

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 313

, Approved and Ordered June 12, 2024



~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ Administrator, by and with the advice and consent of the Executive Council, orders that,

- (a) effective July 1, 2024, the *International Credentials Recognition Act*, S.B.C. 2023, c. 39, is brought into force, except section 16, Division 3 of Part 3 and section 69,
- (b) effective January 1, 2025, section 16, Division 3 of Part 3 and section 69 of the *International Credentials Recognition Act*, S.B.C. 2023, c. 39, are brought into force,
- (c) effective July 1, 2024, the attached International Credentials Recognition Regulation is made,
- (d) sections 1 to 3 and 6 to 8 of the International Credentials Recognition Regulation are effective July 1, 2024, and
- (e) sections 4, 5, 9 and 10 of the International Credentials Recognition Regulation are effective January 1, 2025,



Minister of Post-Secondary Education and Future Skills



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *International Credentials Recognition Act*, S.B.C. 2023, c. 39, ss. 3, 16, 23, 37, 62, 64, 65, 66, 69 and 78

Other: _____

R10754433

INTERNATIONAL CREDENTIALS RECOGNITION REGULATION

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Definitions

1 In this regulation:

“**Act**” means the *International Credentials Recognition Act*;

“**Canadian supervisor**” means an individual who has been granted certification or Canadian certification;

“**Canadian certification**”, in relation to a Canadian regulatory authority, means a certificate, licence, registration or other form of official recognition that

- (a) is granted to an individual by the Canadian regulatory authority, and
- (b) attests to the individual being qualified and, if applicable, authorized to do one or both of the following:
 - (i) practise a particular occupation or profession in the jurisdiction of the Canadian regulatory authority;
 - (ii) use, in the jurisdiction of the Canadian regulatory authority, a particular title, designation or abbreviated title or designation in respect of an occupation or profession;

“**Canadian regulatory authority**” means a person or body in another province or territory of Canada, whether or not a governmental entity, that has, by an enactment, been granted authority to grant Canadian certifications.

Application of Act to BC Financial Services Authority and Superintendent of Real Estate

- 2** (1) For the purposes of section 3 (4) [*application of Act*] of the Act, the Act applies to the BC Financial Services Authority except for the following provisions of Part 3 [*Regulatory Authorities*] of the Act:
- (a) section 14 [*timely determinations*];
 - (b) section 15 [*communication about determinations*];
 - (c) section 18 [*prohibited fees*];
 - (d) section 20 [*submission of annual report to superintendent*].

- (2) For the purposes of section 3 (4) of the Act, the Act applies to the Superintendent of Real Estate.

Application of Act to director of certification and Teachers' Council

- 3 (1) For the purposes of section 3 (4) [*application of Act*] of the Act, the Act applies to the director of certification except for the following provisions of the Act:
 - (a) section 17 [*prohibited requirements respecting new language testing results and prescribed matters*];
 - (b) Division 2 [*Reconsiderations by Superintendent*] of Part 5 [*Prohibitions and Reconsiderations*].
- (2) For the purposes of section 3 (4) of the Act, the Act applies to the British Columbia Teachers' Council except for the following provisions of Part 3 [*Regulatory Authorities*] of the Act:
 - (a) section 14 [*timely determinations*];
 - (b) section 15 [*communication about determinations*];
 - (c) section 18 [*prohibited fees*];
 - (d) section 20 [*submission of annual report to superintendent*].

Canadian work experience

- 4 (1) In this section:
 - “**independent practice**”, in relation to an internationally trained applicant, means a practice in which the applicant may practise a particular occupation or profession without being required by an international regulatory authority to be supervised;
 - “**international certification**”, in relation to an international regulatory authority, means a certificate, licence, registration or other form of official recognition that
 - (a) is granted to an individual by the international regulatory authority, and
 - (b) attests to the individual being qualified and, if applicable, authorized to do one or both of the following:
 - (i) practise a particular occupation or profession in the jurisdiction of the international regulatory authority;
 - (ii) use, in the jurisdiction of the international regulatory authority, a particular title, designation or abbreviated title or designation in respect of an occupation or profession;
 - “**international regulatory authority**” means a person or body outside Canada, whether or not a governmental entity, that has, by an enactment, been granted authority
 - (a) to regulate an occupation or profession, and
 - (b) to grant international certifications.
- (2) For the purposes of section 16 (a) [*prohibited requirements respecting Canadian work experience and prescribed matters*] of the Act, in respect of an interna-

tionally trained applicant in the class described in subsection (3) of this section, the following Canadian work experience requirements are prohibited:

- (a) work experience obtained in Canada;
 - (b) work experience obtained in Canada under the supervision of a Canadian supervisor;
 - (c) work experience obtained outside Canada under the supervision of a Canadian supervisor.
- (3) An internationally trained applicant is a member of the class if the applicant
- (a) has a valid international certification that authorizes the applicant to engage in independent practice in the profession or occupation in respect of which the applicant is applying for certification,
 - (b) is in good standing with the international regulatory authority in each jurisdiction in which the applicant has a valid international certification,
 - (c) if applicable, was in good standing with the international regulatory authority in each jurisdiction in which the applicant was granted an international certification at the time the certification ceased to be valid, and
 - (d) has, at the time the applicant submits an application for certification to a regulatory authority, engaged in independent practice for at least 2 years in the profession or occupation in respect of which the applicant is applying for certification.
- (4) For the purposes of subsection (3) (d),
- (a) time in which an internationally trained applicant was engaged in independent practice in a jurisdiction in which the internationally trained applicant has a valid international certification must be counted towards the 2-year period, and
 - (b) if an internationally trained applicant
 - (i) has a valid international certification in more than one jurisdiction, and
 - (ii) engaged in independent practice concurrently in more than one jurisdiction during a period,only the time engaging in independent practice in one of the jurisdictions during that period may be counted towards the 2-year period.

Prescribed criteria for exemptions

5 (1) In this section:

“Canadian work experience” means any of the following:

- (a) work experience obtained in Canada;
- (b) work experience obtained in Canada under the supervision of a Canadian supervisor;
- (c) work experience obtained outside Canada under the supervision of a Canadian supervisor;

“competency” means a particular knowledge, skill, ability or judgment.

- (2) For the purposes of section 23 (1) (b) [*decisions respecting exemptions*] of the Act, the superintendent must make a decision respecting an application under section 21 (1) or (2) [*superintendent's power to grant, amend or revoke exemption*] of the Act in accordance with the following criteria:
- (a) consideration of whether the assessment of a competency of an internationally trained applicant is consistent with section 12 (b) [*general responsibilities of regulatory authorities*] of the Act;
 - (b) consideration of whether an alternative means to Canadian work experience exists to assess whether an internationally trained applicant has a competency;
 - (c) consideration of whether an alternative means to Canadian work experience exists to acquire a competency;
 - (d) consideration of whether a requirement for Canadian work experience to assess whether an internationally trained applicant has a competency is proportionate to the risk of harm to the public, the environment, animal or plant life or health or consumers if the competency was not assessed or assessed by a means other than with Canadian work experience;
 - (e) consideration of any other information that the superintendent considers relevant.

Administrative penalties

- 6 For the purposes of section 37 (b) [*notice of administrative penalty*] of the Act, the maximum amount is \$100 000.

Giving of notices and records

- 7 (1) For the purposes of section 59 (1) [*how notice or record may be given by superintendent*] of the Act, notices or records under the Act that the superintendent is required or authorized to give to a person must be given
- (a) in the case of a regulatory authority,
 - (i) by personal service of a copy of the notice or record, or
 - (ii) by sending a copy by ordinary mail, email or fax to the address, email address or fax number of the regulatory authority,
 - (b) in the case of a specified person,
 - (i) by personal service of a copy of the notice or record, or
 - (ii) by sending a copy by ordinary mail, email or fax to the address, email address or fax number of the regulatory authority of which the specified person is an employee, officer, director, agent or board member, or on whose behalf the specified person is acting, and
 - (c) in the case of any other person, by personal service of a copy of the notice or record.
- (2) If the copy of the notice or record is sent by ordinary mail, it is deemed to be received on the date that is the 5th business day after the day it is mailed.
- (3) If the copy of the notice or record is sent by email or fax, it is deemed to be received on the date that is the first business day after it was sent.

Definitions for Schedule 3 of Act

8 (1) In this section:

“**certification standards**” means the certification standards established by the British Columbia Teachers’ Council under section 13 (d) [*powers and duties of council*] of the *Teachers Act*;

“**conditional certificate holder**” means an individual who holds a conditional certificate within the meaning of the certification standards;

“**director of licensing**” means the director of licensing as defined in section 1 of the *Community Care and Assisted Living Act*;

“**professional certificate holder**” means an individual who holds a professional certificate within the meaning of the certification standards.

(2) For the purposes of section 1 of Schedule 3 of the Act:

“**director of the early childhood educator registry**” means, as applicable, the following:

(a) the director of the early childhood educator registry described in section 24 (1) of the Child Care Licensing Regulation;

(b) the director of licensing in the circumstances described in section 24 (2) of the Child Care Licensing Regulation;

“**early childhood educator**” means an individual who holds an early childhood educator certificate issued under Division 2 [*Employee Qualifications*] of Part 3 [*Manager and Employee Requirements*] of the Child Care Licensing Regulation;

“**early childhood educator assistant**” means an individual who holds an early childhood educator assistant certificate issued under Division 2 of Part 3 of the Child Care Licensing Regulation;

“**teacher**” means the following:

(a) a conditional certificate holder;

(b) a professional certificate holder.

Transition – Canadian work experience requirement exemptions

9 (1) In this section, “**transition period**” means the period that starts on January 1, 2025 and ends on June 30, 2025.

(2) Section 16 (a) [*prohibited requirements respecting Canadian work experience and prescribed matters*] of the Act does not apply to a regulatory authority during the transition period.

(3) Despite subsection (2), a regulatory authority may apply in the transition period for the following:

(a) an exemption under Division 3 [*Exemptions from Prohibited Requirements*] of Part 3 [*Regulatory Authorities*] of the Act;

(b) a reconsideration under section 50 [*application for reconsideration*] of the Act of a decision described in section 24 [*notice of exemption decision*] of the Act.

- (4) If the superintendent makes a decision in the transition period to grant an exemption, the notice of the decision under section 24 (1) of the Act must include an effective date for the exemption, which must be a date that is after the transition period.
- (5) This section is repealed on July 1, 2025.

Transition – Canadian work experience requirement exemptions process

- 10** The superintendent may modify the process to grant an exemption from a Canadian work experience requirement in relation to a regulatory authority if
- (a) the regulatory authority provides the superintendent, no later than June 30, 2025, with a written plan to remove a prohibited Canadian work experience,
 - (b) the regulatory authority intends to implement the plan referred to in paragraph (a) by a specified date, which may be no later than June 30, 2026, and
 - (c) the superintendent is satisfied that the regulatory authority intends to make best efforts to implement the plan referred to in paragraph (a).