Floor Layer	Hardwood Floor Layer	X	X			
Heavy Equipment Operator	Heavy Equipment Operator	X	X			
Heavy Equipment Technician				Heavy Equipment Technician	X	X
Interior Designer (licensed)				Interior Designer (licensed)	X	X
Ironworker - Metal Building Systems Erector				Ironworker - Metal Building Systems Erector	X	X
Landscape Architects	Landscape Architects	X	X			
Master Electrician				Master Electrician	X	X
Piledriver & Bridgeworker	Piledriver & Bridgeworker	X	X			

Report on the Impact of TILMA on the BC Construction Industry

Provincially Certified Trades	BC Trade Name	From Another Prov. Must meet BC Req'mts *	Certification not available in AB	Alberta Trade Name	From Another Prov. Must meet AB Req'mts *	Certification not available in BC
Power System Electrician				Power System Electrician	X	X
Private Sewage System Installer				Private Sewage System Installer	X	X
Reinforcing Steel Installer	Reinforcing Steel Installer	X	X			
Residential Construction Framing Technician	Residential Construction Framing Technician	X	X			
Residential Steep Roofer	Residential Steep Roofer	X	X			
Security Alarm Installer	Security Alarm Installer	X May need add req's	X			
Steel Detailer				Steel Detailer	X	X
Tree Pruning & Falling Near Energized Conductors	Tree Pruning & Falling Near Energized Conductors	X	X			
Underground Raceway Installer	Underground Raceway Installer	X May need add req's	X			
Welding Examiner				Welding Examiner	X	X

Different Standards

Following the discussion above we can see that both jurisdictions will be impacted, particularly in trade areas where worker certification is mandatory, by the need to compare the standards which underlie certifications.

As we've seen from the section on Worker Safety, the only meaningful way to understand differences and similarities is to compare the technical content of the standards. This work is most efficiently carried out by technical experts who are intimately familiar with the details of technical content embedded in occupational standards.

A comparison of the both jurisdiction's Safety Standards by the technical and safety managers of both Provinces, in a collaborative process, have determined the precise differences between BC's and Alberta's standards. They have then recommended a way forward to reconcile these differences which has now gone to industry for consultation.

The same process is likely to bear most fruit in occupational standards comparison.

The National Occupational Analysis (upon which the Red Seal is based) provides a minimum common set of standards in the Alberta mandatory trades. Beyond this minimum standard there are likely to be differences. It may be these differences can remain without affecting mutual recognition of qualification, or it may be determined by the technical experts doing the work, that adjustment is required to both provinces' standards to allow them to function mutually.

Who is equipped to review the technical standards which underlie each jurisdiction's certification?

An example of a technical standards review which has taken place is that of the Crane Industry in BC and Alberta and its mutual review of the standards making up the Mobile Crane Hydraulic, Mobile Crane Lattice, Boom Truck and Tower Crane Qualifications. The standards review involved three joint plenary sessions over two years with representatives from the following groups:

Alberta:

- The Alberta Provincial Advisory Committee (made up of representatives from Suncor and Syncrude who are the chair and vice-chair of the Committee)
- Representatives from the Alberta Apprenticeship and Industry Training Board
- Representatives from key trainers in Alberta, in this case the Northern Alberta Institute of Technology

British Columbia:

- WorkSafe BC who are the standards regulator under OHS legislation
- The BC Association for Crane Safety who are industry's equivalent functionally to the Alberta Provincial Advisory Committee on Cranes
- Representatives from key trainers in BC (Operating Engineer's Joint Training Plan)
- Representatives from the Industry Training Authority

These groups worked together to come up with a memorandum of understanding that recognises each other's qualification process and the competency assessment process used to issue final certification. Each standard remains somewhat different, but after careful review the industry stakeholders decided to opt for mutual recognition of standards vs. harmonization.

What can be learned from this process?

The recognition of crane standards has been successful because all stakeholders worked together in a collaborative process. The industry currently crosses the BC / Alberta border in its operations so there was a strong incentive to reach consensus prior to forced measures under TILMA which take place in 2009 after the two year implementation period concludes, if there is no recognition / harmonisation agreement in place with the trades noted on the agreement preamble.

Alberta requested the Crane trades be added as occupations of concern because at the time (2006) BC had no standard governing crane operations. It is expected the

crane certifications will be removed from the TILMA noted occupations list by January 2008.

The process, by participant's own admission, has been time consuming and somewhat labour intensive. The work took place on a largely volunteer basis twinned with industry conferences in BC and Alberta to minimise travel costs.

Can there be a template for trades standards recognition / harmonisation?

In Alberta there is already a legitimate, respected voice of industry: The Provincial and Local Advisory Councils. These councils are the obvious participants in recognition work as is the Alberta Apprenticeship and Industry Training Board which manages the content of and issues the trade qualifications.

In BC it appears as though the Industry Training Organisations are the emerging voice of industry on the content of qualifications. Indeed the ITO mandate specifically lays out responsibility for standard setting as a core part of the ITO's responsibility. Thus it is reasonable that the comparison / reconciliation of the standards for which they have oversight could be achieved by these organisations (standards committees are common to several of the ITOs in BC) with their Alberta counterparts. These organisations have ideally the connections with their industries to be able to act knowledgably and in the interest of their members on reconciliation.

It should be noted that the process has shown itself to be time consuming and labour intensive, and it is unclear if ITOs currently possess the human and financial capital to engage in this process. Time has become of the essence in this work if the crane qualifications reconciliation process is a reliable guide. This process took almost two years – and if current noted occupations of interest are to avoid forced reconciliation under TILMA a reconciliation / recognition agreement must be worked out for all trades on the list by March 31st 2009.

Alberta's response

On October 1, 2007, after considerable research and talks with industry focus groups, the Alberta Apprenticeship and Industry Training Board published their Discussion Paper "*British Columbia – Alberta Trade, Investment and Labour Mobility*

Agreement Apprenticeship Training and Certification Standards” in which they review TILMA from Alberta industry’s perspective and outline the issues and options for dealing with these as they see them. Following are excerpts/highlights of their discussions:

The Alberta paper identifies two key differences between BC and Alberta:

1. Different standards

The training and certification standards in Alberta and BC differ depending on the trade or occupation.

2. Different roles of training, certification and regulatory authorities

The legislation and the role and responsibility of the apprenticeship authorities in Alberta and BC differ.

The TILMA requires recognition and reconciliation beyond the apprenticeship authorities. The Alberta Apprenticeship and Industry Training Board must work with the regulatory authorities in BC such as the BC Safety Authority to reconcile standards.

What the Alberta Apprenticeship and Industry Training Board is considering

The Alberta board is considering a number of options and strategies to meet its obligations under the TILMA, including:

- A) The board’s approach to certificates issued to apprentices in red seal trades AFTER the end of the TILMA transition period. Should they?
 - A1) Retain Alberta’s current industry certification standard or adopt the red seal standard?
 - A2) Require the final period exam and the red seal exam or the red seal exam alone?
- B) The board’s approach to certificates issued to apprentices and trades qualifiers in non-red seal trades before and after the end of the TILMA transition period
- C) The board’s approach to certificates issued to apprentices BEFORE the end of the TILMA transition period. Specifically, should the board recognize

certificates issued before the end of the TILMA transition period? This is broken down into two areas:

- C1) Recognition of past certificates issued by BC before a particular date, and
- C2) Registration of non-red seal certificate holders

Meetings with focus groups to gather feedback/input on these issues based on a specific set of questions began in September and will continue until a mid-November 2007 deadline.

A The board's approach to certificates issued to apprentices in red seal trades AFTER the end of the TILMA transition period.

A1 Retain Alberta's current industry certification standard or adopt the red seal standard

For future recognition and certification, the board can take one of two approaches to comply with the TILMA.

1. Retain Alberta's current industry standard for completing apprentices, or
2. Adopt the red seal standard as a requirement for Alberta's apprentices to be certified.

Option 1: Retain Alberta's completion of apprenticeship standards

Rationale

This would:

1. Maintain industry's control of apprenticeship training and certification standards and support Alberta's industry needs
2. Also make it easier to maintain or affect the number of apprentice graduates. Apprentices who did not obtain a red seal would still be certified.

Implications

1. The board might be seen by other jurisdictions as undermining the Red Seal Program if, without adopting the red seal for future standards, the board both

- retained Alberta's completion of apprenticeship standards (that is, did not require them to obtain a red seal), and
- recognized certificates that are eligible to have a red seal attached to them (C1).

Therefore, they might be seen as promoting the development of recognition or reconciliation practices outside the Red Seal Program.

2. The erosion of the Red Seal Program may lead to the expansion of provincial and territorial certificates, creating the potential for the lowering of standards and confusion over what standard or training an individual has completed, continuing to limit the mobility of Alberta's completed apprentices who do not also obtain a red seal.
3. The board would be obligated to reconcile its standards for apprentice certification with BC and every future jurisdiction that signs the TILMA. This could be difficult given that other jurisdictions have already adopted the red seal standard and would have to be convinced that a different standard would be better.

OR

Option 2: Adopt the red seal standard

The board is considering requiring all Alberta certificates in red seal trades to have a red seal.

Rationale

1. Adopting the red seal standard would be consistent with the majority of the provinces and territories and would continue to support the Red Seal Program. The red seal is the interprovincial mechanism for labour mobility.
2. Adopting the red seal standard for apprentices would be consistent with the Qualification Certificate Program.

Implications

1. Would require changes to the apprenticeship program to assist apprentices in preparing for the red seal exam. Otherwise, it could have a negative effect on Alberta's apprenticeship completion rates.
2. May reduce Alberta industry's direct influence on trade certification

standards for completing apprentices as these standards would be determined by the Red Seal Program.

3. The red seal standard is managed jointly by the Canadian Council of Directors of Apprenticeship (CCDA) and the federal government. The standards (National Occupational Analysis, exam and pass mark) are set by industry from 13 jurisdictions. It can take several years to update a red seal standard depending on the competing priorities of the red seal partners.
4. The cost of making changes to assist apprentices has not yet been determined. It will vary considerably by trade and is anticipated to be significant.

A2. Require the final period exam and the red seal exam or the red seal exam alone?

If the board adopts the red seal exam as a requirement for apprentice certification, it must consider two further options: whether it should require apprentices to pass both the Alberta industry final period exam and the red seal exam, or require them to pass only the red seal exam.

Option 1: Both exams

Apprentices would be required to write and pass both the final period exam and the red seal exam to become certified.

Rationale

1. Alberta industry would retain direct control over the technical training outcomes in the final period.

Implications

1. Two exams may perpetuate double standards, training versus certification, which may lead to confusion and inconsistency.
2. It might not be clear to apprentices or institutions which of the two standards would be most important. This could lead to confusion and complaint.
3. Apprentices who do not pass both exams would not be certified, leading to a reduction in the number of apprentice graduates.

Option 2: One exam

Apprentices would be required to write and pass only the red seal exam.

Rationale

Using the red seal exam as the single final period exam would be

1. Consistent with BC,
2. Consistent with the Qualification Certificate Program, and
3. Consistent with most other jurisdictions across Canada.

Using the red seal exam as the sole final period exam would

1. Make the expected standard clear to apprentices and the training institutions, and
2. Allow the board and provincial apprenticeship committees to find the most practical means of addressing any reduction in the number of graduates.

Implications

1. Some may perceive that provincial apprenticeship committees have lost some of their influence or ability to affect final period curriculum.
2. The technical training providers could adjust the final-period training content so that concepts covered by the red seal exam are reviewed, ensuring a reasonable success rate for completing apprentices.
3. Over time, provincial apprenticeship committees could adjust the final period curriculum to better align it with the outcomes of the red seal standard or find other ways to support apprentice success.

B The board's approach to certificates issued to apprentices and trades qualifiers in non-red seal trades before and after the end of the TILMA transition period

The board has initiated the reconciliation of standards and recognition of certificates with the provincial apprenticeship committees and occupational committees in non-red seal trades. This starts with the committees looking at the scope of the trade and standards in both provinces and comparing them.

Reconciliation of standards in non-red seal trades is a priority for the applicable PACs

Rationale

1. There is no common scope of practice or standard, such as eligibility, to challenge the red seal exam in non-red seal trades. Non-red seal trades do not have a common scoping document similar to the National Occupational Analysis.
2. This work has begun in several trades. Including: gas fitting, auto body technician, crane and hoisting equipment operator, elevator constructor and warehousing.
3. Other provincial apprenticeship committees will need to have this discussion over the next 18 months. These include: glazier – auto glass technician, locksmith, sawfiler, transport refrigeration technician and water well driller.

Implications

1. Reconciling standards in non-red seal trades needs to happen before April 1, 2009. It will need to be a priority on the provincial apprenticeship committees' agendas.

C The board's approach to certificates issued to apprentices BEFORE the end of the TILMA transition period

Should the board recognize certificates issued before the end of the TILMA transition period?

C1 Recognition of past certificates

The board is considering whether it should recognize certain trade certificates issued by BC before a particular date (e.g. April 1, 2009, the end of the transition period, or an earlier date). These include:

- trade certificates (without a red seal) in red seal trades that are eligible to have a red seal attached to them, and
- trade certificates in non-red seal trades, on the recommendation of the applicable provincial apprenticeship committee.

The alternatives are to reconcile with BC the certification standards for certificates issued in the past or recognize only certificates with a red seal.

Rationale:

1. Recognizing certificates issued before a particular date extends the concept of recognizing certificates issued in previous years and is TILMA compliant.
2. The board recognizes Alberta trade certificates without a red seal. Perhaps it should also recognize similar BC trade certificates?
3. The alternative of reconciling with BC the certification standards for certificates issued over the past many years would be time consuming and difficult and the benefits are unclear.
4. The number of trades people who do not have a red seal and who want to work in Alberta is small in relation to the effort required to reconcile past standards.
5. If Alberta recognized only BC certificates with red seals, Alberta would be expected to reciprocate and advise Albertans without red seals that their certificates were no longer valid.

Implications

1. There may be more trades people available to work in Alberta. The standards they achieved may be different than those who hold a certificate with a red seal.
2. Some individuals from other provinces and territories who were required by Alberta to earn their red seal before the end of the transition period may express concern, particularly if they were required to earn it in the months leading to the change.
3. The most mobile element of the workforce (younger workers, primarily) will have earned their red seals in their home jurisdictions.

C2 Registration of non-red seal certificate holders

The board is considering requiring the holders of BC trade certificates without a red seal in compulsory certification trades (both red seal and non-red seal) to register in Alberta and obtain a document indicating that they are qualified to work in Alberta or that their certificate is recognized.

Registration would be optional for certificate holders without a red seal in optional certification trades (both red seal and non-red seal trades).

Rationale

1. Certificates that were issued in past years still exist. May not know which certificates are valid and which ones are not- difficult to verify
2. Registration would assist industry in knowing whether a tradesperson has a legitimate certificate.

Implications

1. Industry and the public would benefit from trades people from outside Alberta being registered. Employers would know their certificates are valid.
2. Registration has administrative and cost implications for both the applicant and government.

As it is a discussion paper designed to aid the thinking process in Alberta, at this time no specific conclusions or recommendations were made in this report. It is expected that these will come at the conclusion of the Focus Group and written input process in November.

Conclusion

Alberta is active because of the implications for trades in Alberta and is coordinating a province wide response, with high level consultations amongst industry stakeholders currently taking place. The results of these consultations will likely not become known until after the next election in Alberta expected in Spring 2008.

Unless Alberta radically transforms its relationship to the Red Seal program through these consultations it is unlikely that the process of harmonising C of Qs with Red Seal standards in Alberta will have any impact in BC, this because BC workers already are required to have a Red Seal designation to work in Alberta.

Conclusion

It is useful to view the TILMA as having three distinct stages – Intention, Implementation and Interpretation. The intention of the Agreement has been laid out in the document signed by the BC and Alberta governments, namely that standards and regulations be reconciled so they do not impose a barrier to trade, labour mobility and investment and that government procurement and other activities don't unfairly discriminate against companies or individuals from the neighbouring province.

The implementation stage is currently being worked out by the various Ministries and government agencies and is scheduled to be completed by the end of the second year transition period in April 2009. The final stage of interpreting the Agreement is unknown as the TILMA Panel has yet to receive any complaints or render any decisions.

As a result of the implementation being in process and the interpretation being unknown the impacts of the TILMA on the BC construction industry are largely based on speculation which is positive or negative depending on whether the speculators are supportive or not supportive of the Agreement's guiding principles.

However, what is known at this point in time is two related areas that will require a significant degree of reconciliation and that are of direct relevance to the construction industry in BC. These two areas are: are worker certification and associated safety regulations.

While the TILMA does not spell out a process for reconciling these issues, experience to date reveals the process is taking the form of a technical review of the content of these standards and regulations associated with these occupations of interest and safety regulations. In Alberta industry is playing a central role in this technical review process through their Provincial Industry Advisory Groups and Alberta Apprenticeship consultation process. Whereas, in British Columbia, industry involvement in this technical review process has been much more ad hoc and industry driven as a part of currently occurring occupational standards update projects.

This situation creates an opportunity for the BC Construction Association and BC/Yukon Construction Trades Council to play a role in the technical review of the standards of those occupations of relevance to the construction industry to ensure the industry's interests and needs are reflected in the final reconciliation.

Appendix 1 – TILMA Disputes Roster

Alberta Appointees to TILMA Disputes Roster:

Phyllis Smith, Q.C.

- partner in the law firm Emery Jamieson
- acknowledged expert in administrative law and labour arbitration
- Past President of the Law Society of Alberta and Federation of Law Societies of Alberta

Michelle Veeman, Ph. D.

- Professor Emeritus, Department of Rural Economy, University of Alberta
- areas of study include markets, policy and trade
- member of numerous government-industry coordinating and advisory groups

John Burns, Q.C.

- partner in the legal firm Gowlings
- areas of practice include corporate, corporate finance, and securities law
- member of the Law Societies of Alberta and Upper Canada
- member of the Calgary and Canada Bar Associations

Louis Hyndman, O.C., Q.C.

- partner in the law firm Field, Atkinson, Perraton, areas of practice include administrative law; government relations; policy and legislation development; health care law; also provides alternative dispute resolution services
- Chancellor of the University of Alberta: 1994-1998
- Officer of the Order of Canada: 1993
- Honourary Doctor of Laws, University of Alberta
- Chair, Royal Commission on National Passenger Transportation: 1991
- Member of the Alberta Legislature, 1967-1986, served as Minister of Education, Minister of Federal and Intergovernmental Affairs, Government House Leader and Provincial Treasurer

James Horsman, C.M., Q.C.

- lawyer with extensive experience in government, politics, business and negotiation
- Member of the Order of Canada: 2007
- Order of Merit, Alberta Order of Excellence: 2006
- former Chancellor, University of Lethbridge
- national and international speaker on constitutional law, senate reform and free trade
- member of the Advisory Board of the Association for Canadian Studies in the U.S.
- Honourary Doctor of Laws, University of Lethbridge
- Member of the Alberta Legislature, 1975-1993, served as Minister of Advanced Education, Minister of Federal and Intergovernmental Affairs, Attorney General, and Deputy Premier

B.C. Appointees to TILMA Disputes Roster:

Steven D. Cope (Fort St. John)

Mr. Cope is a lawyer with Earmme & Associates, Associate Counsel. He is primarily involved in corporate, commercial, real and personal property law with a focus on commercial litigation. Mr. Cope holds a Bachelor of Arts (Honours) from McMaster University and his Bachelor of Law from the University of Victoria.

Carl Kuhnke (Vancouver)

Carl Kuhnke is the Regional Director of Business Development for the Vancouver Coastal Health Authority. Mr. Kuhnke has his Bachelor of Science and MBA from the University of Alberta.

R. Lorne Seitz (Courtney)

Mr. Seitz is a consultant providing services related to organizational development and management, public-private partnerships, land issues and land policy. He is currently a Director of the Stothert Power Corporation.

Jeffrey Thomas (North Vancouver)

Jeffrey Thomas is Partner with Borden Ladner Gervais, LLP. Mr. Thomas is a roster member of the Roster Dispute Settlement Panellists under the AIT and an ad hoc roster member of the Dispute Settlement Panellists under NAFTA Chapter Nineteen.

Mr. Thomas has his Bachelor of Laws from York University and his Master of Laws from the University of Toronto.

Andrew Wilkinson (Vancouver)

Andrew Wilkinson, a physician as well as a practicing lawyer with McCarthy Tetrault. Prior to this, Dr. Wilkinson was Deputy Minister of the British Columbia Ministry of Economic Development.

Appendix 2 – Occupational Reconciliation List

Occupation¹	BC Requirements	Alberta Requirements
	Additional Requirements for Registered Applicants from Alberta moving to BC as of April 1, 2007²	Additional Requirements for Registered Applicants from BC moving to Alberta as of April 1, 2007³
Architect	No barrier	Possible exam requirement
Blaster	Possible exam	Possible exam
Boilermaker	No barriers	Red Seal recognised BC certificate of completion recognized ⁴ Possible exam for other credentials
Hydraulic crane and hoisting equipment operator – mobile & stationary	Red Seal recognized Other may need training or exam	Red Seal recognized BC certificate of completion recognized Others may need training or exam
Conventional crane and hoisting equipment operator –	Red Seal recognized Other may need training or exam	Red Seal recognized BC certificate of completion recognized Others may need training or exam
Hydraulic crane and hoisting equipment operator – tower crane	Red Seal recognized Other may need training or exam	Red Seal recognized BC certificate of completion recognized Other may need training or exam
Electrician	Red Seal recognized	Red Seal recognized

¹ Source: Excerpts from the Trade, Investment and Labour Mobility Agreement (TILMA) – the complete list is available on line at <http://www.tilma.ca/> and includes occupations requiring only provincial certification in either province.

² Applicants are still required to register when moving to the other province, even where there may be no barriers.

³ Applicants are still required to register when moving to the other province, even where there may be no barriers.

⁴ BC Certificate of Completion of Apprenticeship

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Occupation¹	BC Requirements Additional Requirements for Registered Applicants from Alberta moving to BC as of April 1, 2007²	Alberta Requirements Additional Requirements for Registered Applicants from BC moving to Alberta as of April 1, 2007³
	Field safety reps may require exam or restricted activities	BC certificate of completion recognized Others may need training or exam
Elevator constructor/elevator mechanic	Additional training or exam may be required Field safety reps may require exam or restricted activities	Canadian Elevator Industry Education Program credentials recognised
Engineer	No barriers	Possible exam in speciality areas
Gasfitter	To work unsupervised: Class A must take - Class B Gasfitter exam, then Class A Gasfitter exam Class B must take – Class b Gasfitter exam	BC credentials recognized Additional exam for other credentials
Heavy equipment technicians: <ul style="list-style-type: none"> • Transport/Commercial trailer • Truck & Transport mechanic • Heavy duty equipment (off road) 	No barriers	Red Seal recognized for: transport trailer technician, truck and transport mechanic, heavy duty equipment technician and BC certificates of completion. Additional exam may be required for other credentials
Instrument mechanic/Millwright	Red Seal recognized Field safety reps may require exam or restricted activities	Red Seal recognized BC certificate of completion recognized Others may need training or exam
Ironworker	No barriers	Red Seal recognized for Ironworker (Generalist) BC certificate of completion recognized

Occupation¹	BC Requirements Additional Requirements for Registered Applicants from Alberta moving to BC as of April 1, 2007²	Alberta Requirements Additional Requirements for Registered Applicants from BC moving to Alberta as of April 1, 2007³
		Others may need training or exam
Ironworker – structural ornamental	No barriers	Red Seal recognized for Ironworker structural/ornamental (Generalist) BC certificate of completion recognized Others may need training or exam
Ironworker – reinforcing	No barriers	Red Seal recognized for Ironworker (Generalist) BC certificate of completion recognized Others may need training or exam
Plumber	No barriers	Red Seal recognized BC certificate of completion recognized Others may need training or exam
Pressure welder	Additional training and/or exam may be required	Additional training and/or exam may be required
Sheet metal worker	No barriers	Red Seal recognized BC certificate of completion recognized Others may need training or exam
Steamfitter-pipefitter	No barriers	Red Seal recognized BC certificate of completion recognized Others may need training or exam
welder	No barriers	Red Seal recognized BC certificate of completion

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Occupation¹	BC Requirements Additional Requirements for Registered Applicants from Alberta moving to BC as of April 1, 2007²	Alberta Requirements Additional Requirements for Registered Applicants from BC moving to Alberta as of April 1, 2007³
		recognized Others may need training or exam

Appendix 3 – Interview Contacts

Government Agencies

1. Robert Musgrave, Manager Trade Policy and Programs,
BC Ministry of Economic Development
2. Cindy Williams, Manager Labour Market Initiatives
BC Ministry of Economic Development
3. Richard Skelton, Trade Policy Officer - Internal Trade
Alberta Ministry of International, Intergovernmental and Aboriginal Relations
4. Brian Clewes, CEO
BC Industry Training Authority
5. Richard Taylor, Executive Director
Union of BC Municipalities
6. Gerald Rhodes, Executive Director
Alberta Association of Municipal Districts & Counties
7. Wendy Acheson, Manager - Licensing and Deputy Registrar Finance &
Administration
Homeowner Protection Office
8. Don Nelson, Manager - Industry and Labour Services for the Construction
Sector
Work Safe BC
9. Jennifer Davis, Director – Communications and Government Relations
Partnerships BC
10. Michael Nielsen, Policy Analyst - Office of Housing and Construction
Standards
Safety and Research Branch
Ministry of Forests and Range & Minister Responsible for Housing

11. Harry Diemer, President & CEO
BC Safety Authority
12. Paul Flanagan, Manager – Tax Policy Branch
BC Ministry of Finance

Industry & Labour Organizations

13. Ken Peacock, Director – Economic Research
BC Business Council
14. Phillip Hochstein, President
Independent Contractor's and Businesses Association of BC
15. Derek Doyle Executive . Director & Registrar
Professional Engineers
16. Clyde Scollen, President
Construction Labour Relations Assn. of B.C.
17. George Douglas CEO
Construction Industry Training Organization
18. Brian Taylor
The Mechanical Contractors Association of B.C
19. Richard Campbell
Chair COCTA - Council of Construction Trade Associations (BC)
Executive Director, Electrical Contractors Association of BC
Director, Electrical Inspectors Association of BC
20. Dorothy D. Barkley Executive Director
The Architectural Institute of British Columbia (AIBC)
21. Fraser Cocks, Executive Director
BC Association for Crane Safety

22. George Gritziotis, Executive Director
Construction Sector Council
23. Stephen Howard, Director of Legislation and Research
BC Federation of Labour
24. Jason Foster, Director of Policy Analysis
Alberta Federation of Labour
25. Ron Harry, Executive Director
Alberta Building Trades Council
26. Pat Dillon, Business Manager
Ontario Building Construction Trades Council
27. Joe Barrett, Researcher
BC & Yukon Territory Building & Construction Trades Council
28. Abigail Fulton, Vice President
BC Construction Association
29. Wayne Peppard, Executive Director
BC & Yukon Territory Building & Construction Trades Council
30. Keith Sashaw, President
Vancouver Regional Construction Association
31. Robert Lashin
Houle Electric
32. Anibal Valente
PCL Constructors Westcoast Inc.
33. Pat Pimm
Alpha Controls Ltd.
34. Kyle Turner
GTXcavating Ltd.
35. Maureen Enser, Executive Director

Urban Development Institute

Research Organizations and Other

36. Stephen Shrybman
(lawyer, did TILMA analysis for Ontario Federation of Labour)

37. Ellen Gould/Murray Dobbin
Trade consultants

38. Roslyn Kunin
Roslyn Kunin & Associates / Canada West Foundation

39. Robert Stumberg
Harrison Institute for Public Law
Georgetown University

Appendix 4 - Information Resources

Trade, Investment and Labour Mobility Agreement between Alberta and British Columbia

April 2006 available from <http://www.tilma.ca/>

Overview: The complete legislative agreement as negotiated between the provinces.

Trade, Investment and Labour Mobility Agreement: Overview of Immediate Implications for Local Government

By: Donald Lidstone: Lidstone, Young, Anderson – Barristers and Solicitors, April 20, 2007

Report for the Union of British Columbia Municipalities

Examines: This report contains a brief overview of local government issues as opposed to a review of the virtues of TILMA or a comprehensive analysis. It is not a legal opinion.

The British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement - Fact Sheet, 2006

Authors: BC and Alberta Governments

Overview: Provides an overview of TILMA

The British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement Fact Sheet, March 2007

Authors: BC and Alberta Governments

Examines: What does the Agreement mean for my business?

The British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement Fact Sheet, March 2007

Authors: BC and Alberta Governments

Examines: How does the agreement affect workers?

The British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement Fact Sheet, March 2007

Authors: BC and Alberta Governments

Examines: How does the agreement affect government procurement?

The British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement Fact Sheet, 2006

Authors: BC and Alberta Governments

Examines: How does the agreement affect municipalities?

Frequently Asked Questions: Fair Trade: The BC – Alberta Trade, Investment And

Labour Mobility Agreement (TILMA) Position Paper

Fact Sheet from the Alberta Association of Municipal Districts and Counties, April 2007

Overview: An overview of TILMA and its anticipated effect on municipalities.

Examining the Implications of TILMA for Saskatchewan

*by Loretta Gerlach, The Canadian Centre for Policy Alternative, Saskatchewan Office –
Saskatchewan Notes Newsletter, Volume 5: Issue 6 – Dec. 2006*

Examines: Provides an overview of TILMA, and looks at the implications of Saskatchewan signing on – which the author is not in favour of.

Another Bad Deal for Canada: It's time to kill the Trade, Investment and Labour Mobility Agreement

By Anonymous - Newsletter from The Council of Canadians, undated

Overview: Provides an overview of TILMA and looks at the privileges extended to corporations and individuals under TILMA, of which the Council is not in favour of.

Death by a Thousand Paper Cuts: The Effect of Barriers to Competition on Canadian Productivity

by Paul Darby, Kip Beckman, Yves St-Maurice and Dan Lemaire

Report for: The Conference Board of Canada May 2006

Examines: This report examines the extent of the barriers to competition in Canada and their impact on productivity. The report concludes that there is a legacy of international and internal protection that inhibits the development of competitive markets. Canadian productivity could be enhanced by eliminating barriers that impair the effective functioning of markets, especially in a core group of primary and manufacturing industries. The results are important in shaping policy approaches to closing the Canada–U.S. productivity gap.

Fair Trade: The BC – Alberta Trade, Investment and Labour Mobility Agreement

Position Paper Prepared By: The Alberta Association of Municipal Districts and Counties May 10, 2007

Examines: This document examines the fact that The Government of Alberta has committed to a two-year transition phase re TILMA, during which it will consult with municipalities. As the agreement has the potential to have a significant impact on how municipalities operate, particularly in the areas of procurement and legislation, the AAMDC is committed to advocating on behalf of municipalities to ensure that its members are not negatively affected by the TILMA. It focuses mainly on procurement and dispute resolution processes.

An Impact Assessment of the BC/Alberta Trade, Investment and Labour Mobility Agreement

Prepared for: British Columbia Ministry of Economic Development, September 2005

By: The Conference Board of Canada

Examines: Changes between AIT and TILMA and draws conclusions on their impact based

on a small industry survey and CoBC research. Report favours the implementation of TILMA, but contradicts its impact on the construction industry – CoBC feels it will have no impact, survey replies indicated it would.

An Overview of the Alberta-BC Trade, Investment and Labour Mobility Agreement

Editor: Jock A. Findlayson of the Business Council of British Columbia, Newsletter Vol. 13, No. 3 July 2006

Overview: Provides an overview and highlights of the agreement.

Behind the Numbers: The Myth of Interprovincial Trade Barriers and TILMA's Alleged Economic Benefits

By: by Marc Lee and Erin Weir, The Canadian Centre for Policy Alternatives, BC Office February 2007

Overview: Disputes claims made in the series of reports produced by the Conference Board of Canada's Report - *An Impact Assessment of the BC/Alberta Trade, Investment and Labour Mobility Agreement*

Asking for Trouble: The Trade, Investment and Labour Mobility Agreement

By Ellen Gould, The Canadian Centre for Policy Alternatives, BC Office February 2007

Overview: This paper compares the legal language of TILMA to the existing structure of regulations and public enterprises, and finds numerous troubling examples where democratic decision-making could be second-guessed, or over-ruled, by dispute panels. Based on the analysis in this paper, it is recommended that TILMA not be implemented in BC and Alberta, and that other provinces not sign onto the agreement.

BC-Alberta Agreement Opens the Door to Asia a Little Wider

Asia Pacific Foundation of Canada, March 28, 2007 Bulletin

Examines - The impact of the agreement – which they state will be far-reaching, as Canada's two western provinces harmonize business regulations and eliminate red tape, effectively creating a larger market and a more business-friendly environment in the region, and also sends a signal to Asia Pacific trade partners that western Canada, at least, is serious about removing some of the irksome barriers that hinder transpacific commerce.

TILMA's Attack on Public Interest Regulation

By Ellen Gould in BC Commentary from The Canadian Centre for Policy Alternatives, Volume 10 · Number 2 Spring / Summer 2007

Examines: TILMA raises some major questions about democratic governance, both in terms of how the deal was struck, and in terms of potential impacts of the agreement itself on democratic decision-making. In addition to its clear constraints on public policy, TILMA contains many provisions that are open to interpretation. The true meaning of many of these clauses will not be fully understood until the limits are tested by a dispute panel process that enables the parties to the agreement, individuals and corporations to launch complaints against governments, and to be awarded compensation for violations.

What is TILMA – Examining the Trade, Investment and Labour Mobility Agreement Between Alberta and BC

Dialogues, Winter 2007 edition - By the Canada West Foundation

Examines: Many aspects of TILMA. The whole issue is devoted to it and include arguments for the pros and cons of the agreement. Articles include:

- **You CAN Get There From Here**, by Robert Roach
- **BC as Canada's Pacific Gateway**, by the Honourable Colin Hansen
- **Canada Should Learn a Lesson From BC and Alberta**, by Nancy Hughes Anthony
- **Greater Than the Sum of its Parts**, by Brett Gartner
- **The Dark Side of the TILMA**, by Barry O'Neill
- **Raising the Dead: Breathing Life into Canada's Internal Trade, Agreements**, by Graham Parsons
- **Cooperation in Eastern Canada: Will Atlantic Provincial Governments - Follow the Western Lead?**, by Elizabeth Beale
- **Can We Eliminate Interprovincial Trade Barriers? The West Shows Us How**, by Paul Darby
- **Interprovincial Trade: Where the Exceptions Make the Rules**, by Todd Hirsch
- **Small Business Stands to Gain with the TILMA**, by Danielle Smith
- **Reducing Provincial Barriers: What the West Needs Now, What the Rest Needs Soon**, by Roslyn Kunin
- **The TILMA: A Gamble Not Worth Taking**, by Murray Dobin
- **Tomorrow's Forecast—A Strong Breeze From the West: Who Will Have the Trade-Winds at Their Back**, by Ian Munro
- **Beyond Provincial Borders: The Alberta-British Columbia Agreement in a Global Context**, by Yuen Pau Woo and K. C. Sato
- **The Benefits of the TILMA**, by Jock Finlayson
- **Don't Water the Wine: Taking the TILMA East**, by Roger Gibbins

Fact, Not Fiction, on TILMA

Backgrounder from the BC Ministry of Economic Development, January 10, 2007

Examines: Public/business beliefs/misconceptions about TILMA and attempts to clarify issues with the facts.

The BC/Alberta Trade, Investment, and Labour Mobility Agreement: A Model of What NOT to Do on Inter-provincial Trade

Fast Facts Bulletin from the Canadian Centre of Policy Alternatives, Manitoba Office — February 15, 2007

Examines: The process by which TILMA was created and its perceived flaws.

TILMA: An Extraordinary Achievement for BC and Alberta

By Jason Clemens, Milagros Palacios, & Martin Massé, The Fraser Institute, Fraser Forum Bulletin July/August 2006,

Overview: Briefly overviews TILMA

In Praise of the Arthurs Report on Canadian Federal Labour Standards

By Brian B. McArthur, Canadian Centre for Policy Alternatives, March 2007-07-26

Examines: In 2004 the Liberal government of Paul Martin established a Commission to review the Canada Labour Code, Part III. Harry Arthurs, a former Law Professor and University President, was entrusted to give the government recommendations on the future of the Code after wide consultation. This paper examines some of the more important recommendations and makes an argument for the adoption of these reforms. No mention of TILMA is made, but it closely examines changes needed to effect standardization of trades qualifications across the country.

Leading the Way: The BC Alberta Economy

By Bret Gartner, Economist, December 2006 conference paper for The New West: The Rise of Alberta and BC in Canada hosted by the Business Council of BC and the Canada West Foundation

Examines: Historic and expected economic growth in BC and Alberta.

NAFTA Chapter 11 Investor-State Disputes (to March 1, 2007)

Canadian Centre for Policy Alternatives, Ottawa

Overview: Provides an overview of outstanding Investor-State disputes under NAFTA.
