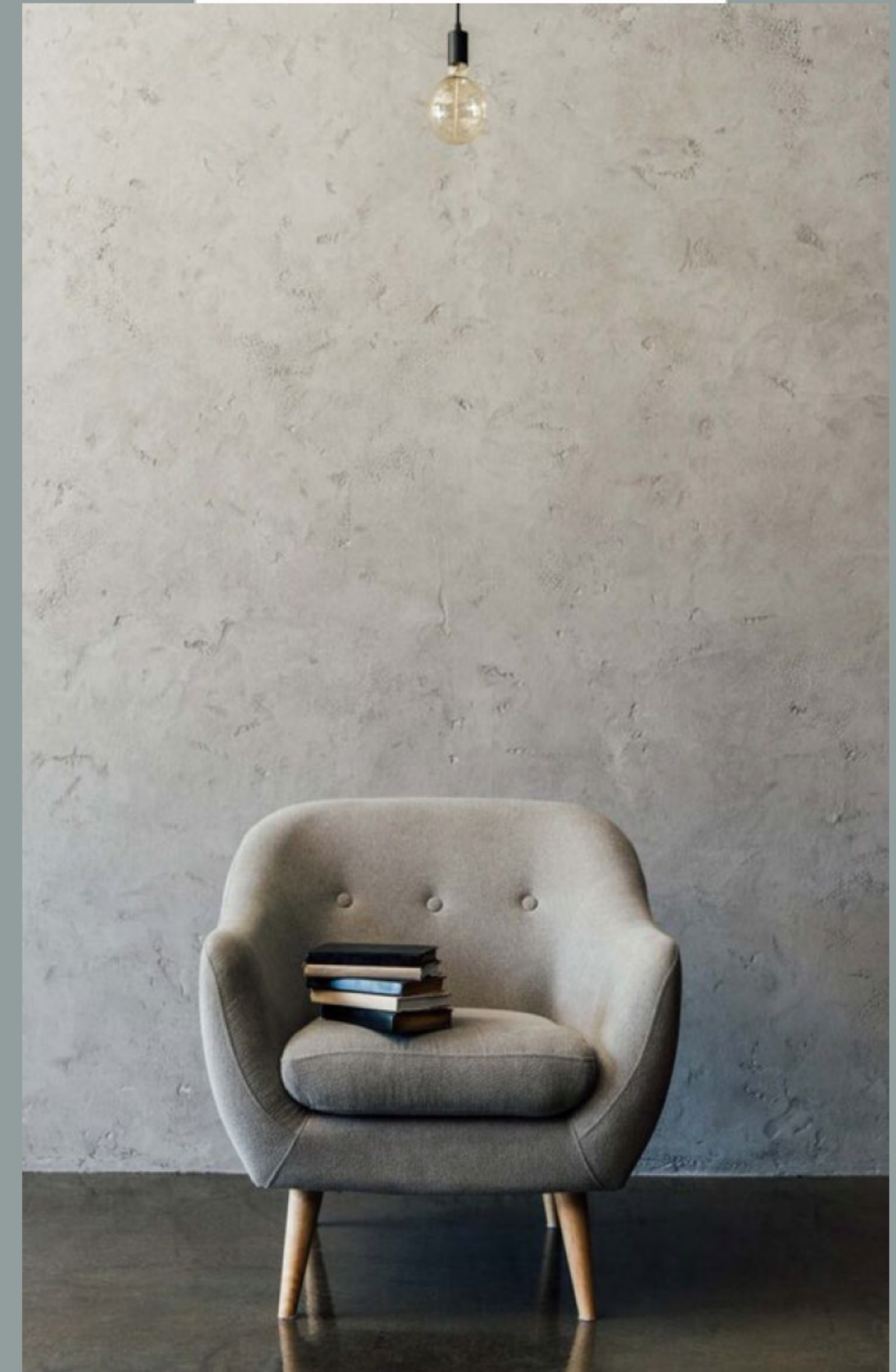


# SML

June 2025

# Labour Mobility

Natasha Danson  
Karen Heath



# Before We Begin...

- If listening by phone:
  - Phone access (Canada): (647) 374 4685, ID: 863 2710 8086
- Still having trouble hearing? Email Anna at [aghakhar@sml-law.com](mailto:aghakhar@sml-law.com)
- Feel free to send questions to us during the session using the CHAT feature, or EMAIL us afterward:
  - [ndanson@sml-law.com](mailto:ndanson@sml-law.com) / [kheath@sml-law.com](mailto:kheath@sml-law.com)

# Land Acknowledgment

We acknowledge that the land our office is on is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg and the Chippewa, and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

We encourage you to acknowledge the land where you are located and to reflect on ways in which you can support the process of reconciliation.

# Agenda

- What Is Labour Mobility?
- Regulatory Landscape
- Recent Changes - “As of Right”
- What Does this Mean for Regulators?

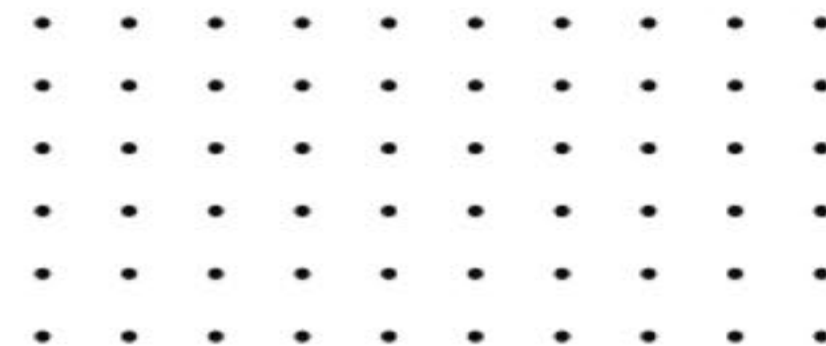


# What Is Labour Mobility?

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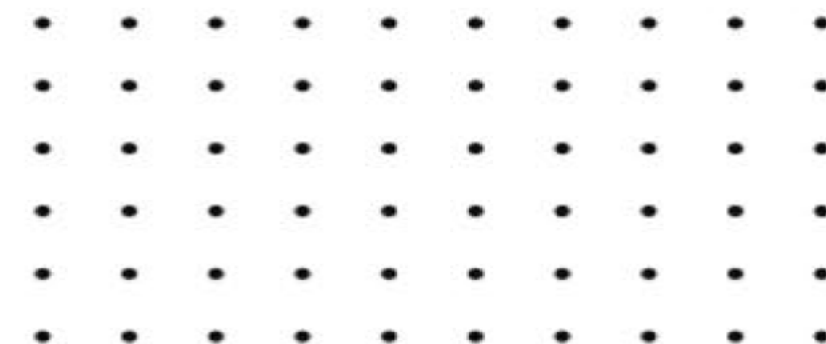
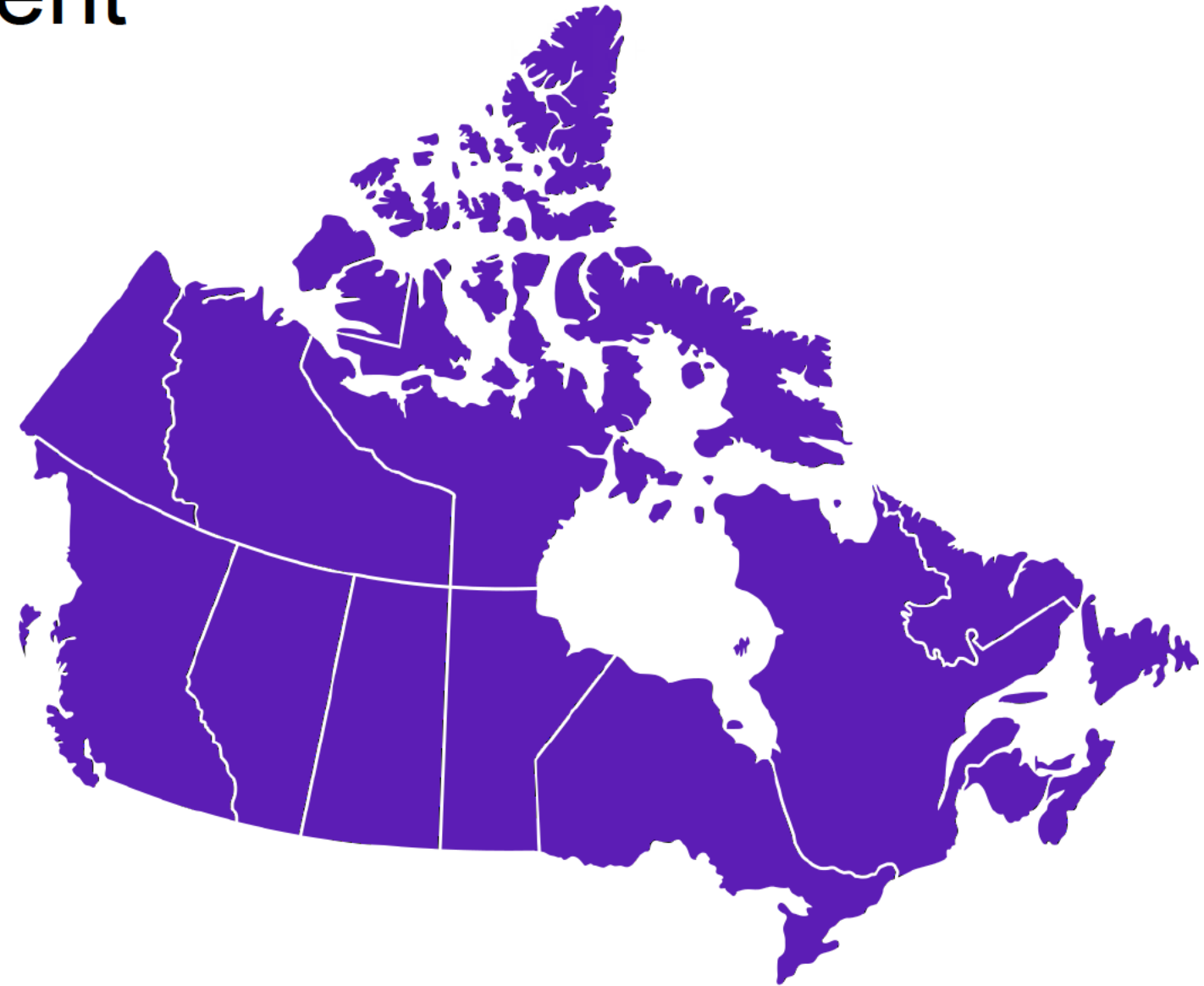
“Labour mobility is the ease with which labourers can move around within an economy and between different economies worldwide.” (Investopedia)

“The ability of certified workers to practice their regulated occupation, throughout Canada, wherever opportunity to work in that occupation exist.” (Labour Mobility Working Group)



# Regulatory Landscape

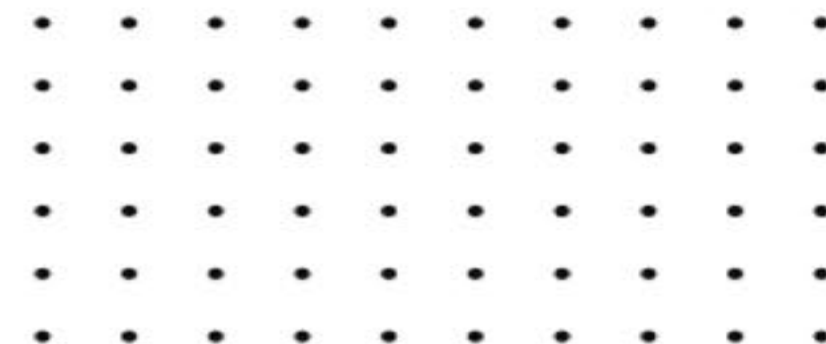
- Canadian Free Trade Agreement
- Provincial implementation



# Canadian Free Trade Agreement

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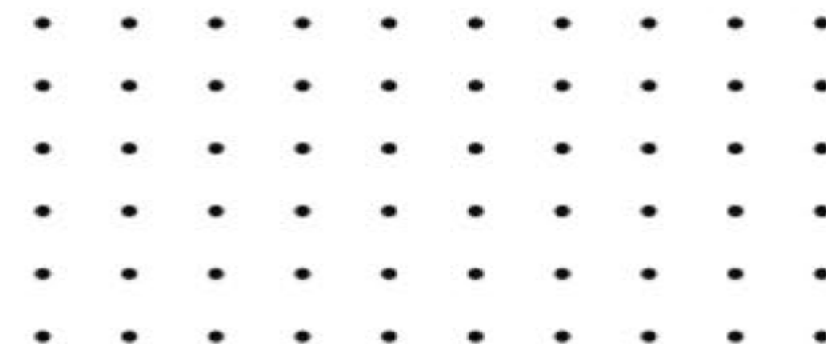
- An agreement between the provinces for internal free trade
- Chapter 7: Labour Mobility
- Purpose:
  - “Eliminate or reduce measures that restrict or impair labour mobility within Canada”
  - “Enable any worker certified for an occupation by a regulatory authority in one province to be recognized as qualified for that occupation in all provinces”



# Canadian Free Trade Agreement

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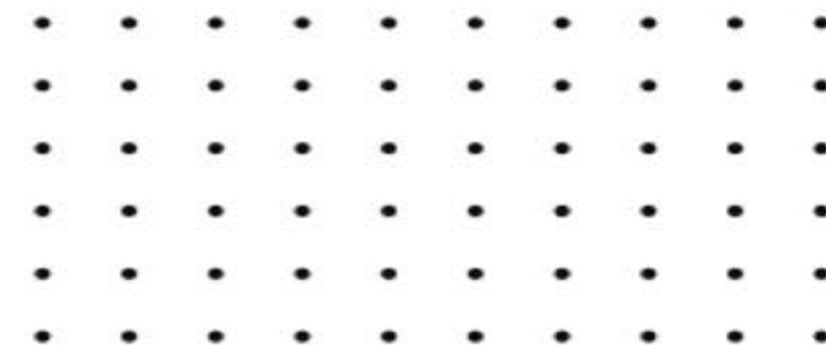
- Certification: If certified by one regulatory authority, shall, upon application, be certified in another jurisdiction
- A regulatory authority cannot require any “material additional training, experience, examinations or assessments” as part of certification



# Canadian Free Trade Agreement

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- A regulatory authority can require:
  - Application fee
  - Liability insurance coverage
  - Criminal background check
  - Evidence of good character
  - Knowledge of local practice
  - Letter of good standing

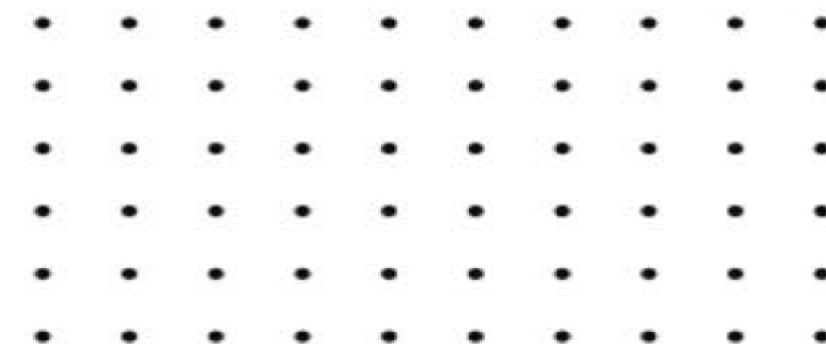




# Canadian Free Trade Agreement

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- Occupational Standards: Provinces and territories retain autonomy to adopt or maintain any occupational standard (and thereby establish the level of protection it considers appropriate)
- BUT, agree to take steps to reconcile differences with goal of adopting occupational standards based on common interprovincial standards
- New or amended occupational standards shall be developed in a manner conducive to labour mobility



# Provincial Implementation: Ontario

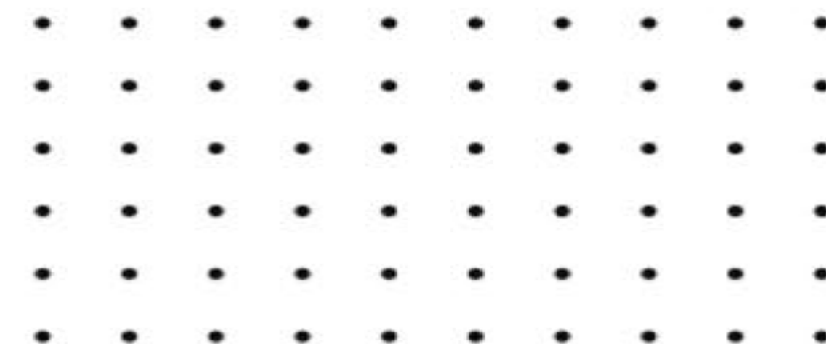
- *Ontario Labour Mobility Act, 2009*
- *Regulated Health Professions Act, 1991*
  - Sections 22.15 to 22.23 of the Health Professions Procedural Code)
- Profession-specific statutes and regulations
- *Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)*
- *Ontario Free Trade and Mobility Act, 2025*



# Provincial Implementation: Ontario

## Ontario Labour Mobility Act + Regulated Health Professions Act

- Eliminate or reduce measures restricting or impairing ability of an individual who holds an equivalent out-of-province certificate to become certified in Ontario
- Cannot impose Ontario residency requirement
- Generally, cannot require applicant to undergo additional training, experience, examinations or assessments
- Exceptions exist (e.g. language proficiency & recent practice)
- Can refuse certification or impose conditions in certain limited circumstances



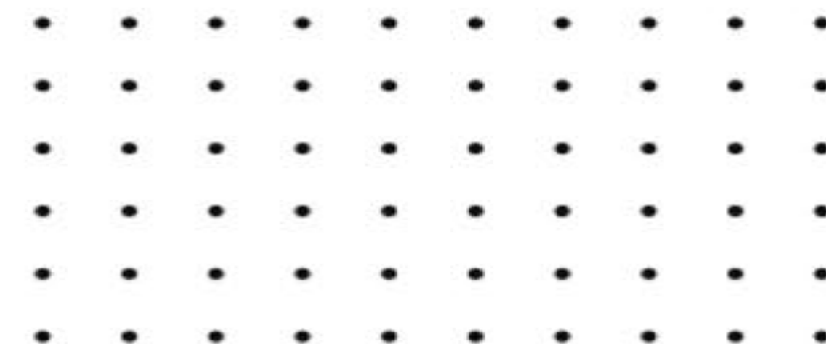
# Provincial Implementation: Ontario

## Profession-specific Regulations

- E.g. s. 9 of the Registration Regulation under the *Psychotherapy Act*

### **Labour mobility, Registered Psychotherapist class**

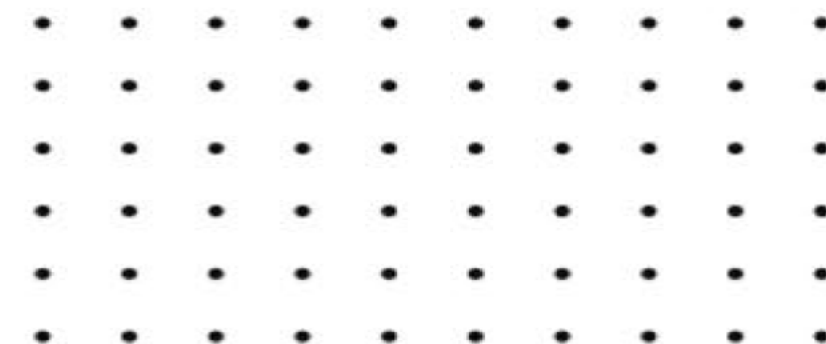
**9. (1)** Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a Registered Psychotherapist certificate of registration, the applicant is deemed to have met the requirements set out in paragraphs 1, 2 and 3 of subsection 6 (1) of this Regulation.



# Provincial Implementation: Ontario

## Fair Registration Practice

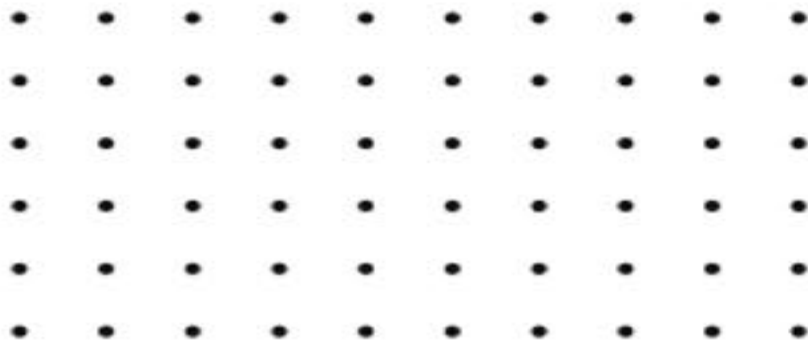
- Transparent, objective, impartial, fair
- Examples:
  - Expeditious registration
  - Not imposing more onerous measures, conditions or costs on out-of-province applicant
- Relevant legislation:
  - Sections 22.2 to 22.14 of the *Health Professions Procedural Code*
  - *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (non-RHPA)





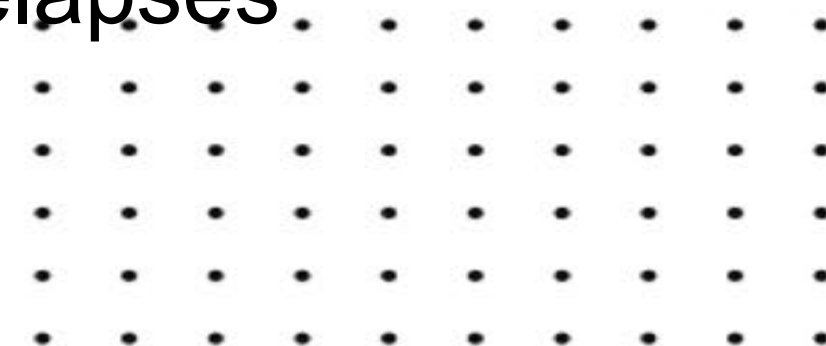
# “As of Right” – 2023

- Applied to four RHPA Colleges: CPSO, CNO, CMLTO, CRTO
- Amendments to profession-specific statutes authorizing exemptions for use of title and holding out provisions
- Amendments to RHPA regulation to permit out-of-province practitioner to perform controlled acts
- Out-of-province practitioner can practise in specified medical settings for up to six months



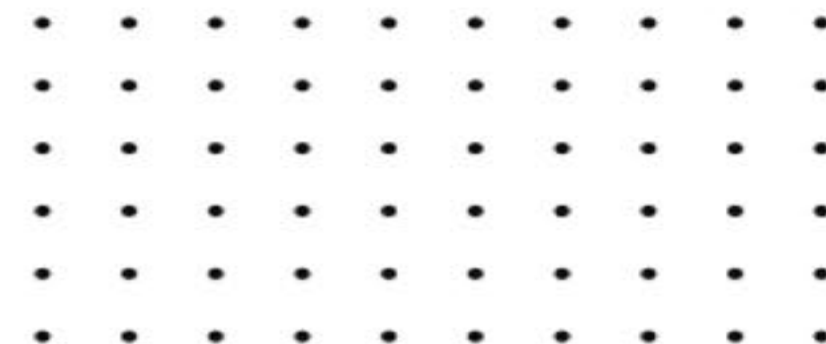
# “As of Right” – 2023

- Requirements include:
  - Holds certificate in another Canadian jurisdiction
  - Canadian regulator has not refused registration in past two years
  - Not subject to current regulatory proceedings
  - No finding of professional misconduct, incompetence or incapacity relating to practice of the profession
  - Submitted application to the relevant College
  
- Loss of exemption:
  - Application to Ontario regulator rejected before 6 months elapses
  - Not issued certificate within 6 months
  - No longer meets requirements for exemption



# **“As of Right” – post-June 5, 2025**

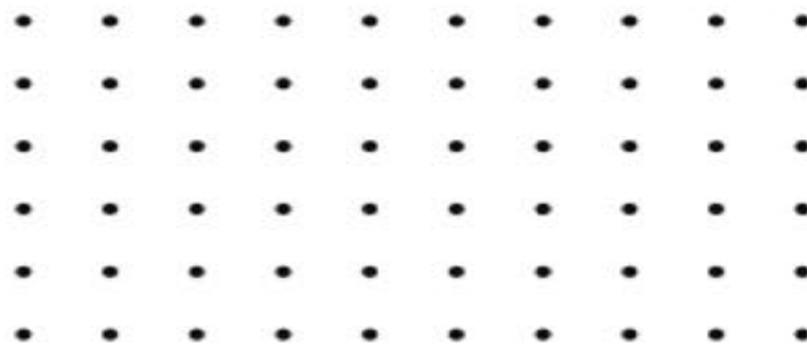
- Amendments to *Ontario Labour Mobility Act* to expand As of Right to non-health professions
  - New service timelines
- Permit as of right nurses, physicians, RTs and MLTs to practise in all settings
- As of Right expansion to American-licensed physicians and nurses
- Changes to *FARPACTA*
- Enactment of *Ontario Free Trade and Mobility Act, 2025*



# “As of Right” – post-June 5, 2025

## *Ontario Free Trade and Mobility Act, 2025*

- “A person or entity who has an authorization from a reciprocating jurisdiction to provide a service shall be entitled to the equivalent authorization in Ontario.”
- Immunity provisions for regulators
- Regulations will contain more details

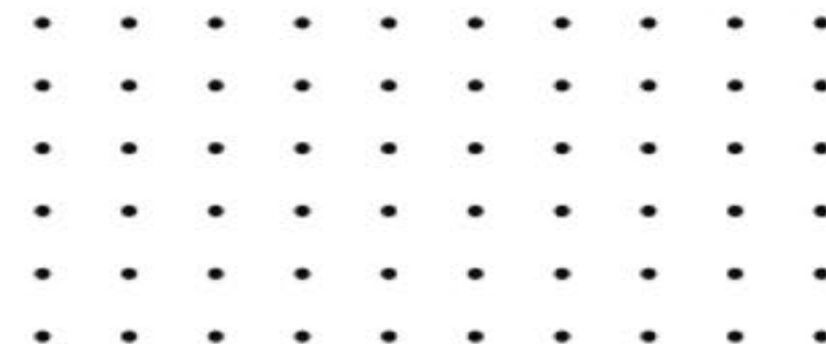


# The Future

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## Technical Briefing

- Expansion of “As of Right” rules
  - 16 additional health professions where professionals are “in good standing”
- Automatic recognition of nurses and physicians from other Canadian jurisdictions



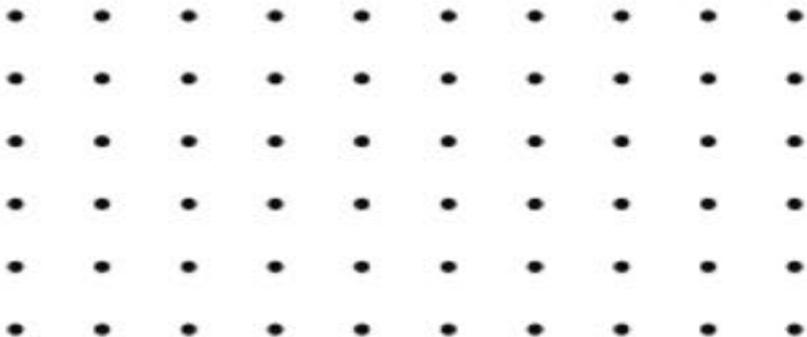


# The Future

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## Four registration models at play

- 1. Standard Registration – apply and meet the registration requirements
- 2. As of Right
- 3. Automatic Registration
- 4. Right to Practise without Notification to Local Regulator



# What Does this Mean for Regulators?

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- Good standing
- Scope of practice/different occupational standards
- Timelines
- Register
- Interim orders



# SML

## THANK YOU

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