



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LABOUR MOBILITY ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LABOUR MOBILITY ACT

CHAPTER L-1.1

1. Definitions

In this Act

- (a) “**Agreement**” means the Canadian Free Trade Agreement entered into by the Government of Canada and the governments of the provinces and territories of Canada in 2017, as amended from time to time;
- (b) “**Canadian jurisdiction**” means a jurisdiction the government of which is a party to the Agreement;
- (c) “**certification**”, in relation to an individual, means a certificate, license, registration or other form of official recognition issued by a regulatory authority of a Canadian jurisdiction that attests that the individual is qualified and, if applicable, authorized, to do one or both of the following:
 - (i) practise an occupation,
 - (ii) use a title, designation or abbreviated title or designation relating to an occupation;
- (d) “**measure**” includes an enactment, rule, bylaw, directive, requirement, guideline, program, policy, practice or procedure or a portion of any such enactment, rule, bylaw, directive, requirement, guideline, program, policy, practice or procedure;
- (e) “**Minister**” means that member of the Executive Council charged by Order of the Lieutenant Governor in Council with the administration of this Act;
- (f) “**occupation**” means a set of jobs which, with some variation, are similar in their main tasks or duties or in the type of work performed;
- (g) “**occupational standard**” means the skills, knowledge and abilities required for an occupation as established by a regulatory authority of a Canadian jurisdiction and against which the qualifications of an individual in that occupation are assessed;
- (h) “**regulatory authority**” means a person or other body, whether or not a governmental entity, that has been authorized under an enactment to set or implement measures related to one or more of the following:
 - (i) the establishment of occupational standards or certification requirements,
 - (ii) the assessment of the qualifications of individuals against established occupational standards or certification requirements,
 - (iii) official recognition that an individual meets established occupational standards or certification requirements,and includes any other person or body designated in the regulations;
- (i) “**responsible Minister**”, in relation to an enactment under which a regulatory authority is established, means that member of the Executive Council charged by Order of the Lieutenant Governor in Council with the administration of that enactment. *2010, c.37, s.1; 2020, c.73, s.1.*

2. Conflict or paramountcy

- (1) Where, in respect of an application for certification made to a regulatory authority, there is an inconsistency between a measure set or implemented by the regulatory authority and a provision of Chapter Seven of the Agreement, the regulatory authority shall decide the application in compliance with the provision of Chapter Seven of the Agreement.

Exception

- (2) Subsection (1) does not apply if the measure set or implemented by the regulatory authority referred to in that subsection is approved by the responsible Minister and the Minister for the purposes of achieving a legitimate objective pursuant to Chapter Seven of the Agreement. *2010, c.37, s.2; 2020, c.73, s.2.*

3. Certification measures

- (1) A regulatory authority shall ensure that any measure it adopts or maintains respecting the certification of individuals in relation to an occupation complies with the provisions of Chapter Seven of the Agreement.

Waiving or adapting requirements

- (2) In order to comply with subsection (1), a regulatory authority may waive or adapt any requirements for certification set or implemented in relation to the occupation, notwithstanding any other measure. *2010, c.37, s.3; 2020, c.73, s.3.*

4. Occupational standards

A regulatory authority that wishes to establish or amend an occupational standard shall comply with Chapter Seven of the Agreement. *2010, c.37, s.4; 2020, c.73, s.3.*

5. Request for information

- (1) The Minister may request a regulatory authority to provide information and reports with respect to any matter relating to its compliance with Chapter Seven of the Agreement.

Compliance with request for information

- (2) A regulatory authority shall comply with a request made under subsection (1) within the time and in the manner specified in the request. *2010, c.37, s.5; 2020, c.73, s.3.*

6. Request to comply with Chapter Seven

- (1) Subject to subsection (2), the Minister may, in writing, request a regulatory authority to do anything that is necessary or advisable to comply with Chapter Seven of the Agreement.

Recommendation

- (2) Where a regulatory authority is established under an enactment for which there is another responsible Minister, the Minister may recommend to the responsible Minister that the responsible Minister make a request referred to in subsection (1).

Request by responsible Minister

- (3) Where a responsible Minister receives a recommendation under subsection (2) in respect of a regulatory authority, the responsible Minister may, in writing, request the regulatory authority to do anything that is necessary or advisable to comply with Chapter Seven of the Agreement.

Contents of request

- (4) A request made to a regulatory authority under subsection (1) or (3)
- (a) shall set out the action that the regulatory authority is required to take;
 - (b) may require the regulatory authority to take such steps as are within the power of the regulatory authority to make, amend or repeal a measure specified in the request; and
 - (c) shall specify the period of time within which the regulatory authority must comply with the request.
- (5) A regulatory authority shall comply with a request made under subsection (1) or (3) within the time and in the manner specified in the request.

Power of Lieutenant Governor in Council

- (6) Where a regulatory authority does not comply with a request made under subsection (1) or (3) to make, amend or repeal a measure within the time and in the manner specified in the request, the Lieutenant Governor in Council may make regulations making, amending or repealing the measure. *2010,c.37,s.6; 2020,c.73,s.3.*

7. Agreement does not become law

Nothing in this Act gives the Agreement the force of law. *2010,c.37,s.7; 2020,c.73,s.3.*

8. Prohibition on private cause of action

- (1) A legal proceeding does not lie or may not be brought or continued against the Government or another person to enforce or determine a right or obligation that is claimed or arises solely under the Agreement.

Proceeding contemplated by Agreement

- (2) Subsection (1) does not apply to a proceeding that is contemplated by Chapter Ten of the Agreement. *2010,c.37,s.8; 2020,c.73,s.4.*

9. Conflicts

Where there is a conflict between a provision of this Act or a regulation made under this Act and

- (a) a provision of any other enactment; or
- (b) a measure set or implemented by a regulatory authority,

the provision of this Act or the regulation made under this Act prevails to the extent of the conflict. *2010,c.37,s.9.*

10. Regulations

The Lieutenant Governor in Council may make regulations

- (a) designating a person or body as a “regulatory authority” for the purposes of clause 1(h);
- (b) defining any word or expression used but not defined in this Act;
- (c) further defining any word or expression defined in this Act; and
- (d) respecting such other matters as the Lieutenant Governor in Council considers necessary or advisable to give effect to the purposes of this Act. *2010,c.37,s.10.*