REGULATORY RECONCILIATION AND COOPERATION TABLE (RCT) 2023 WORK PLAN¹

Approved by RCT: November 6, 2023

Overview

- Since its initial creation, 30 reconciliation items have been added to the RCT Work Plan. Twelve reconciliation
 agreements, covering 17 reconciliation Work Plan Items, have been negotiated to date with respect to the following
 items:
 - Occupational Health and Safety (2018 Reconciliation Agreement):
 - First Aid Kits (Item 1a)
 - Hearing Protection (Item 2)
 - Personal Flotation Devices (Item 4)
 - Head, Foot and Eye Protection (Item 5)
 - Occupational Health and Safety (2020 Umbrella Reconciliation Agreement):
 - First Aid Training (Item 1b)
 - Fall Protection (Item 3)
 - Transport: Wide-base Single Tires) (Item 8)
 - Transport: Truck Driver Certification Entry-Level Training (ELT) (Item 29)
 - Standards and Codes: Construction Codes (Item 12)
 - Technical Safety: CRN for Pressure Vessels (Item 13)
 - Standards and Codes: Energy Efficiency Standards for Household Appliances (Item 14)
 - Agriculture / Agri-Food / Aquaculture: Aquaculture Site marking (Item 17)
 - Agriculture / Agri-Food / Aquaculture: Aquaculture Organic Labelling (Item 18)
 - Agriculture / Agri-Food / Aquaculture: Grade Inspection for Produce (Item 19)
 - Regulatory Requirements: Corporate Registry (Item 22)
 - Textiles / Upholstery: Upholstered and Stuffed Articles (Item 24)
- Since the initial Work Plan was created in 2018, five cooperation items have been included, with negotiations having been concluded on the following three items:
 - Transport: Testing of Automated and Connected Vehicles (AV/CVs) (Item 2)
 - Construction: Builders' Lien Prompt Payment Legislation and Associated Regulations (Item 3)
 - Transport: Electronic Logging Devices (Item 11)

¹ This is developed pursuant to Annex 404 (para. 8) of the Canadian Free Trade Agreement (CFTA). 2023 RCT Work Plan (Last updated November 6, 2023)

Summary of 2023 Work Plan² For more detailed information, see Annex 1

Theme	Торіс	Deadline to Conclude Negotiation		
Items for Regulatory Reconciliation				
Occupational Health and Safety	 <u>Occupational Exposure Limits</u> (Item 6) <u>Occupational Health and Safety</u> <u>Management System</u> (Item 7) 	Short term (by March 31, 2024)Deferred		
Transport	 Spring Weight Restrictions (Trans-Canada Highway) (Item 9) Size and Weight Restrictions (excepting Spring Weight Restrictions) (Item 10) 	DeferredDeferred		
Standards and Codes	<u>Canadian Electrical Codes</u> (Item 28)	• Short term (by December 31, 2023)		
Agriculture/Agri- Food/Aquaculture	 Food Inspection (Item 15) Meat Inspection (Item 16) 	Medium term (by December 31, 2024)Medium term (by December 31, 2025)		
Construction	• <u>Construction Labour (Hiring Priority System)</u> (Item 20)	Deferred		
Drug Scheduling Requirements	Drug Scheduling (Item 21)	Deferred		
Registration Requirements	<u>Workers' Compensation Board</u> (Item 23)	Deferred		
Technical Safety/ Labour Mobility	<u>Gasfitter/Gas Technician Licensing/</u> Certification (Item 25)	• Short term (by May 31, 2023)		
Good and Services	 Identification and Mutual Recognition of Regulatory Measures Related to the Sale or Provision of Goods and Services (Item 30) 	 Short term (by December 31, 2023) and Medium term (by December 31, 2024) 		
	Items for Future Regulatory Coo	peration		
Technical Safety/ Labour Mobility	Building Officials/Inspectors Certification/ Licensing (Item 4)	• TBC		
Temporary Labour Mobility	<u>Temporary Rapid Registration for Workers</u> in Times of Urgent Need (e.g., Floods, epidemics) (Item 5)	Medium term (by December 31, 2024)		
Standards and Codes	Energy Using and Saving Products (Item 6)	Short term (by December 31, 2023)		

² Note on colour coding: green indicates a regulatory reconciliation item, while yellow indicates a regulatory cooperation item.

Annex 1: 2023 RCT Work Plan

This Annex arranges the Work Plan items in three sections to recognize the stages an item progresses through once it is added to the Work Plan. Section A lists items that are in active negotiation by a Working Group. At this phase in the process, a Working Group is exploring the issue(s) identified and actively working to reach a resolution to address the identified barrier. The result of this phase for a reconciliation item is a reconciliation agreement approved by the Working Group, endorsed by the RCT, and advanced for signature. For a cooperation item, the result can vary, including a summary of how the discussions transpired and/or the next steps to be taken.

Section B provides a list of all reconciliation items that have completed the negotiation phase and are now in the signing and/or implementation stage. See the Reconciliation Agreement Implementation Status Report for specific information on the Parties to each agreement and whether, and if so, when, they have signed and/or implemented the negotiated agreement.

Section C provides a list of all cooperation items negotiated.

Lastly, Section C lists items that have been deferred or are inactive for any number of reasons. While these items are not in active negotiation, they remain a priority and work continues to encourage progress allowing for a resolution of the identified barrier.

Item # & Topic	6. OCCUPATIONAL EXPOSURE LIMITS	ltem Type	Reconciliation
Theme	Occupational Health and Safety		
Short Term - by March 31, 2024			
CAALL-OSH continues to work on the 2022-2023 Work Plan, which includes harmonic on Occupational Exposure Limits (OELs).		which includes harmonization	
Timing	Although most jurisdictions agree on limits (recommended by AGCIH) and latest science, key challenge is the process and constraints for adoption are very different for each jurisdiction.		
	The most common implications or barriers for harmonization are the decision-making processes in each jurisdiction (legislative challenges, process for adoption (automatic in some), need for consultation); industry/sectoral makeup of each jurisdiction and varying impact of OELs on these industries and the process for updating (some jurisdictions have automatic adoption processes, others do not).		
Description			

A. Items in Active Negotiation

Businesses operating in or desiring to expand into other jurisdictions in Canada must comply with differing federal, provincial, and territorial OSH regulations. OELs for chemicals vary across Canada.

Additional Information

CAALL-OSH has recently developed a Memorandum of Understanding (MOU) to initiate information sharing between jurisdictions on research and approaches to OELs; however, this process is in its initial stages and no other collaboration with respect to OELs has taken place.

All jurisdictions recently responded to a detailed exercise that sought input and feedback on specific substances (silica, radon, diesel engine exhaust), barriers for implementation, process for adoption and other implementation considerations.

Item # & Topic	15. FOOD INSPECTION	ltem Type	Reconciliation
Theme	Agriculture/Agri-Food/Aquaculture		
Timing	Medium Term – by December 31, 2024		
Description			

Food sold within a province or territory must comply with that province or territory's food safety and inspection rules. Once it crosses borders, it falls within the jurisdiction of the new province/territory, as well as applicable federal legislation. To trade interprovincially, businesses must meet all the applicable federal requirements to get a federal registration.

Additional Information

Many small or medium businesses do not seek to have their establishments federally registered, as their local markets do not require this level of oversight. However, businesses seeking to expand into other domestic markets may be constrained by the costs associated with meeting current federal requirements. This can impact growth and innovation within the Canadian market.

Item # & Topic	16. MEAT INSPECTION	ltem Type	Reconciliation
Theme	Agriculture/Agri-Food/Aquaculture		
Timing	Short Term – by December 31, 2023		
Description			

Only meat processed in federally registered abattoirs can be exported inter-provincially.

Meeting the requirements for federal registration is currently costly and time consuming, and there are no provisions for exemptions based on regulatory system recognition.

Additional Information

Federal and provincial meat inspection requirements differ mainly in the area of building requirements, written program requirements, and level of oversight by an inspector and veterinarian.

For those businesses that do wish to expand interprovincially, businesses must undertake additional costs (time and/or financial) to meet federal requirements and register their establishments.

Item # & Topic	25. GASFITTER/GAS TECHNICIAN LICENSING/CERTIFICATION	ltem Type	Reconciliation
Theme	Technical Safety/Labour Mobility		
Timing	Short Term – by May 31, 2023		
Description			

Differences exist among provinces and territories in the licensing, training, qualifications, certification, and scope of work of gasfitters/gas technicians. These differences present an opportunity to align regulations or policies in a way that will facilitate the ability of skilled gasfitters/gas technicians from one jurisdiction to work in others, enhancing nation-wide labour mobility and strengthening interjurisdictional commerce. If successful, this work could provide a model for reconciliation in other technical trades.

Additional Information

Currently, gasfitter trade is a Red Seal recognized by most jurisdictions except SK, ON, NB and NL. While Red Seal trades are recognized across jurisdictions, the application of the trade (what the tradesperson can do or cannot do) and which is defined through licensing, differs across jurisdictions. These differences act as a barrier to labour mobility and interprovincial commerce.

Item # & Topic	28. CANADIAN ELECTRICAL CODE	Item Type	Reconciliation
Theme	Standards and Codes		
Timing	Short Term – by December 31, 2023		
Description			

The Canadian Electrical Code (CE Code) is developed by CSA Group as a National Standard of Canada. It is incorporated by reference in the regulations of every Canadian province and territory as well as in federal regulations to ensure the safety of electrical installations.

Currently, the adoption of the CE Code by federal, provincial, and territorial governments is misaligned. It takes governments different lengths of time to adopt the latest edition of the CE Code which results in having different editions of the CE Code adopted. Second, some jurisdictions make jurisdiction-specific modifications and amendments to the CE Code as part of their adoption process.

The objective is to facilitate the timely and aligned adoption of the CE Code across Canada by removing technical differences that may act as barriers to trade and addressing other issues related to aspects of CE Code implementation, including manufacturing, education/training, product design and certification, and labour mobility.

Additional Information

CSA Group publishes a new edition of the CE Code every three years; the current edition was published in 2018 and the next edition is expected in 2021. The earliest that CE Code could be impacted by this reconciliation process is 2024.

Item # & Topic	30. IDENTIFICATION AND MUTUAL RECOGNITION OF REGULATORY MEASURES RELATED TO THE SALE OR PROVISION OF GOODS AND SERVICES	ltem Type	Reconciliation
Theme	Goods and Services		
Timing	 Short Term – by December 31, 2023 for: identification of existing regulatory measures; developing draft text; and identifying measures for exceptions and transitional provisions for goods 		
Medium Term – December 31, 2023 for full reconciliation agreement on goods and services		reement on goods and	
Description			

The identification and mutual recognition of regulatory measures, such that any good or service that may legally be sold or provided in the jurisdiction of one Party may legally be sold or provided in the jurisdiction of all other Parties, without further material requirements, unless specifically listed as an exclusion.

Additional Information

Currently, every business, worker and investor wishing to sell or provide a good or service across Canada must identify all applicable regulatory measures in up to 14 different jurisdictions. All of these measures in each jurisdiction must then be separately complied with, even when such measures are similar, and designed to achieve the same objective(s).

Item # & Topic	4. BUILDING OFFICIALS/INSPECTORS CERTIFICATION/LICENSING	ltem Type	Cooperation
Theme	Technical Safety/Labour Mobility		

Timing	TBD
Description	

A patchwork of professional requirements across Canada inhibits labour mobility and professional development and opportunity, and potentially constrains business investment and mobility, while driving up costs for businesses and governments. The varying requirements negatively impact the quality and consistency of building code inspections and the enforcement of building code requirements.

Additional Information

Across Canada, there are currently several different certification and licensing models for this occupation: (1) licenses through a building officials' association, (2) some provinces license through government bodies, (3) some provinces and territories have no licensing requirements, and (4) in many provinces, their municipalities look after inspections but may contract out those of large and/or complex buildings to qualified third parties, oftentimes relying on professional accreditations determined by provincial building officials' associations.

Item # & Topic	5. TEMPORARY RAPID REGISTRATION FOR WORKERS IN TIMES OF URGENT NEED (E.G., FLOODS, EPIDEMICS)	ltem Type	Cooperation
Theme	Temporary Labour Mobility		
Timing	Medium Term – by December 31, 2024		
Description			

The registration requirements and processes of regulatory authorities are seen as barriers to the quick deployment of workers to assist with managing a crisis. Allowing regulators to quickly issue temporary registration to needed workers would address this concern.

Additional Information

Over the course of the pandemic, various barriers to labour mobility have been identified by service providers seeking to operate in new jurisdictions. In particular, there is a lack of transparency regarding the contact information for the relevant regulators and licensing authorities in each jurisdiction.

Item # & Topic	6. ENERGY USING AND SAVING PRODUCTS	ltem Type	Cooperation
Theme	Standards and Codes		
Timing	Short Term – by March 31, 2024		
Description			

Develop a framework to cooperate when developing or modifying energy efficiency standards or test procedures; and address regulatory differences to reduce significant obstacles, if any, to trade across provincial and territorial borders. Cooperation on energy performance of energy using products and products that affect the use of energy is desired to prevent unnecessary differences that could create burden for industry and create internal trade obstacles, but successful efforts at harmonization should not diminish the ability for each jurisdiction to make progress on their energy efficiency objectives.

Additional Information

B. Reconciliation Items in the Signing and/or Implementation Stage³

ltem	Theme	Торіс
1a	Occupational Health and Safety	First Aid Kits
1b	Occupational Health and Safety	Workplace First Aid Training
2	Occupational Health and Safety	Hearing Protection
3	Occupational Health and Safety	Fall Protection
4	Occupational Health and Safety	Personal Flotation Devices (PFDs)
5	Occupational Health and Safety	Head Foot and Eye Protection
8	Transport	Wide Base Single (WBS) Tires
12	Standards and Codes	Construction Codes
13	Standards and Codes	CRN for Pressure Equipment
14	Standards and Codes	Energy Efficiency Standards for Household Appliances
17	Agriculture / Agri-Food / Aquaculture	Aquaculture Site Marking
18	Agriculture / Agri-Food / Aquaculture	Aquaculture Organic Labeling
19	Agriculture / Agri-Food / Aquaculture	Grade Inspection for Produce
22	Registration Requirements	Corporate Registry
24	Textiles / Upholstery	Upholstered and Stuffed Articles Regulatory Requirements
27	Occupational Health and Safety	Personal Protective Equipment
29	Transport	Truck Driver Certification Entry-Level Training (ELT)

Notes:

- Reconciliation Work Plan Item #26 became Regulatory Cooperation Item #6 (Standards and Codes Energy Using and Saving Products).
- Cooperation Item #1 became Reconciliation Item #29 (Truck Driver Certification Entry-Level Training (ELT)).

C. Completed Cooperation Items

ltem	Theme	Торіс
2	Transport	Testing of Automated and Connected Vehicles
3	Construction	Builders' Lien – Prompt Payment Legislation and Associated Regulations
11	Transport	Electronic Logging Devices

D. Deferred or Inactive Items

Item # & Topic	7. OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT SYSTEM	ltem Type	Reconciliation
Theme	Occupational Health and Safety		
Description			

An Occupational Health and Safety Management System is a process put in place by an employer to minimize the risk of injury and illness. Currently no Canadian jurisdiction requires the use of occupational health and safety management systems in legislation or regulation and there are no known plans for doing so, but a number of provinces do encourage the use of such systems by providing benefits for businesses.

Additional Information

Currently, there is no nationally recognized Health and Safety Management System(s) and because different provinces recognize different systems it requires employers to be recertified to each specific provincial scheme

³ See Signature and Implementation tracking tables for more details. 2023 RCT Work Plan (Last updated November 6, 2023)

if they wish to take advantage of offered benefits. Also, some sectors require the adoption of these systems even though the government does not, often known as "blue tape".

Item # & Topic	9. SPRING WEIGHT RESTRICTIONS (TRANS-CANADA HIGHWAY)	ltem Type	Reconciliation
Theme	Transport		
Description			

Differing spring weight regulations require transport trucks, which are distributing goods across provincial boundaries on the Trans-Canada Highway, to abide by the lowest weight restriction.

Additional Information

Imposing spring weight restrictions on highways that have been built to the standard for the TransCanada Highway has resulted in trucks being forced to carry lighter loads during a 6-8 week period during the spring thaw. This requirement results in additional truck loads being needed and thus increases shipping rates.

Item # & Topic	10. SIZE AND WEIGHT RESTRICTIONS (EXCEPTION: SPRING WEIGHT RESTRICTIONS)	ltem Type	Reconciliation
Theme	Transport		
Description			

Trucking businesses have to contend with different trucking rules, depending on whether they are travelling inter-provincially or intra-provincially. Each province and territory is responsible for regulating the size and weights of trucks allowed on their highway systems.

Additional Information

While work is being undertaken to improve the uniformity of regulations for certain types of commercial vehicles, through a Memorandum of Understanding under the Council of Ministers of Transportation and Highway Safety, differences still exist.

Item # & Topic	20. CONSTRUCTION LABOUR (HIRING PRIORITY SYSTEM)	ltem Type	Reconciliation
Theme	Construction		
Description			

In general, in Québec, an employer must give priority to hiring workers residing in the region where the construction site is located before using workers from other regions.

The province is divided into 11 regions (zones) (including Nunavik).

Additional Information

Workers may only work on sites in other regions when the workforce mobility rules allow it (e.g. labour shortages, very specialized trade).

When registering with the Commission de la construction du Québec, a worker residing in another province or territory must select one of the 11 regions as his/her region of residence for the purposes of this priority hiring system.

Quebec's regulatory regime with regards to construction labour mobility differs significantly from those found in other Canadian jurisdictions. The regulatory regime currently in effect makes it more challenging for workers from outside a specific region (including workers from outside of the province) to participate in the workforce.

Item # & Topic	21. DRUG SCHEDULING	Item Type	Reconciliation
Theme	Drug Scheduling Requirements		
Description			

When a drug is approved for sale in Canada, Health Canada decides whether or not the drug requires a prescription to be sold. The scheduling of non-prescription drugs (decisions on how they are to be sold in pharmacies) is the responsibility of the provinces and territories.

Currently, the process by which P/Ts schedule non-prescription drugs varies across the country. This leads to uneven access to consumer health products and imposes a high regulatory burden on industry.

The situation becomes even more complex when a prescription drug already on the market in Canada is switched from prescription to non-prescription status. The complexity and uncertainty involved in the switch process creates a disincentive for companies to pursue such switches, which can result in innovative non-prescription products not coming to market in Canada.

Additional Information

Drug scheduling and conditions of sale are generally determined by the National Association of Pharmacy Regulatory Authorities (NAPRA), an association of provincial and territorial pharmacy regulatory bodies.

While many provinces and territories incorporate NAPRA's decisions by reference, some have separate or additional processes to determine the conditions of sale for non-prescription drugs in their jurisdictions.

A streamlined approach to scheduling could benefit Canadians by reducing the lag time between market authorization of non-prescription products and when they are available for sale and reducing inconsistencies in scheduling decisions.

Item # & Topic	23. WORKERS' COMPENSATION BOARD	ltem Type	Reconciliation
Theme	Registration Requirements		
Description			
Current Canadian workers' companyation logislation varies from one province to the payt. As a result			

Current Canadian workers' compensation legislation varies from one province to the next. As a result, businesses employing workers in many provinces or territories must comply with sometimes highly variable rules according to the government authority – federal, provincial or territorial.

Additional Information

For instance, in British Columbia, businesses from another province operating there must register with WorkSafeBC if they work in the province for 15 or more days per year. Conversely, in Nova Scotia, extraprovincial businesses must register their employees with the provincial Workers' Compensation Board once they have three or more employees working there for five or more days during a calendar year.