

MOBILITY OF ENGINEERS PRACTICING ON CANADIAN SOIL

A new regulation in force in Quebec

Since April 2009, Canada's Agreement on Internal Trade has promoted labour mobility throughout the nation while granting professional orders a compliance period to adopt a regulation to that effect. It is in this context that the Regulation respecting lawful authorisations to practise engineering outside Québec which give rise to permits from the Ordre des ingénieurs du Québec (unofficial translation and hereafter the "Regulation") was adopted on October 14, 2010. This Regulation sets forth the conditions under which engineers who hold a proper permit in another province or Canadian territory are allowed to obtain a licence to practise in Québec. (Note: No official translation of this regulation exists as of yet; please refer to the French version of this regulation entitled *Règlement sur les autorisations légales d'exercer la profession d'ingénieur hors du Québec qui donnent ouverture au permis de l'Ordre des ingénieurs du Québec*).

Each year, dozens of Canadian engineers request an authorisation from the Ordre des ingénieurs du Québec (hereafter the "Ordre") to practise engineering in Québec, whether it be on a permanent or temporary basis. Up until a mere few weeks ago, this request was processed in such a way that training and competence were not readily recognized. Assessment of this application, often a complex and daunting task, could take several weeks; this was hardly helpful for all concerned, namely the engineers in question, their employers or clients here in Québec.

The new Regulation radically changes the situation. Commonly known as the "permit on permit regulation" (le « règlement permis sur permis »), it allows the Ordre to give legal force to a permit held by an engineer who practises engineering in another province or Canadian territory.

A THOROUGH, EFFICIENT AND SPEEDY APPROACH

This new Regulation will foster a streamlined treatment of applications for permits presented by holders of a licence to practise elsewhere on Canadian soil.

Even though it is just as thorough, the new process is simpler than the previous one. The applicant, who holds a lawful authorisation to practise issued by another recognized Canadian association, must submit an application for a permit along with all related fees, a birth certificate, a photo and proof that he or she has sufficient knowledge of French to the Ordre's Permits and Admissions Department. Pursuant to the new Regulation, the applicant must also provide proof that he or she holds a licence to practise and that such licence is not subject to any restriction

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or limitation, as well as a recent statement signed by the competent authority certifying that his or her professional conduct is in good standing.

Once all the information has been received and deemed appropriate, the applicant must take and pass a three hour exam on the ethical and legal aspects of the engineer's professional practice in Québec. With this exam, the Ordre wishes to ensure that the applicant, like all of its members, fully understands professional law and basic legal concepts relating to the engineering practice in Québec.

MASTERING FRENCH

Pursuant to the Charter of the French language, each member of the Ordre must have appropriate knowledge of French; Canadian applicants are not exempt from this rule. If applicants cannot provide transcripts proving that they indeed studied French, they can demonstrate their linguistic abilities by taking and passing a test prepared and given by the Office québécois de la langue française (the "OQLF").

If the Ordre accepts the applicant's request but he or she fails the French test, this applicant can still obtain a temporary permit, valid for one year, which can be renewed three times, with the OQLF's authorisation.

The Ordre des ingénieurs du Québec is convinced that this new Regulation will foster mobility among engineers from other Canadian provinces, within the framework of the profession and practice permits in Québec. For more information on this topic, please contact the Permits and Admissions Department at 845-6141 extension 3165.