NS WORLD

COLLABORATIVE FEDERALISM

HOW LABOUR MOBILITY AND FOREIGN QUALIFICATION RECOGNITION ARE CHANGING CANADA'S INTERGOVERNMENTAL LANDSCAPE

A CASE STUDY

Key Topics Discussed:

CO-PRODUCTION AND WORKING ACROSS BOUNDARIES

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Those working in government today are the first generation of public servants with the responsibility of simultaneously addressing difficult, complicated and complex public problems.[2]

INTRODUCTION

Canada is facing the biggest wave of immigrant labour it has ever seen. The Canadian population is aging and, as a result, the labour force is shrinking. As it shrinks, Canada is turning to immigration to help rebuild it. A key challenge for rebuilding the labour force and successful immigrant settlement lies in the ability of new Canadians to find work in their chosen field anywhere an opportunity exists in the country. This challenge is part of a high-stakes, unfolding drama. The drama is about the rise of globalization, the changing complexion of Canadian society, and the demographic earthquake that lies ahead. It is also about something much larger: the challenge of governing a diverse federation in an increasingly complex and interdependent world.

This case study explores two intertwined issues that shape the experience of immigrants in the Canadian labour market: *internal* labour mobility (allowing skilled Canadians to practice their trades anywhere in the country) and *foreign* qualifications recognition (FQR) (allowing new Canadians with qualifications attained abroad to practice in their chosen field anywhere in Canada). Both parts of the story involve intersecting issues and multiple jurisdictions (the federal government, the provinces and territories, and the professional bodies that regulate their members' qualifications). Told together, the stories highlight four main themes.

The first is the deep interconnectedness between the work on FQR and the evolution of labour mobility. While the story of labour mobility goes back to the founding of the country, the latest iteration of the debate began some 15 years ago with the arrival of the Agreement on Internal Trade (AIT) (described in more detail later on). In the last few years, real and unexpected progress has been made on this file, progress that has lent energy to the second – and much more complex - task of standardizing the Canadian approach to recognizing foreign qualifications.

A second theme addresses changing relationships in the

Canadian constitutional family. Through the development of the AIT and subsequent amendments in 2009, there seems to be a deepening commitment to collaboration among the members of the federation on this issue. The foreign qualification recognition (FQR) framework that followed is an important step in the same direction: it commits all governments to work together to build a system based on the principles of openness, transparency, responsiveness and fairness. This, in turn, could help create the conditions for a more open and collaborative working relationship between governments.

Third: making collaboration work well in these areas is not easy. It takes change and adjustment, including a shift from a rules-based to a results-based assessment of qualifications, the engagement of stakeholders and immigrants, the development of new tools, and a real commitment to continuous learning. If some progress is being made here, there is still a long way to go.

Finally — and this is the fourth theme - this study draws a very special lesson for the federal government, a player that emerges more as a convener, facilitator and enabler than as a patriarch of the constitutional family.

But first, let us begin with the central problem that opens the story.

THE ISSUE: LABOUR MOBILITY IN CANADA

Labour mobility ensures that workers are free to practice their trade where opportunities exist.[3] For Canada, that means at least two things: workers need to be free to move across our *internal* boundaries; and immigrants who have been trained *abroad* need to be able to practice their trade here.

Realizing these goals in practice has been a challenge, however. A key issue is the size and diversity of our country. Canada is the second largest country in the world after Russia, covering 9.9 million square kilometers. The Canadian federation includes 10 provinces and three territories whose populations, size and geography vary greatly.[4] The Territory of Nunavut, for example, has only 30,000 people, yet at 1,994,000 square kilometers, it occupies a fifth of the country's landmass. By compari-

son, Ontario's population is huge, with over 11,000,000 people. Prince Edward Island, on the other hand, seems geographically tiny beside both Ontario and Nunavut, occupying a scant 6,000 square kilometers. Under our constitution, the provinces and territories are responsible for social services, such as health, education, and welfare, as well as many other key areas, such as professional trades, labour relations and consumer protection.

Our population is also demographically diverse. Canada is home to more than 600 First Nations, as well as the Inuit and Métis peoples. We have two founding language groups: French and English. We now have the highest per capita immigration rate in the world, many coming from Southeast Asia, China, India and the Caribbean. As a result, we are not only regionally, culturally and linguistically diverse; we may be the most multicultural and multiethnic society in the world.

Not surprisingly, labour mobility is a challenge. Our Constitution assigns the regulation of trades and professions to the provinces; they, in turn, have delegated many of these responsibilities to some 500 organizations that regulate a wide range of occupations across the country. During the latter half of the 20th century, these regulatory bodies grew significantly, both in terms of their size and the scope of their activities. When setting requirements for trades and professions, regulators naturally drew on the expertise and practices of their local institutions, such as universities, hospitals and trade unions. These, in turn, were shaped by the particular events and history of their region, from successive waves of immigration to local dependence on natural resources, such as fishing or mining. Not surprisingly, different jurisdictions adopted different requirements, ultimately making labour mobility across *internal Canadian* boundaries difficult and, in some professions, almost impossible.

In recent years, the additional issue of labour mobility for immigrants has moved to the fore. Until about the 1960s, much of Canada's immigrant population came from European countries whose educational and training practices were more similar to our own. Today, most of Canada's immigrants come from non-European countries whose practices are often very different. Assessing the level of those credentials and qualifications against Canadian standards can be very difficult. On one hand, governments worry about being negligent in premature recognition of foreign credentials, particularly in areas that touch health, safety and consumer protection. On the other hand, those who have been trained and certified elsewhere expect to have their credentials recognized in Canada. This is rightly perceived as a matter of fairness, but it is also a matter of prosperity and competitiveness if skilled immigrants are unable to participate fully in our economic and social development.

Unfortunately, they often don't. In 2008, for example, 41.9% of new immigrants, or 103,736 people, identified themselves as skilled workers; but only 40% of them now work at the same occupational level as they did before they came to Canada. While there are a variety of explanations, such as an inability to speak either of Canada's official languages fluently, the general view of the officials we interviewed was that FQR practices are a real barrier to immigrants' finding employment in fields they are or may be qualified for. At the same time, many employers report that they are facing a shortage of specific skills, a shortage forecasted to worsen with demographic change in the years to come.

The need? First, all Canadians want and need to be able to move and work freely within their country. Second, procedures need to be in place to assess immigrants' credentials quickly, effectively and fairly so that we can arrive at a better matching of their skills with their employment.

There is some good news on both fronts. Let's start with the story around internal labour mobility, where there has been some remarkable success in the last few years.

THE TWO-PART TALE

PART I: THE AGREEMENT ON INTERNAL TRADE

The Agreement on Internal Trade (AIT) came into effect on 1 July 1995.[5] As a "principles-based approach," it was designed to remove inter-provincial barriers and lead to consistency, predictability, and stability in trade and commerce, as well as greater fairness and equity.[6] Chapter 7 of the AIT was dedicated to labour mobility specifically, and was intended to ensure the free movement of workers within the country.

Despite that high-minded goal, progress was painfully slow in the decade that followed. Critics argued that because compliance was voluntary, and because there was a lack of political will to "take on parochial protectionist interests," progress was all but impossible. Pressure was mounting for the federal government to "show leadership" by asserting its constitutional authority over inter-provincial trade and ordering the barriers torn down.

With hindsight, this interpretation and solution were overly simplistic. There *was* a kind of parochialism at work here, but it was not just the self-serving, protectionist sort the critics claimed. The bigger problem was that people across the country simply didn't know each other very well and, as a result, responded defensively to the challenges posed. This lack of familiarity was clear from the way they pursued the goal of harmonizing certification requirements.

Here was the problem. The original Chapter 7 covered 51 occupations. When regulators set to work trying to remove barriers to labour mobility for these occupations, they began by examining the requirements for accreditation in each occupation; then they compared them across jurisdictions. Where differences were found, they had to decide what adjustments should be made. For example, becoming an engineer in Ontario might have required four years of post-secondary education. If only three were required in Alberta, then Albertans would not be certified in Ontario without a requisite amount of upgrading. Officials would then have to decide what steps were needed to meet this requirement.

Given the number of occupations and the catalogue of requirements to be sorted, the approach virtually assured that progress would be glacially slow. Officials had to meet, present their respective lists of requirements, compare them, and then decide how to deal with any differences. And there lies the rub. More often than not, dealing with differences involved proposals and counter-proposals, committee meetings of all sorts, decisions at higher levels, and so on. In short, it was a formula for endless process.

Then something unexpected happened. As representatives from different jurisdictions slogged away in the trenches, they started to get to know each other better. And, in the process, they came to appreciate the rationale behind their different requirements. It became clear that, while their respective requirements might be different, their standards for the tasks to be performed were remarkably similar. For example, both Ontario and Alberta expected an engineer to be able to perform pretty much the same tasks with a similar level of competence.

This was a major turning point in the process. Regulators stopped comparing lists of requirements, and started asking about the level of competence needed for the task. In other words, whether a skilled worker was required to take one test or two; was certified after a three-year or a four-year program; or graduated from a college or university: these were not the questions that mattered. The real question was whether officials were confident the worker had the level of competence needed for the job.

A new principle of labour mobility emerged from this discovery that formed the basis for a breakthrough. The principle has been quaintly stated somewhat as follows: there are many paths to the same destination (competency), but it is the destination, not the path, that should be assessed.

The new outlook culminated in a major breakthrough in September 2006 when the Committee of Federal-Provincial-Territorial Ministers Responsible for Internal Trade agreed on a plan to achieve full labour mobility. Three years later, in August 2009, amendments to the AIT were passed that turned the process upside down (or, perhaps, right-side up). The key passage states that "any worker certified for an occupation by a regulatory authority of one province or territory is to be recognized as qualified for that occupation by all other provinces and territories."

As one interviewee noted, this was the "Aha!" moment for labour mobility. It marked a dramatic shift in the overall approach. It was a rejection of the defensive, compliance-based strategy of comparing credentials in favour of a confident, outcome-based one that rests on assessing competency. The shift in emphasis is thus away from compliance with rules and onto the performance of a task. Regulators refer to this as "reverse onus," because it starts from the assumption that, in terms of outcomes, everyone is pretty much the same, and then puts the burden of proof and explanation on someone who thinks they are different.

For those involved in the day-to-day negotiations, the story also drew a lesson about effective governance *processes*. Without all the initial meetings and discussions comparing credentials, the community of regulators would not have built the relationships and trust needed to adopt the new approach. This trust, in turn, gave the committee of ministers the confidence it needed to adopt the reverse onus principle. There was a kind of social-learning process at work that led, eventually, to social innovation.

That social innovation, moreover, turns out to have had implications at the international level, which brings us to FQR.

PART II: FOREIGN QUALIFICATION RECOGNITION

At the international level, there is an enormous range of standards and requirements across professions. Some countries, such as the UK, are fairly similar to Canada; but others, such as India, are often very different. As a result, there are huge gaps between Canadian views of the competencies required for certain professions and those in many other countries. These gaps occur for at least two reasons.

The first is a disagreement over the standards needed to perform a task. Where this happens, it can be rectified in one of two ways: either an individual must get additional training or Canadians must change their standards.

The second reason is more a problem of terminology. Different countries often use the same term for what turn out to be quite different jobs. For example, a Canadian medical laboratory technician must be skilled in five basic practice areas. These five mark how the profession has been defined and therefore what skills are needed; other countries have done it differently. Thus, someone from abroad with the same title may be skilled in only three of these areas and/or may be skilled at other ones that are not included in the Canadian definition. Indeed, there are few countries where these five areas are the same.

A similar thing happens in many other professions, such as engineering, accounting and architecture. For example, in India, there exist accredited programs in "engi-

neering" that are closely linked to what Canadians would call a "water-station administrator." The range of tasks and skills we expect an engineer to perform in Canada can thus be quite different from those in India.

The issues around recognition of qualifications earned *outside* Canada are therefore much more difficult than those that arose with the AIT: there are not only differences over means (requirements); there are also differences over ends (competencies). The implications are in turn much larger: many professions may have to be redefined and workers may be required to acquire new competencies.

Under the new rules of the AIT, however, officials told us that the competency gap posed a further issue. According to the reverse onus principle, if someone from another country gets recognized in any province or territory in Canada, she is automatically recognized in all of them. In practice, we were told, this practice means that if a jurisdiction sets its standards too low, under-qualified workers could enter the country there, be certified 'through the backdoor,' and then move to other parts of the country to practice. This concern is intensified as large waves of immigrant labour arrive to rebuild the labour force after our aging population begins to retire.

This problem also has major implications for the relationship between the 14 federal, provincial and territorial governments responsible for dealing with FQR. Whether they realized it at the time, the principle of reverse onus effectively committed them to shared responsibility for the FQR system. The principle builds the need for collaboration into the very heart of the labour market — and, indeed, into our federal system. It means all 14 governments must work together along with stakeholders to build a system that assesses and evaluates international competencies quickly, efficiently and fairly, and that assigns an appropriate course of action to the findings.

In fact, an encouraging stride in that direction was made through the 2009 Pan-Canadian Framework for Assessment and Recognition of Qualifications; a federal-provincial-territorial document that sets out a shared vision, guiding principles and desired outcomes for improving the assessment and recognition of foreign qualifications in Canada.[7] It recognizes that the systems previously in place were designed for applicants who

were educated or trained in Canada. Although adjustments were made to accommodate applicants from outside the country, that system was far from perfect, often failing to assess other educational systems adequately or fairly. In addition, it often failed to respond to applicants' special needs and circumstances, including language issues, and the availability of information and documents. The Framework commits governments to begin working together to address these issues, and to address them in a client-centred way.[8]

The Framework sets out four key principles —- as well as a number of desired outcomes and benchmarks —- to guide development of the new system: Fairness, Transparency, Timeliness and Consistency. For example, the transparency principle says that the methods and criteria of assessment should be easy to understand and widely accessible to immigrants. Timeliness assures that "clients" will get a speedy result. Consistency means that the methods of assessing qualifications in different provinces must lead to the same conclusions. Finally, the fairness principle says that qualifications should be objective, reasonable and not exhibit bias.

Very few Canadians would disagree that government services should be client-centred; or argue with the responsibilities these principles place on governments. Certainly, the approach should please immigrants. But it does something for governments too. When 14 governments work together closely, values such as transparency and fairness are essential. Governments are often deeply distrustful of one another's intentions and motives, especially in federal-provincial dealings, where political interference and bureaucratic foot-dragging are legendary. Adopting these principles thus also helps create the environment of trust and openness needed for a more collaborative approach to federalism.

The Framework document concludes by outlining an implementation strategy. The biggest challenge here is in building the capacity to support assessment and recognition. Regulators must tackle the task profession by profession, sorting out differences over terminology and competencies as they go, and reaching agreement with their counterparts across the country as to how best to assess an immigrant's qualifications. There are important lessons from the AIT experience that can be applied here, as well as some interesting insights about the adjustments this new collaborative working arrange-

ment requires from governments.

The remainder of this chapter looks at how lessons from the AIT could contribute to the next stage of implementing the FQR Framework, and how these two processes are already changing the way Canadian governments work.

THE LESSONS FOR CANADA

COLLABORATION

Learning to collaborate is not an easy thing for government — especially when jurisdictional independence has been the norm for as long as it has in Canada. In a collaborative relationship, parties must have a clear commitment to a common goal; and they must have the will to work together to achieve it. Yet according to some of the officials we met, this commitment is still not strong in the FQR process. As one reported, provinces and territories are at very different stages of awareness and capacity on this issue. A key reason is the settlement habits of immigrants: a majority ends up in a few key metropolitan areas such as Vancouver, Toronto and Montreal. As a result, provincial governments in these regions are keenly aware of the issues; some of the smaller provinces, on the other hand, attract comparatively few immigrants and get few requests for qualifications assessment. Not surprisingly, they have little capacity to undertake those assessments and may not even view the underlying issue as a priority.

This difference in awareness and capacity is equally true of the regulatory bodies. On one hand, some of the bigger ones have considerable experience managing professionals such as nurses or engineers. As a result, they are often further along in understanding the issues and are more easily engaged in the discussions toward a solution (indeed, some have already done important work to define competencies, develop tools and devise processes for assessment). By contrast, many of the smaller bodies have little capacity and may be barely aware of the issues FQR raises.

BUILDING CAPACITY AND ENGAGING STAKEHOLDERS

If the Framework is to be successfully implemented, building capacity and engaging stakeholders is a critical task. The meetings and research, the development of various tools and databases, the awareness-raising and skills development - these are all part of the capacity-building process needed to realize the goal. It is worth taking a closer look at the kind of work such a process involves, as it also brings to light a new and emerging role for the federal government in collaborative initiatives like this one.

CHANGING PROCESSES, ROLES AND RELATIONSHIPS

Once the decision to achieve full labour mobility through the AIT had been made, the torch passed from the politicians to the bureaucrats. Their engagement process became the new thing on which success or failure depended. Someone had to be responsible for drafting documents, facilitating discussions, convening meetings, and writing and rewriting amendments. Without this, the goal would never have been achieved.

Much of the task fell to Human Resources and Social Development Canada (HRSDC), which was assigned responsibility for engaging the other 13 jurisdictions and their regulators. As officials there told us, their focus was mainly on the regulatory authorities and associations at national levels. Connecting and communicating with these bodies was essential: people needed to sit down together and talk. They also needed to hear from officials about the task, the plan, the issues and the future. All this was essential to build effective working relationships between stakeholders, some of whom were previously competitors.

Moreover, at first many regulators (and even some jurisdictions) were skeptical. The immediate task was to get them onside, exploring with them why labour mobility was in their best interest. The argument that seemed to resonate best was that mobility was an effective way of addressing shortages for skilled labour. Developing a narrative around this argument played a critical role in engaging the players, and the task fell mainly to officials at HRSDC.

By 2009, with that narrative and the regulatory amendments in place, a new Labour Mobility Coordinating Group (LMCG) was formed to take on responsibility for implementing the new chapter. This multi-stakeholder body includes representatives from provincial and national governments, regulatory bodies and other stakeholders. One of its tasks is to build a state-of-the-art database of occupations that falls under the new chapter. The provinces/territories collect the information, while the LMCG oversees the design and construction of the database. The result is a new multi-purpose tool available to governments and stakeholders to help manage assessment issues more effectively. It is a good example of the emerging collaborative approach, as well as the important role that information-sharing plays in this complex environment.

Another significant outcome of the new working relationship is the adoption of *Canada-wide* standards for things such as examinations to replace provincial/territorial ones. This change is especially noteworthy, given that "national standards" is traditionally a flashpoint in federal-provincial relations. (In the past, the federal government tended to view itself as the champion of such standards, while provinces often resisted them, on the grounds that it was federal intrusion into areas of their jurisdictional responsibility.) In this new collaborative environment, regulators and governments alike recognize the need for some kind of Canada-wide standards around competencies and assessment practices as the only realistic way to ensure that under-qualified labour cannot enter the labour market through the backdoor. The difference today is that these standards are emerging bottom-up through a wide range of discussions, research, practical experience and best practices across the country, rather than top-down from senior officials in Ottawa.

A final point of note is the value of corporate memory and continuity in the evolution of complex files. During the interviews, a surprising number of officials now working on FQR previously worked on the AIT. That previous experience helped ensure that learning from the AIT was preserved and transferred to FQR, and that the lessons and relationships built were not lost.

But if the two files are similar in some ways, they are different in others. For one thing, FQR involves international standards and a larger community of players,

thereby introducing a much greater degree of complexity. As a result, the personal relationships built during the AIT need to realigned *and expanded*: the tasks to be performed in the coming years will require new skills and tools and even closer collaboration. For example, governments will likely turn to educators to help fill some of the gaps needed to ensure immigrants qualify for certification. This work could include training programs, language exams or the development of new forms, processes and assessment tools. Governments have also been discussing whether the roles of regulatory bodies be expanded to take on new responsibilities, or whether capacity-building might help smaller ones mature more quickly (say, by helping organize and hold annual general meetings, which in time could become forums for developing and evaluating competencies).

Two important lessons from the AIT and FQR processes should be highlighted. First, such enormous efforts take more time and resources than expected. On the surface, the issues may seem simple, but sorting through them and building the trust needed is always more time-consuming than anticipated at the outset. When the committee of ministers reached agreement on the amendments to the AIT, they realized that the process needed to make it happen would require real resources, and they had the foresight to commit them. Similarly, major commitments of resources have also been made for FQR and the implementation of the Pan-Canadian Framework.

Second, there is a very special lesson in these stories for the federal government. In our interviews and research, we were struck by how conscious federal officials were of the collaborative nature of the process, and how respectful they were of the emerging culture around it. Unlike the more confrontational style of traditional federal-provincial relations, they agreed that their role here was more as a facilitator and enabler than a patriarch. By providing funding for the process, expertise and administrative support, research and policy development, they saw themselves as the grease that keeps the cart's wheels moving.

Moreover, no one saw this emerging facilitator role as less important than those assumed in the past. On the contrary, they viewed it more as "leading from behind," as one official put it. There are important "Canada-wide interests and perspectives" here that must be addressed.

No other level of government, they told us, is as well positioned to ensure this happens, but they do not see it as their job to tell the provinces/territories what to do. Their new role was to help ensure that issues emerge from the bottom-up by facilitating dialogue and discussion with the other parties. As a result, when these perspectives do emerge, everyone feels a sense of ownership.

POLITICAL LEADERSHIP

Getting full labour mobility was a significant achievement for all Canadian governments and it was achieved primarily through leadership at the provincial level, with support rather than impositions from the federal level.

It was Quebec Premier Jean Charest who put labour mobility on the agenda of the Council of the Federation in 2003, and then worked hard to rally fellow premiers around it. This leadership effort was highly successful, culminating in the amendments to the AIT. As federal officials noted in our interviews, Charest's leadership on internal trade and labour mobility was welcomed in Ottawa as a breath of fresh air. The decision by the committee of federal-provincial-territorial ministers would not have happened without him. Other interviewees had similar praise for the leadership shown by BC Premier Gordon Campbell and then Alberta Premier Ralph Klein in negotiating the similar Trade, Investment and Labour Mobility Agreement (TILMA) that did for BC and Alberta what the AIT later did for the whole country. It was, they told us, a critical milestone.

Advocates for better labour mobility had all but given up on negotiation and collaboration as a solution. Increasingly, they argued that the only way forward was for the federal government to take a hard line, assert its constitutional authority over inter-provincial trade, and order the barriers torn down.

Such a move would have been risky and provocative. First, it is unclear whether the Courts would have supported this interpretation of the Constitution and scholars disagree whether the federal government's responsibility for maintaining the economic union would have extended to such action. Second, and more worryingly, provinces would have viewed such a move as a serious "intrusion" into their jurisdiction. Some, at least, would

almost certainly have seen it as a declaration of constitutional war.

Canada has had far too many such battles in the past. Whether the critics like it, Canadian provinces are fiercely protective of their autonomy. Such a battle would likely have only deepened the cleavages in our political culture. This time, something different happened, and we have a successful agreement on labour mobility and are working (more slowly) to recognizing the value of the qualifications new Canadians bring with them. And we got there, not through an act of provocative federal "leadership," but through dialogue, social learning and collaboration. This achievement shows not only that collaboration can work; it may be a sign that our leaders and our political culture may be maturing; that we may be moving beyond the old schoolyard view that effective governance requires rigorous command-and-control structures, and that confrontational politics is an inevitable part of intergovernmental relations.

There is another path forward, and we can now see a little more clearly where it lies.

THE IMPLICATIONS FOR NEW SYNTHESIS THINKING

The drama around labour mobility is certainly about the collaboration, changing roles, and political leadership needed to make federalism work in an increasingly complex environment. Yet it is also about larger themes around governance anywhere on any issue in this new century. Here are some of these larger lessons seen from a New Synthesis lens.

COMPLEXITY IS THE ISSUE OF OUR TIMES

Forces such as globalization, new technology and demographic change are making our society more complex and interdependent. As a result, many policy issues are becoming more complex and interdependent, and *cannot* be resolved by a single department, government, or even by the public sector as a whole. Citizens, stakeholders and communities also have a role to play. The challenge for governments is to engage these players in

the task and then work with them to implement the solutions. Complexity therefore *implies* public engagement and collaboration. This chapter has demonstrated how labour mobility and foreign qualifications recognition are pushing these engagement and collaboration imperatives to the fore in Canada.

THE "BOTTOM-UP" OR COLLAB-ORATIVE APPROACH MATTERS

In an environment that is increasingly complex - and therefore collaborative - policy-making can no longer be viewed as just a search for the "right ideas." Good ideas are not enough. Policy development must also be about the process by which such ideas are produced and adopted. For example, the FQR experience shows that stakeholders and provincial governments in Canada recognize the need for national standards (right ideas). But, as the story also shows, they are unlikely to adopt these standards if not produced by the right kind of process — that is, from the bottom-up. In other words, if the same ideas came from the top-down, they would likely be rejected, perhaps vehemently. There is a general lesson here for public administration: if governments really want stakeholders, citizens and communities to take some ownership of complex issues, they must ensure they have a real say in defining the solutions. This in turn means these solutions must be produced and adopted by a collaborative process, where partners arrive at the solutions together, and feel a sense of shared ownership of them.

FROM COMPLIANCE TO PERFORMANCE

In the early negotiations around labour mobility, stakeholders and governments proceeded by comparing lists of requirements: a compliance problem. As a result, they made little progress. However, as they came to know each other better, their attention gradually shifted away from requirements and onto competencies; or, to put this differently, away from compliance and onto performance. By focusing on the task to be performed (and the competencies needed), regulators found they had less interest in trying to control one another's training processes. They were more interested in ensuring that "qualified" individuals could produce the results,

rather than match their list of requirements. This turning point in the discussion lends another general lesson for public administration: a preoccupation with rules is often a defensive response to uncertainty about what some person or organization might do. Once regulators recognized that they were working toward the same outcome, however, their view of the situation changed. They shifted the focus of their discussion from means to ends, compliance to performance, process to results.

UNDERSTANDING AND TRUST IS NECESSARY

A related lesson is that reaching a point where regulators could consider relaxing the requirements for compliance requires a high level of trust. Getting to know each other - building mutual understanding and trust around shared goals - may be the single most important success condition of collaborating in a complex environment.

A CITIZEN-CENTRED APPROACH BUILDS COLLABORATION

In the field of service delivery, the citizen-centred approach is a well-established principle. It is less widely appreciated, however, that such an approach also helps create the overall conditions for a more collaborative environment in the public sector. It commits governments to serving and engaging stakeholders and citizens in ways that demand high levels of openness, transparency, responsiveness and fairness. These commitments in turn also encourage collaboration among governments, stakeholders and citizens because they in turn build understanding and trust. From an intergovernmental perspective, focusing on meeting citizens' needs and expectations is thus a *practical* strategy for governments to get beyond their sometimes obsessive preoccupation with jurisdictional rules, focusing instead on shared goals, such as providing better programs and services to their citizens.

SHARED RESPONSIBILITY EQUALS SHARED ACCOUNTABILITY

We saw that adoption of the "reverse onus" clause in the AIT built collaboration into the federal system. We also saw that under the new rules for labour mobility, any one province can undermine the labour market system by failing to develop adequate FQR practices. The new FQR Framework responds by making explicit mutual responsibility for managing the system. What is not mentioned in the Framework, however, is that shared responsibility also implies shared accountability. Canadian governments will be forced to recognize this accountability onus - and to begin to institutionalize it - as they move forward.

LEADERSHIP MAY INCREASINGLY MEAN FACILITATION

The study shows how and why complex policy environments require large-scale, collaborative processes. It also shows that such processes need someone to play the role of convener, facilitator and enabler. Keeping the process moving, engaging the players, building capacity and facilitating the dialogue are all essential to success. National governments - especially in federations such as Canada's - are often well positioned to play this role. For many, this marks a departure from their traditional view of how best to provide national leadership.

PROGRESS REQUIRES POLITICAL LEADERSHIP

Strong and committed political leadership is essential to the success of such ambitious processes. Political leaders must be willing to consolidate the gains made as in the case of the reverse onus clause: without the willingness of leaders to make this change to policy, regulators would still be down in the trenches, trying to achieve labour mobility occupation by occupation.

RESOURCES MATTER

Large-scale processes require a significant investment of resources. Dialogue and capacity-building are essential for success. While resources must always be used wisely and effectively (with clear accountability measures, of course), leaders must recognize that investing in *process* is necessary if we are to renew our governance and administrative systems for a changing world.

SUMMARY

This case shows how government needs to play new roles—such as partner, facilitator, convenor, enabler—in order to work collaboratively across government, at different levels of government, and across society in order to achieve better results.

The pathway to better public results in the Labour Mobility case involves a government agency using its authority and resources to lever and align the efforts of government agencies at other levels. This was achieved by striking up a more collaborative set of relationships with the government actors involved. This led to a system-wide effort, involving multiple levels of government, at engaging and working with a wide range of actors in society to co-create a solution to the difficult public problem. The end result—at the level of the nation state—is better labour mobility for those with Canadian credentials. This potentially has laid a foundation for addressing the much more vexing problem of creating full labour market participation and mobility for those with foreign credentials, which is an ongoing problem that has severe economic, social and psychological impacts.

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ENDNOTES

1. The author would like to thank the program staff at the Labour Mobility and Foreign Credentials Recognition Programs, Human Resources and Skills Development Canada and the Foreign Credentials Referral Office, Citizenship and Immigration Canada for their assistance with this case study.
2. Bourgon, *NS6: A New Synthesis of Public Administration*.
3. Human Resources and Skills Development Canada, *What is Labour Mobility*.
4. Constitutionally, the territories are not separate jurisdictions but are under the control of the federal government. In practice, however, all three have negotiated robust devolution agreements that allow them to exercise many of the same powers as provinces.
5. Industry Canada, *Agreement on Internal Trade*.
6. Government of Alberta, *FAQs on the Agreement on Internal Trade*.
7. Human Resources and Skills Development Canada, *A Pan-Canadian Framework*.
8. See, for example, the Institute on Citizen-Centred Service at www.iccs-isac.org/en/.

FROM NS6 TO NS WORLD

THE NEW SYNTHESIS PROJECT

The New Synthesis Project is an international partnership of institutions and individuals who are dedicated to advancing the study and practice of public administration. While they hail from different countries, different political systems and different historical, economic and cultural contexts, all share the view that public administration as a practice and discipline is not yet aligned with the challenges of serving in the 21st century.

THE NEW SYNTHESIS 6 NETWORK

In 2009, Madame Jocelyne Bourgon invited six countries to join the New Synthesis Network (NS6), composed of officials, scholars and experts from Australia, Brazil, Canada, the Netherlands, Singapore and the United Kingdom. Committed to supporting practitioners whose work is becoming increasingly difficult, this network has engaged close to 200 people from more than 24 organizations. Their efforts have resulted in five international roundtables, five post-roundtable reports, and 17 case studies. Collectively, this work has generated significant insights into preparing governments to serve in the 21st century.

The Network's findings have been captured in the publication of a new book entitled *A New Synthesis of Public Administration: Serving in the 21st Century*, and is available in print and electronic formats from McGill-Queen's University Press. Its signature contribution is the presentation of an enabling governance framework that brings together the role of government, society and people to address some of the most complex and intractable problems of our time.
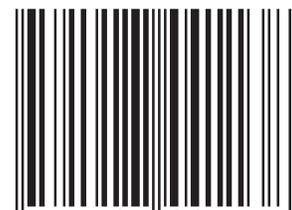
TOWARDS NS WORLD

So where to from here? Reconfiguring and building the capacities of government for the future cannot be accomplished through the publication of a single book. It is a continuous journey which requires the ongoing sharing and synthesis of ideas, as well as the feedback, learning and course adjustments that can only be derived by testing ideas in action.

And so the journey continues and the conversation expands. Our goal is to build upon the rich partnership of the original six participating countries by opening up this exchange with others—wherever they may be located. We seek to create an international community that connects all leaders—from government, the private sector and civil society—committed to helping prepare governments for the challenges ahead.

Next stages of this work will include virtual exchanges supported by web 2.0 technologies, as well as possible thematic and regionally-based networks and events. But no matter the vehicles, success can only be achieved through the active participation and collaboration of those passionate about making a difference.

We encourage you to stay tuned to nsworld.org for more information about how to get engaged.

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