

# Recognising Foreign Qualifications and Competences: An Area of Conflict between Labour Market, Education and Migration Policy

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## Abstract

*Germany as well as Canada is facing a skills shortage. To meet the corresponding demand on the labor market both countries developed certain strategies and measures towards the recognition of foreign qualifications and competences. The presented research project MoVA investigates the recognition approaches implemented in Germany and Canada – considering the multifaceted political aims behind them. It becomes apparent that the logic of implementation and the institutional structures are quite different in both countries, while the applied methods for the concrete assessment of credentials and work experience as well as the future challenges faced are rather comparable.*

## 1. Introduction

In 2012, the German Federal Government passed legislation that gives persons interested in working in Germany the right to have their foreign qualifications assessed and the degree of recognition determined. In Canada migration is steered by a points-based system. On this basis applicants are selected for migration depending on their education, work experience and language competences. Although the state coordinates migration quite systematically, the integration of these migrants into the labor market adequate to their qualifications remains also in Canada problematic. To facilitate this integration process and to make the qualifications and competences transparent for potential employers the recognition of educational credentials is used like in Germany [4: 1]. In this paper we compare the Canadian versus the German model of recognition of qualifications acquired abroad. It has to be pointed out that we hereby focus on professional (vocational) qualifications.

## 2. Methodology

The research project “Modelle und Verfahren zur Anerkennung im Ausland erworbener beruflicher Qualifikationen und Kompetenzen in

ausgewählten Staaten – Gestaltungsprinzipien, Konstruktion, Umsetzung (MoVA)” is designed as an explorative study, which is based on document and data analyses complimented by interviews with relevant stakeholders from policy, practice and research. Within the Canadian context persons have been interviewed representing key governmental stakeholders on a national as well as on a provincial level. Furthermore representatives from trade unions, employer organizations and relevant research institutions have been interviewed.

The MoVA-project accompanies the monitoring activities on the implementation of the German Law on recognition of foreign qualifications. Since 2014 first results of this monitoring process are available. The monitoring focuses on the perspectives of the stakeholders who operate the recognition procedures, which means concrete the competent bodies (for the regular examinations and certification) and the organizations which inform and give advice to the different target groups about the recognition process.

Both research approaches – the MoVA project as well as the monitoring - are multi perspective as they try to investigate the different perspectives which are linked to the topic of recognition. This comprises the perspectives of the stakeholders operating the recognition procedures, the ones steering them politically and taking responsibility for them, the ones who provide advice and consulting on them as well as the persons who pass through them.

## 3. National framework conditions at a glance

In both countries the frame conditions for the recognition of foreign qualifications are significantly different.

1. In Canada the recognition of foreign qualifications is closely linked to migration policy. It is considered that migrant workers and permanent immigrants bring significant human and social capital to Canada's labour market and society [2: 5]. Canada is an example for OECD settlement countries that have strong and longstanding selection policies – this is also the case with regard to recognition. In Canada, the three key areas which have to be coordinated for an effective and efficient

recognition of foreign qualifications are education, immigration and labour market, are governed in a variety of ways. Traditionally, the two overarching themes have been either a focus on pan-Canadian (not “Canadian” or “national”) consultation, consensus or accommodation, and local stakeholder-driven solutions informing pan-Canadian initiatives. This often leads to the establishment of pan-Canadian bodies, giving them the function of coordinator and facilitator, and very rarely decision-maker. Immigration policy is shared between the federal government department, Citizenship and Immigration Canada (CIC), and the provincial/territorial ministers responsible for immigration – whereat federal legislation always prevails and most provinces and territories have specific agreements with CIC. Furthermore the responsibility for labour market issues is shared between the federal and provincial/territorial governments [2: 8f, 12]. The following Figure 1 gives an overview of the responsibilities and decision-making power.

	Responsibilities and Decision-Making Power		
	federal	provincial	Consensus-based collaboration
Education and Qualifications	none	100%	Council of Ministers of Education
Immigration	CIC; prevails	partial	Occasional meetings
Labour Market	Employment and Social Development Canada (ESDC); shared	shared	Forum of federal/provincial/territorial Labour Market Ministers

Figure 1: Responsibilities and Decision-Making Power in Canada [3: 9].

2. In Germany the law on recognition aims to face the skills shortage by fostering qualified migration from abroad as well as by improving societal integration and access to the labor market of people with foreign acquired qualifications who already live in Germany. The German recognition law creates a comprehensive legal right for a recognition procedure, which existed up to now only for EU-citizens respectively regarding EU-diplomas in regulated occupations as well as for late repatriates. The recognition law now creates the right to evaluate the equivalence of a foreign qualification regarding the comparable German qualification for all training occupations within the dual system [1: 22].

In both countries regulated and non-regulated occupations exist. Canada’s labour market is characterized by the division between regulated professions or compulsory trades and non-regulated professions or trades. For regulated occupations in both countries there is a legal requirement or restriction on practice with regard to licences, certificates, or registration. In Canada these

occupations are mostly controlled by the laws of the provinces and territories and sometimes by federal law. They are governed by a professional organization or regulatory body. The Pan-Canadian coordination and collaboration on between the provincial and territorial regulatory bodies varies by occupation. The Red Seal program for example demonstrates complete integration on a number of trades commonly considered compulsory in the provinces and territories. In Germany the regulated occupations are based on federal or federal state law, while in both cases the federal state authorities are responsible. This field is regulated by the EU Recognition Directive 2005/36/EC, while access to the relevant occupations is frequently governed by individual state legal provisions in the EU countries. In 2011, this Directive was updated, to be implemented in national law by 2014 [8]. The non-regulated occupations can also be based on federal law, which comprises all recognized occupations requiring formal training based on the German Vocational Training Act or the Handicrafts Regulation Act.

#### 4. Focus on Vocational Education - decentralization versus standardization

Differences furthermore occur from the understanding of what is meant by “vocational” education and training: In Canada, there are several distinct streams of education that cover what is commonly referred to as VET in Germany and Europe [2: 10]. Canada has a kind of dual system referred to as apprenticeship system. This system is operated within the Provinces and Territories division and has not quite reached the recognition as has been seen in Germany for many years. Each Province and Territory has its unique list of designated trades, and is responsible for training and assessment. A significant difference between Canada and Germany lies in the existing kinds of skilled trades training and certification. In Canada skilled trades cover technical occupations and crafts [7; 2: 10].

In Germany vocational education and training is inseparably connected to the dual system and to a nationwide uniform qualification pathway which is steered by social partnership and closely linked to the labor market. The so called ‘recognized occupation requiring formal training’ acquired within the dual system belong by the majority to the non-regulated occupations. If the relevant occupation is not regulated by the state people can directly access the labor market after a successful application at a company or become self-employed. Differences within the recognition approaches are explained by the different steering mechanisms within the German and the Canadian vocational training system. They occur mainly due to aspects of decentralization and standardization: Canada’s

decentralization brings with it a complexity that can be observed in all aspects of the recognition of foreign qualifications, for example, the large number of stakeholders involved, the division of responsibilities and powers, a culture of consensus or if consensus cannot be reached, accommodation [2: 8]. Education is the responsibility of the provinces and territories. There is no federal department of education and no integrated national system of education. Within the 13 jurisdictions more than 20 departments of education exist in a pan-Canadian context [2: 10]. While there are many similarities between jurisdictions, there are significant differences in curriculum, assessment, and accountability policies among the jurisdictions that express the geography, history, language, culture, and corresponding specialized needs of the populations served. To facilitate coordination, the Council of Ministers of Education, Canada (CMEC) was established in 1967. For a trades person to be fully mobile across Canada he/she must pass an additional exam, the interprovincial Red Seal examination. Upon passing, the trades person then obtains a “Red Seal endorsement” on the province/territory certificate. The Red Seal interprovincial standard is currently available for 53 trades. This interprovincial mobility program is a partnership between the Government of Canada and the provinces and territories. Through the Red Seal Program, interprovincial standards and examinations are developed and maintained through an industry-driven process for the skilled trades [2: 11].

The situation in Germany is quite different – as migration policy as well as labour market policy and the design and intentions of the law on recognition are not linked to each other. In Germany the recognition process especially in non-regulated occupations (which are in focus of this research project) is not connected to or a prerequisite for the migration process. Furthermore the German law on recognition has a broad range as it covers all nationwide recognized occupations and is therefore significant for about 600 occupations. This includes the about 330 recognized occupation requiring formal training as well as about 180 further trainings, which are both regulated within the Vocational Training Act and the Handicrafts Regulation Act [1: 21]. What is also characteristic for Germany is that the law on recognition offers everybody the chance to have his/her foreign qualifications recognized – not using any labour market data to focus on or prefer any specific occupations with a higher demand than others. For the application of the law on recognition already before its implementation new structures were created, expertise was generated and effectively used. Responsibilities and know-how were concentrated within the responsibility of the chambers of commerce at the organization for ‘Foreign Skills Approval’ and within the

responsibility of the chambers of handicrafts at the so called leading chambers [1: 8].

## 5. The recognition process in concrete

Within the following the institutional structures and the concrete course of the recognition process as well as the relevant standards and references in Canada and in Germany are described in detail. Due to the decentralisation in Canada the process has to be presented on a more abstract level than the German case. In the Canadian case the focus will therefore be more on institutional structures because they are quite complex. Regarding the German case the process will be described more detailed as the institutional structures are homogenous across the country and the process varies whether the recognition process is about a regulated or a non-regulated occupation.

### 5.1. Canada

#### a. Institutional structures and process

In Canada there are a multitude of players involved in the assessment and recognition of foreign qualifications. Qualification recognition issues exist in both domains, regulated and unregulated. Governments have agreed to place an initial focus on qualification recognition issues related to regulated occupations [2: 43f]. Although the regulatory authorities play a central role within the process of assessment and recognition of foreign qualifications, numerous other individuals and organizations (including various government departments, post secondary and vocational institutions, immigrant settlement agencies and employers) are meaningfully involved. Every province and territory has the right to adopt occupational standards at levels they consider appropriate. Furthermore this legal basis has been accompanied by the introduction of a range of assessment tools, certification and qualifications requirements, which may vary across jurisdictions [5: 2f]. Furthermore in Canada the recognition of foreign qualifications is directly connected to the migration process. The Government of Canada uses the so called National Occupational Classification System (NOC) to classify jobs respectively occupations. Jobs are grouped based on the type of work a person does and the types of job duties. Many of Canada’s immigration programs use it to decide if a job, or type of work experience, is valid for that program’s criteria [3: 25].

Citizenship and Immigration Canada (CIC) assesses skilled worker applications using the NOC. Concrete the applicant must have accumulated at least 1 year continuous full-time paid work experience (or equivalent part-time) in the primary occupation as per the application within the last 10 years and have performed the actions described in

the lead statement as well as a substantial number of the main duties (including all essential duties). However the employment requirements listed in the NOC are not applicable for assessment [2: 26].

The responsibility for labour market issues is shared between the federal and the provincial/territorial governments. Federally, Employment and Social Development Canada (ESDC) is responsible for labour market issues, with Service Canada playing a key part in service delivery and communication to the public. In 1986 the Forum of Labour Market Ministers (FLMM) was established to facilitate the discussion and cooperation on common labour market matters. This forum is composed of provincial/territorial ministers and the federal minister of ESDC [2: 27].

The Foreign Credential Recognition Program (FCRP) is a key component of the Government of Canada's commitment to attract, select and integrate skilled immigrants into the Canadian economy and society. Through contribution agreements, the FCRP offers strategic financial support to provincial/territorial governments and various organizations to facilitate the assessment and recognition of credentials acquired in other countries. Partnering organizations frequently include regulatory bodies, national associations and credential assessment agencies, but does not provide direct financial support to individuals [11].

In January 2015, Citizenship and Immigration Canada (CIC) launched a new electronic system called Express Entry to manage applications for permanent residence in certain economic programs, like Federal Skills Worker Program, Federal Skilled Trades Program and the Canadian Experience Class. Canada is looking to attract high levels of immigration to meet current and projected labour market needs. Provinces and territories will also be able to recruit candidates from the Express Entry system for a portion of the Provincial Nominee Programs to meet local labour market needs. Under this new system, employers will also have a key role in selecting economic immigrants. Employers will access candidates through Canada's new and improved Job Bank and through provinces and territories where applicable [2: 57f].

The Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications describes the ideal steps and processes that governments aspire to build in order to address the current gaps to successful immigrant labour market integration [5: 5; 2: 49]. Figure 2 shows these concrete steps and processes. The Framework was developed under the auspices of the above mentioned FLMM.

There are several different purposes for individuals to seek academic credential assessment including gaining residence or citizenship in Canada, access specific educational courses, be accepted into regulated occupations and professions, or for employment.

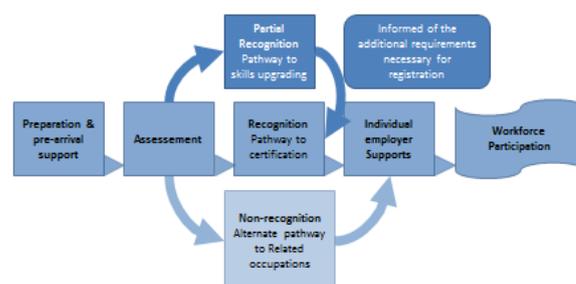


Figure 2: Pathways to Recognition in Canada [5: 6].

These purposes determine the relevant stakeholders to turn to regarding the respective recognition. The range of organizations offering academic credential assessments is equally varied. Large, government (e.g., the Centre d'expertise sur les formations acquises hors du Québec (CEFAHQ)) or privately funded organizations cover a large population of individuals mainly seeking residency or broad access to employment. Universities and colleges, meanwhile, concentrate on access to specific educational programs and whether the individuals are qualified for admission. Professional regulators focus more on validity of education already achieved, and whether it would allow the individual to undergo the requirements to eventually perform effectively in the chosen career within Canada. All assessment services facilitate immigrants' access to employment, licensure, and higher education. There are also distinctions between academic credential assessment services (providing assessments that are primarily advisory) and professional bodies respectively educational institutions (providing assessments while potentially providing recognition as well). The community of academic credential assessors is very fragmented, with about 1,200 full-time credential assessors together with a further 500 working part-time as credential assessors. Together they carry out about 285,000 assessments each year [2: 58f]. The research project showed that the institutional structures regarding the execution of recognition differ in the provinces and territories.

The above gives an overview on the course of the recognition process in all Canadian jurisdictions on an abstract level. Although the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications describes the ideal steps of a recognition process there is a variance between the different processes in place in respective provinces and territories. Within the following two provincial examples are chosen to illustrate the range how the recognition of foreign qualifications is conducted. The so called recognition of acquired competencies (RAC) as used in Québec in vocational and technical training gives adults the opportunity to be evaluated and obtain an official recognition of competencies acquired on the job or through real-life experience using a concrete program of study as reference. In Québec the process to gain official recognition contains the steps which are illustrated

within Figure 3. Immigrants have to go through this process from application to recognition including gap training, which finally leads to a formal diploma issued by the Education Department.

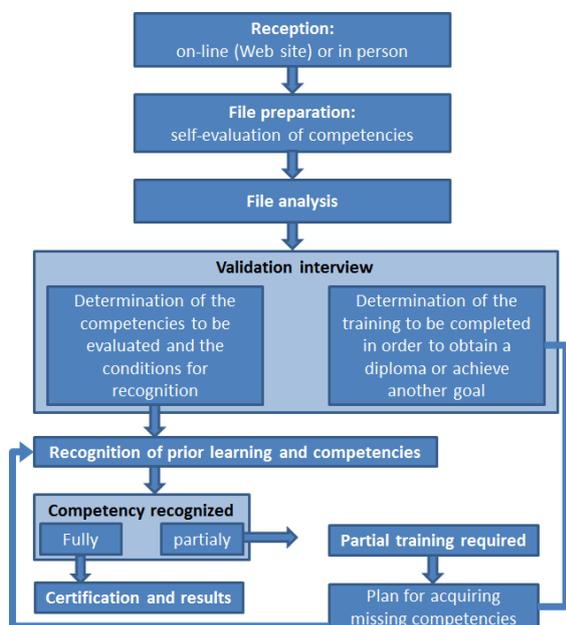


Figure 3: Recognition of acquired competencies in Québec [10].

Québec provides another program, which applies to voluntary-qualification trades. The so called Workforce Skills Recognition Program is designed for experienced workers who are proficient in a trade governed by a vocational standard and want to obtain certification for their vocational skills.

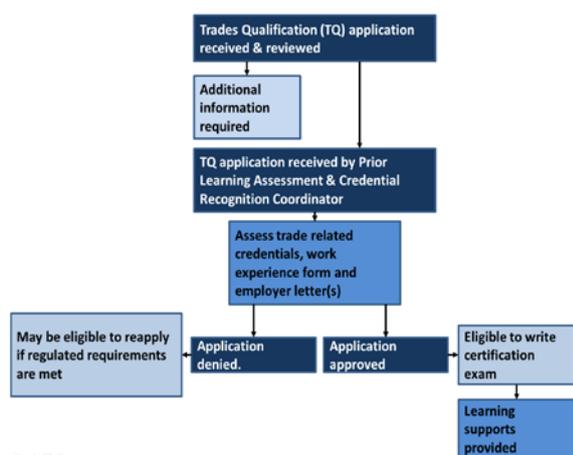


Figure 4: Trades qualification process of Manitoba [9: 102]

The skills evaluation guidelines are set by sectoral workforce committees, whereas tools like an interview, the verification of the theoretical knowledge, an analysis of the submitted documents as well as a practical evaluation of processes and products carried out in the workplace or by means of a simulation are used. The candidate will be

issued a certificate of qualification or an attestation of competency by the Employment Agency confirming that he masters the skills for his trade [2: 90f].

Figure 4 shows exemplary the trades qualification process map of Manitoba used for skilled workers [9: 1f]. This process takes into account Prior Learning Assessment (PLA), which is focusing on work experience as well as the results of any other prior learning process not necessarily having been certified within credentials.

It becomes apparent that although the provinces have different processes in place these are still comparable regarding their general structure and the steps they comprise.

### b. Relevant standards and references

The CIC procedure to assess minimum educational requirements works as follows: To get a minimum of educational requirements assessed by CIC applicants must submit at least one completed Canadian credential or completed foreign credential with an equivalency report produced by a designated assessment organization, which has been issued no longer than 5 years ago [2: 27]. Specific barriers to qualification recognition vary across both occupations and jurisdictions, and are highly dependent on the background and experience of the individual applicant [2: 49].

It is obligatory for all foreign trained workers applying for provincial/territorial certification and the interprovincial Red Seal endorsement to meet the Canadian and provincial/territorial immigration laws and regulations and all provinces and territories use similar application, assessment and approval processes. Within this process the language assessments are not conducted by apprenticeship jurisdictions. Only Québec has an additional requirement that workers must attain provincial journeyman status prior to challenging the interprovincial Red Seal examination. Three jurisdictions, Nova Scotia, Northwest Territories and Saskatchewan, placed significant weighting on the assessment of credentials within the application approval process. But the jurisdictional assessments of foreign trained candidates to access to provincial respectively territorial certification and interprovincial Red Seal examinations include more than only the assessment of credentials [9: 1f].

In fact apprenticeship jurisdictions perceive the foreign trained workers' trade experience as the critical element for the approval of an application for provincial/territorial certification and the interprovincial Red Seal endorsement. The assessment and verification of trade experience is evaluated as being the most time consuming part of the process. Thereby a variety of documentation is used to assess and verify the candidates' trade time, the scope of work and the level of trade experience. While the majority of jurisdictions use internal staff to assess and verify trade experience, the emphasis placed on work experience for recognition of trade

qualifications differs between the provinces and territories. Practical assessments are provided for a few trades (mostly compulsory) across Canada. For example Newfoundland and Labrador use representatives from public or private training institution to conduct the practical assessments when an applicant cannot obtain the required sign off by a journeyman [9: 88f].

Based on qualitative interview data the majority of foreign trained workers challenging for provincial/territorial certification and the interprovincial Red Seal endorsement come from China, India, and the United Kingdom. Furthermore the electrician trade was identified as the trade requiring the most assessments followed by the carpentry trade [9: 1f].

Trade experience verification in Canadian jurisdictions can be described in general as follows: First information, largely paper based, is gathered from a foreign trained worker. This information is then verified in contact with employers and journeymen to confirm the applicant's relevant trade time, scope of work and competency level in the trade. Practical assessments are only provided for a few trades across Canada - mostly for compulsory trades.

The variety of documents used to collect information from the foreign trained worker comprises application forms, employer declaration forms, employer letters, letters of reference, trade time and work experience verification forms, competency/skills check-lists as well as journeyman validation letters and sign offs. The trade experience assessment process is conducted by internal administrative staff of the responsible organization, which may have minimal or no workplace-based trade expertise. The majority of apprenticeship jurisdictions do not contact every employer to verify information contained in an application, but they use a sampling method or follow up on incomplete or questionable information. In Alberta the Apprenticeship and Industry Training unit uses internal assessors with trade expertise to support their trade experience verification and assessment process. The Industry Training Authority (ITA) of British Columbia is the only jurisdiction using outside agencies to support their trade experience verification and assessment process. The ITA seeks support from Industry Training Organizations (ITO) to verify and assess trade experience [9: 88].

For all apprenticeship jurisdictions certainty regarding the required trade time and full scope of trade experience of the foreign trained workers are of high importance – to ensure personal and public safety as well as to provide industry competent tradespeople who can work at a journeyman level. In general jurisdictions provide strong administrative support to the foreign trained worker throughout the application, assessment and examination process - through personal attention as well as assistance. [9: 88f]

Because the purposes of academic credential assessments vary, the executing organizations are interested in accessing different specific information related to their field of interest. As educational institutions universities and colleges are most interested in information on educational systems, grade scales, and the status of educational institutions in the respective countries. In contrast regulatory bodies are also interested in the status of institutions and detecting fraud, but also in what the outcomes of a qualification would be in the country of origin, which means what careers would be available after the completion of an educational program. Larger organizations with a broad range of services are interested in a much wider range of information, which also include previous decisions and rationales [14: 8f]. So the basis, the standards and the references of a credential assessment are largely influenced by the purpose as well as by the institutions providing respective services.

### c. Country-specific remarkable aspects

The following notable elements have been identified regarding the Canadian case, which should be especially pointed out: the high relevance and engagement of employers in the field of non-regulated occupations as well as the implementation of so called Fairness Commissioners in some provinces.

For occupations where no certification (e.g. in the form of an Apprenticeship) or license is required to practice, it is generally the employer's responsibility to determine whether a potential worker possesses the appropriate qualifications, training or experience. It has been the task of Sector Councils, employer associations and unions to provide tools and guides to help, in particular small and medium employers in assessing qualifications and competencies gained abroad. Surprisingly the provided tools focus more on the reasons why employers should hire foreign trained workers than on how the assessment process should take place [2: 47]. A Study realized in 2011 identified practices for attracting, retaining and integrating skilled immigrants. This study discovered eight best practice categories including credential recognition [12: 10]. The results show that the employers themselves have also developed various measures to improve the recognition processes in their enterprises.

Furthermore several provinces (Manitoba, Ontario, Quebec and Nova Scotia) have enacted legislation to ensure fair access to regulated professions (including compulsory trades in some jurisdictions), as part of this new legislation, each has established The Office of the Fairness Commissioner (OFC) [2: 28f].

## 5.2. Germany

### a. Institutional structures and process

The recognition process in Germany is nationwide quite consistent and differences regarding the responsibilities or the organisational solutions occur depending on the respective occupation. In general the German process can be divided into three phases: the orientation, the execution and the utilization. Figure 4 illustrates the German recognition process focusing on the stakeholders involved in it.

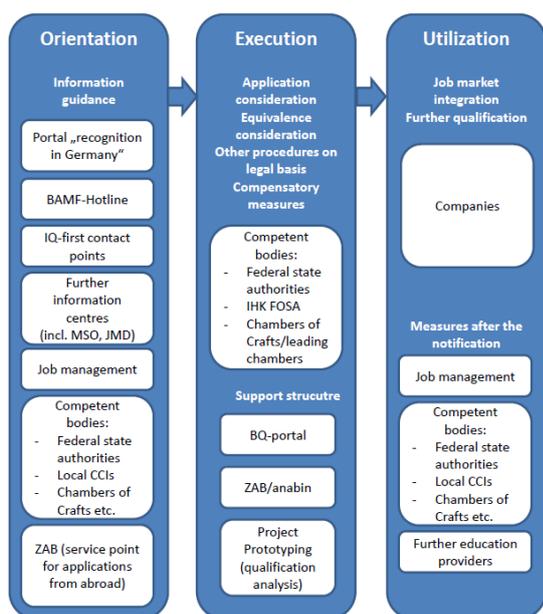


Figure 4: Recognition process in Germany focusing on the stakeholders involved [1: 26].

In Germany a recognition procedure contains three steps, which are operated by the competent bodies. This practice of procedures is for all non-regulated occupations nationwide consistent:

1. The application requirements are checked
2. The equivalence is evaluated
3. A notification is provided (normally within not longer than three months).

The criteria and procedures for the check of equivalence are legally regulated and oriented towards the questions whether significant differences between the foreign qualification and the national reference occupation exist and whether these differences can where appropriate be compensated by professional experience or further certificates of qualification or [1: 22f]. In case of a partial equivalence so called measures of additional qualification are provided. The whole recognition process for regulated and non-regulated occupations is illustrated within the following Figure 5.

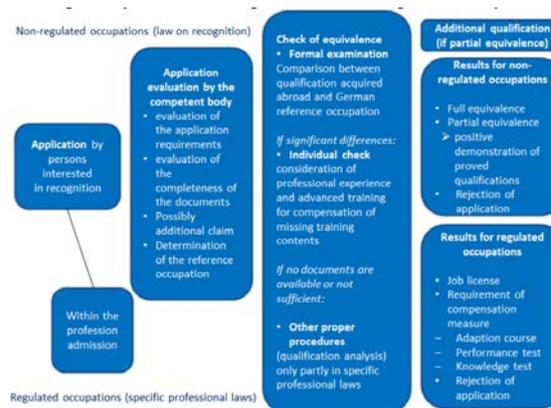


Figure 5: Recognition procedure for regulated and non-regulated occupations in Germany [1: 90].

Referring to Figure 4 in the following the three phases of the recognition process are described more detailed.

Within the phase of orientation the individual case is discussed regarding the option to make an application for the assessment of equivalence or to use alternative measures for better labour market integration. Within the implementation of the German law on recognition in addition to the already existing guidance institutions a differentiated information and guidance system was developed. This system comprises a telephone hotline, the comprehensive website “Recognition in Germany” and a network of first contact points. One can differentiate between self-information, first guidance and entrance guidance. The hotline and the first contact points provide first guidance which comprises information about the relevant legal basis for recognition as well as a reference to the competent body. The employment service institutions provide information on the labour market integration as well as on the recognition of foreign qualifications. Entrance guidance to the process of recognition itself is provided by the competent bodies, which are the chambers or the federal state authorities. Since 2011 within the program “Integration by qualification” (IQ) 16 regional networks have been developed which cover the whole country. These networks support all stakeholders which are responsible for guidance, recognition and labour market integration in different fields. Furthermore they provide training courses on the recognition of foreign qualifications. The 70 IQ-first contact points provide phone and face to face guidance within a two-step approach: as a must they offer interested persons a first guidance and as add on a comprehensive support during the recognition process. The main focus of the guidance provided by the employment service institutions is to adjust the integration chances of the foreign qualifications and give reference to the competent body for the recognition. The competent bodies within their entrance guidance determine the German reference occupation for the recognition. Furthermore they discuss professional aims and

visions as well as alternative recognition approaches with the applicants [1: 27ff].

The second phase of execution contains the above mentioned three steps of checking the application requirements, the evaluation of equivalence and the provision of a notification. The chambers are the competent bodies for the non-regulated occupations. Regarding the regulated occupations the responsibility depends on the specific professional laws and the relevant regulations of the federal states. Within the first step the application is checked regarding the completeness of documents and the reference occupation is determined. In the context of the equivalence check a comparison between the foreign qualification and the reference occupation is conducted. If this check shows major differences the professional experience and other certificates of competence are taken into account. A further alternative to check the equivalence is the so called qualification analysis, which can be used if no documents to prove the qualification can be provided. Within the qualification analysis various methods can be used like interviews, portfolios, tests, work samples, questionnaires, role plays, observations and expert evidence. The result of the equivalence check differs between regulated and non-regulated occupations. In the case of regulated occupations a full recognition leads to the occupational licence. If substantial requirements of the German reference occupation are not met the competent body claim compensation measures. Regarding non-regulated occupations full and partial recognition can be differentiated. In the case of partial recognition the existing qualifications as well as the lacking competences are described. Rejection of an application is possible for regulated as well as for non-regulated occupations. The competent bodies can use the so called BQ-portal website and the anabin data base to get information about foreign vocational education systems, foreign occupational profiles, training courses and training institutions as well as the results of prior equivalence checks. The BQ-portal contains 60 country profiles, 666 occupational profiles and 160 results of prior equivalence checks (status March 2014). The data base anabin contains information on more than 180 countries regarding their educational institutions and their qualifications. Besides this the so called central office for foreign systems of education under the responsibility of the conference of German cultural ministers issues expertise regarding the recognition of academic and occupational recognition worldwide in line with the Lisbon Recognition Convention and is the national information point for the EU Recognition Directive 2005/36/EC. In both areas - industry and commerce as well as handcraft – special organisational models have been developed to concentrate resources. Within industry and commerce a new institution – called IHK FOSA (Foreign Skills Approval) – was created, which is nationwide responsible.

Regarding handcrafts the local chambers are responsible whereat a system of so called leading chambers has been developed, which are responsible for certain countries of origin. Such leading chambers exist for 36 countries of origin. In the fields of health occupations also certain chambers have been nominated as nationwide responsible point for the recognition of foreign qualifications. To support and accompany the implementation and execution of the law on recognition two working groups – one on the federal level and one on the state level – have been established [1: 30ff].

Regarding the phase of utilization of the recognition result on the labour market the monitoring report on the recognition law states that the full recognition and the certificate of equivalence facilitates the integration of the applicants on the labour market because it increases the acceptance of the foreign qualification. The owner of a certificate of equivalence becomes more competitive towards the job applicants with a domestic qualification. Furthermore an adequate employment offers the chance of a pay scale grouping corresponding to the occupational tasks. Besides, the detailed description of the major differences to the German national reference occupation gives detailed information regarding specific further training for a full recognition. For enterprises the certificate of equivalence gives orientation regarding the potential occupational field, in which the person can work. So the law on recognition enhances the transparency of foreign qualifications for employers. It also gives them the opportunity for a more tailored human resource development. Here also partial recognition creates an additional value as the existing qualifications and competences can be complemented by further professional training [1: 34ff].

## **b. Relevant standards and references**

The core reference used under the recognition act is the so-called reference occupation, which is determined by the respective competent body. After this decision a review is carried out to determine whether there is equivalence between the foreign occupation and the current German occupation respectively the reference occupation. The review is document based and evidence of a foreign vocational qualification must be provided for this purpose. In an initial step, the basis for this is taken as the learning outcomes of a formal learning process within an educational programme. The key decision making criteria here is whether important differences exist in terms of content or duration between the foreign occupation and the German reference occupation. If such differences are established, a second step assesses whether these can be offset by vocational experience or other additional qualification certificates. Besides evidence of training (mostly in the form of a

certificate), the responsible authorities generally require other documentation such as training regulations or a schedule of learning hours or topics in order to assess equivalence in terms of content and duration. This may be the case either before or during the procedure [13: 85].

In 2013, follow-up requests were made for documents in 35.5% of applications processed - in the case of regulated occupations it was actually 42.9% of cases processed. The proportion for non-regulated occupations was much lower at only 9%. This might be explained by the intensive initial counselling conducted by the Chambers of Industry and Commerce and the Chambers of trade. As part of this, all documentation required is pointed out at this stage. Follow-up requests for documentation due to doubts over authenticity and accuracy seldom occur as the responsible authorities generally request documents in legal form from the relevant institutions such as embassies or consulates. In practice, applicants often find it difficult to get hold of documents. Lists of subjects covered and the learning hours associated with this are difficult to obtain after the event. This is very time consuming and incurs a financial cost [13: 86].

The recognition act makes it possible for differences between the foreign occupation and the German reference occupation to be offset by vocational experience. Here, the extent to which vocational experience is taken into account in offsetting these differences is heavily dependent on the area concerned. In the area of non-regulated occupations, vocational experience was taken into account in 42.1% of all completed procedures over 2013. Full equivalences were certified in 95.2% of those procedures in non-regulated occupations where vocational experience was taken into account. The situation looks very different in the area of regulated occupations. Here, vocational experience was only taken into account in 9.7% of cases. In the procedures conducted here which took into account vocational experience, full equivalence was established in 75.3% of cases. The reasons why vocational experience may not be taken into account are that its duration is too brief, it does not relate closely enough to the significant differences or there is a lack of evidence and documents available. It is often the case that vocational experience is not taken into account if it is already clear that compensation measures are necessary - this is often the case for applications from third countries [13: 89].

The authorities responsible describe the review of vocational experience as costly and time consuming. This is, in particular, due to the fact the information in the documents submitted lacks the detail needed in order to be able to offset the significant differences. If documents are available, these often provide little information about the duration, content and quality of the work. In the area of healthcare in particular there are requests from the authorities responsible that vocational

experience should be gained through a central appraisal office. Vocational experience is often taken into account in the non-regulated occupational areas [13: 91].

If it is not possible for the applicants to submit documents containing sufficient information - for example, because they are refugees - then, in accordance with the recognition act, "other procedures" may be used to determine knowledge, skills and competences. The following methods are used (in rank order) as part of this so-called qualification analysis: 1. trial work, 2. specialist discussions, 3. role play, simulated conversation, 4. presentation of work results, trial work in the company [13: 91].

A high level of organisational effort is needed to conduct the qualification analysis. Although this becomes less the more this is carried out in practice, each qualification analysis must be arranged individually. Experts need to be instructed in the procedure, and workshops and specific materials are also required depending on the method used. The costs of implementation vary and depend on the level of work required in each case. Materials were developed for the implementation of qualification analyses as part of the prototyping project (2011 to 2014) and were made available nationally. The current follow-up project to this is the "Prototyping transfer", the aim of which is the dissemination and implementation of the procedure in practice [13: 92].

### **c. Country specific remarkable aspects**

Three years after the introduction of the recognition act, a survey of the responsible authorities shows that requests for upskilling courses in the case of partially established equivalence are increasing. In most cases those making the request can be offered upskilling courses in the respective region or a provider can be named who has a relevant course on offer. As part of their counselling relating to the job market, job centres are also tending to recommend the completion of upskilling courses if equivalence is partially established. It is much less often the case that those making the request are recommended to commence employment on the basis of partial equivalence. Continuing education providers appear increasingly to be adapting to the specific needs of this target group and either adapting their courses or offering new ones. In addition, the collaboration between the continuing education providers and responsible authorities has been expanded [13: 112].

Because the proportion of procedures ending in partial equivalence has risen - leading to a fall in those where no equivalence was established - there has also been increased demand with respect to qualification measures which enable the missing knowledge, skills and competences to be acquired. Various alternatives are discussed with respect to the kind of upskilling courses such as participation

in continuing education activities, the completion of industrial placements and commencing shortened training with the opportunity to complete the German vocational examination. At the start of 2015, the Federal Government created an additional key area for actions relating to the “Qualification of migrants in the context of the recognition act” as part of the IQ support programme [13: 113].

In 39% of cases, language courses are offered by continuing education providers (for example German related to the occupation) which is a similar frequency to vocational course at 38%. 23% offer courses in both areas of study [13: 116].

60% of institutions offering provision are either commercial or non-profit private institutions or further education colleges. The continuing education providers offer upskilling courses both as part of their regular activities as well as part of special schemes. Here, the proportion of institutions who cover the provision within their regular provision has fallen. In contrast to this, the proportion of providers who have specific courses available for these target groups has risen - both in relation to regular courses as well as just specific ones. If specific courses are available, these are, for example, specific language courses, specific integration courses or technical courses [13: 117]. The data show clearly that the German responsible authorities within the field of upskilling courses have seriously expanded their supply.

## 6. Conclusion

Comparing the Canadian and the German approach a general result is that both approaches differ regarding the underlying principles and actor-constellations. That means the respective responsibilities and the function of recognition differs between the two countries. While for Canada the recognition of foreign qualifications is more a necessity of labour market policy and a migration policy issue, in Germany it is perceived more as a measure to protect and safeguard recognised occupational standards and due to the significance of the Dual System also as a vocational education policy challenge.

However considering the level of operation, which means the concrete procedures in place, the approaches are quite similar and comparable. This shows that the core problem of comparing foreign qualifications to the domestic ones leads the countries to similar methods and instruments – although the form of the domestic standards and references may differ.

In Germany as well as in Canada the process of recognition involves several stakeholders. Regarding this criterion the comparison showed that the German recognition process is nationwide quite homogeneous other than in Canada. Differences occur mostly due to the different occupations recognized which institution is

responsible for the particular occupation. In the German context the recognition process is regarded broadly from the information and guidance over the recognition itself to finally the integration into the labor market. Other than in Canada the recognition of foreign qualifications is no precondition for migration – relating to skilled migration. In almost any occupation the access to it is uncoupled from the citizenship. By the certificate of equivalence the owner is equated with persons who own the relevant German training qualification.

The German law on recognition especially covers the non-regulated area as the regulated occupations are Europe-wide clearly regulated by a recognition directive. Meanwhile distinct institutional structures are established in Germany – other than in Canada, where a multiplicity of institutions are involved in the process of recognition and the situation is strongly influenced by the differences between the provinces and territories.

In Germany the migration and recognition of qualifications from other EU-countries has to be distinguished from the one from third countries. The former basically accords to the interior migration between different provinces and territories in Canada, while the second accords to migration to Canada from other countries.

In both countries the logic behind the implementation of the recognition procedures is different. Germany focuses on the ascertainment of equivalence between the foreign qualifications and the German ones used as reference. The main intention behind it is to conduce to the protection of German professional standards, which are also relevant for questions of tariff. In contrast the Canadian recognition procedures serve more as a governance instrument of the migration policy, while they even differ between the provinces and territories. These differences include professional standards/requirements and applied methods as well as responsibilities.

Nevertheless the logic behind the implementation differs between both countries and further various differences can be identified, there are also commonalities – especially regarding the future challenges they face. In both countries there is a need for more information and guidance. Furthermore both countries have realized the importance of target group tailored measures for the cases of a partial or no recognition and have developed respectively are still working on appropriate solutions like skills upgrading, bridging programs and alternative pathways to related occupations. As described above especially Germany has moved forward since the implementation of its law on recognition in 2012.

For both countries the appropriate balance between the weight of the assessment and recognition of credentials versus the assessment and recognition of trade experience still seems to be an open question. Regarding the examination and

verification of foreign documents and credentials both countries use similar methods and try to collect as much information about the (vocational) education systems of other countries and use this for the decisions on recognition. At the moment Germany is quite advanced regarding the development of a nationwide homogenous procedure and the provision of all relevant information on the recognition of foreign qualifications on one central website. In Canada the development and practical use of follow up measures after migration like bridging programs or gap training – including the question, whether the measures developed are always tailored for the immigrants' needs or are too global and time consuming.

In any case both countries are facing a skills shortage, which they have to handle and find solutions for. Here migration and the recognition of foreign qualifications are big issues in the tension field between safeguarding national professional standards on the one hand and meeting the demands of the domestic labor market on the other hand. Summing up the value of a qualification in a foreign context is depending on various factors like the political and economical background of the respective receiving countries and the function of the recognition processes. Furthermore it plays a prominent role whether there is trust regarding the foreign qualification, which is depending on how much information about it is provided and available, and whether there is a political will, which is related to various political fields – labour market policy, education policy and migration policy.

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