

THE CANADIAN COUNCIL OF LAND SURVEYORS

FIRST ANNUAL REVIEW OF THE LABOUR MOBILITY AGREEMENT FOR CANADIAN LAND SURVEYORS

Wednesday July 3, 2002

By Teleconference

12:00 p.m. Eastern Time

MINUTES

Presiding:	Phil Milo, CCLS Past President
Recorder:	Sarah Cornett, CCLS Executive Director
Signatory Representatives:	
Jean-Claude Tétreault	Association of Canada Lands Surveyors
Fred Hutchinson	Association of Nova Scotia Land Surveyors
Luc St.-Pierre	L'Ordre des Arpenteurs-Géomètres du Québec
Bill Buck	Association of Ontario Land Surveyors
Steve Bossenmaier	Association of Manitoba Land Surveyors
Dave Gurnsey	Saskatchewan Land Surveyors' Association
Brian Munday	Alberta Land Surveyors' Association
Brent Taylor	Corporation of Land Surveyors of the Province of British Columbia
Observer:	
Dave Morris	Association of Prince Edward Island Land Surveyors
Absent:	
Scott Murphy	Association of Newfoundland Land Surveyors
Doug Morgan	Association of New Brunswick Surveyors

1. CALL TO ORDER

The meeting was called to order at 12:05 p.m. Eastern time.

2. WELCOME AND INTRODUCTIONS

Welcome by Phil Milo Past President of CCLS and past chair of original AIT Labour Mobility consortium welcomed all those present and gave a brief review of process for this meeting including an invitation to PEI Representative Dave Morris to add input at any time.

3. ADOPTION OF AGENDA

The agenda, as circulated prior to the meeting, was adopted by consensus.

4. REVIEW OF IMPLEMENTATION AND APPLICATION OF THE AGREEMENT TO DATE

This meeting was called in order to fulfill the obligations described in Sections 5.1 and 5.3 of the Mutual Recognition Agreement on Labour Mobility for Land Surveyors in Canada.

The following five questions were circulated for consideration prior to the meeting. Responses from the representatives for Canada Lands, Nova Scotia, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia were received in advance, compiled and circulated to all representatives. These questions formed the basis for the discussions summarized below.

- i *Were there any required changes in your Act, Regulations, By-laws or Policies? If so, were they accomplished, were any difficulties encountered, and were they resolved satisfactorily?*

Each representative reviewed briefly the current status of their associations work in this area. The length of time anticipated to complete Manitoba's full review of their legislation, which will include the amendments necessary under the Agreement, was discussed. Several factors outside of the association's control have contributed to the delays to date.

- ii *How many people have applied to your Association under the Agreement and what is the status of their applications (i.e. under consideration, on hold pending administrative changes, completed)?*

Each representative briefly summarized the status of current applicants if any. BC, Saskatchewan, Manitoba and Quebec have had no applicants to date. Ontario's one applicant is awaiting only a regulation change in order to be granted a license. A discussion surrounding Alberta's experience with failure rates of examinations concluded that there is no single reason for the various success and failure rates of both agreement and non-agreement applicants.

- iii *Do you have a process in place for applicants under the agreement distinct from the process of other applicants for licensure? If so, what does it entail?*

It was generally acknowledged that no completely distinct process for agreement applicants was necessary as there are many aspects in common with general applicants and there is a high level of knowledge of the terms of the agreement in both the association management and the general membership.

- iv *Did you encounter any difficulties in applying the terms of the Agreement? If so was it due primarily to factors within your Association, the wording of the agreement, something missing from the agreement or other factors?*

A significant challenge identified by Alberta is the setting of two examinations per year although it was noted that they are committed to doing so in the year 2003. It was also noted that it will be an ongoing challenge to consistently

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monitor the content of examinations for applicants under the agreement to ensure only allowable issues are being examined.

v ***Do you have any other comments or observations, topics for discussion, or questions about the agreement, its implementation or application?***

a. ***Report from the Association of Prince Edward Island Surveyors and discussion of potential for inclusion of that association in the agreement.***

The representative from PEI noted that the association was monitoring the experience of others under the agreement but had no immediate plans to become a signatory party. Concern was expressed that there is less than full transparency or consistency as there is no set time period for an application under the agreement due to the various examination schedules and application processes. It was noted that PEI requires a set six month articleship which is fully transparent. A counter argument noted that aside from the initial process of changes to by-laws and legislation, the minimum process time is fairly consistently six months with shorter process possible in BC and a longer (9 month) process in Nova Scotia, and that the individual applicant is in control of the length of time involved in the process to a great extent. An underlying principle of the agreement is that the association will examine required knowledge but that the applicant will acquire that knowledge by whatever means they choose which lends an aspect of flexibility not available in an articling process. The time frame of a given application is primarily dependant on the individual situation and the motivation of the applicant themselves.

b. ***Potential for the development of a common application form for applicants under the agreement to any signatory body.***

It was generally agreed that a common application form was not required and that each association's process is different enough to make a single form difficult if not impossible to achieve.

c. ***Is the current practice of the ACLS requiring 113 days of field experience within the last five years acceptable for applicants under the agreement?***

It was noted that, during the development of the agreement, discussion of the ACLS affidavit of experience being equivalent to the articling process of the provincial associations was one directional. It centred around providing the provincial associations with a level of comfort that an applicant from the ACLS had an equivalent level of practical experience in cadastral surveying to a provincial candidate who had been through an articling process. It was noted that the equivalency of the affidavit to articling seemed to be one sided as the ACLS was requiring the affidavit of applicants from provincial associations who by definition have been through an articling process. This situation needs consideration by the ACLS and is in fact on their current agenda.

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- d. *It was questioned whether the Alberta practical surveying examination required of applicants under the agreement included calculations which are not subject to examination under the agreement.*

The response from the Alberta representative was that the major focus of the exam was on concepts acceptable under the agreement and that the correct mathematical result to any calculation was not required if a correct demonstration of the concept was contained in the response. It was noted that the exam was an open book exam that allowed calculators and/or computers. There is an awareness that since the agreement was signed, those setting examinations needed to be constantly aware of the local knowledge requirements of the agreement. It was also noted that the current issue of the ALSA magazine speaks to this issue.

- e. *The agreement states that signatory associations will work towards an examination frequency of at least twice per year. This provision is intended to decrease the amount of time needed for an applicant to complete the process. The ability of associations to comply with this provision and the consistency of the agreement if this provision is not met, was discussed.*

Discussion of this issue revealed that this is a difficult provision of the agreement to comply with for some associations. Very small associations can provide examinations basically on demand due to the very small number of applicants. Large association can provide examinations more frequently due to economies of scale with a larger number of applicants. Mid sized associations have the most difficulty providing more frequent exams due to the number of candidates and the expense of setting and marking examinations.

Currently, Quebec has one set examination per year but examination on demand is possible for a fee to cover costs, Alberta has committed to two exams per year starting fall 2003, Manitoba and Saskatchewan have one examination per year and do not have immediate plans to increase the frequency due to factors noted above, the Nova Scotia association has a policy to offer two examinations but has not recently had candidates for two, and the remaining associations offer two sets per year.

It was noted that there is an opportunity for renewed discussion on exam frequency which may include the potential for on-demand 'canned' exams, fees for cost recovery, exams for agreement applicants only, and feasibility analysis for a variety of options.

- f. *Discussion of the need for or desire to develop an internal dispute resolution process at this time or in the near future.*

Two views were expressed regarding this issue. One view suggested that an internal process would be preferable to having disputes settled by a government process and having a process developed before an actual case

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arose would be preferable. It was noted that there was no great rush as there are very few applicants at this time and several associations are still in the process of dealing with amendments to regulations. It was suggested that any development should be generic in nature, possibly limited to general guidelines for home and host associations to follow when dealing with a dispute. Caution was expressed that a clear mandate and/or authority needed to be established to avoid interference with association autonomy.

Another view expressed the concern that the development of an internal dispute resolution process would invite disputes and create a conflict between the associations and this group. The current option of entering a formal government process encourages informal and consensus based discussions such as the ones which have taken place at the current meeting.

No action was considered necessary at this time.

5. SUMMARY OF ACTION ITEMS/NEXT STEPS

As noted in item 4. iv, associations are encouraged to revisit the issue of increasing the frequency of examinations available to applicants under the agreement, consider and analyse the feasibility of various options for their specific situations and share the results of their discussion with other associations. This should not be limited to only those associations who currently provide a single examination per year as increased availability would benefit applicants in any jurisdiction and the sharing of ideas generated during discussions within all associations would increase consistency.

As noted in item 4. v c, the ACLS needs to consider the consistent application of the principle that the affidavit of experience is considered equivalent to the articling process for both the provincial candidate to the ACLS and the ACLS candidate to the provincial associations. Amendments to the current ACLS regulations and to the agreement itself may be necessary to clarify this issue.

6. NEXT MEETING / ADJOURNMENT

It was determined that meetings of this group should take place annually or as needed. No fixed date was set for the next meeting.

Minutes will be distributed with a request to report to all through the CCLS office on progress with action items, and issues for further discussion. The associations of New Brunswick and Newfoundland will be requested to submit their reports based on the pre-circulated questionnaire and the issues in these minutes.

The meeting was adjourned at 1:55 p.m. eastern time.