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ATTRACTING, INTEGRATING, SELECTING? REFLECTIONS ON THE RECOGNITION OF FOREIGN QUALIFICATIONS IN DIFFERENT CONTEXTS

Christiane Eberhardt / Silvia Annen

Federal Institute for Vocational Education and Training, Bonn, Germany

ABSTRACT

How can a professional or vocational qualification acquired abroad be recognised? Against the background of an impending shortage of skilled workers and negative demographic developments, this is a question which has had a role to play in Germany for some time now. In order to meet the demands of the German labour market by providing it with the skilled workers it needs, the so-called "Recognition Act" entered into force in April 2012. "Recognition" in this context is understood as a formal procedure assessing the qualification acquired abroad towards the German occupation. In some occupations (the "regulated ones" e.g. doctors, nurses, lawyer, engineers) recognition is a prerequisite for access to the profession as well as for using the job title. For the non-regulated occupations (amongst them more than 350 so called "state-recognised training occupations") recognition is no entry requirement to the labour market, but it is seen as an option in order to provide employers and companies with a better understanding of the foreign qualification. The knowing which occupational competences are possessed by a person who has acquired a certain qualification should facilitate matching processes on the labour market. Thus a recognition process is geared towards creating trust between the labour market (the party that accepts qualifications) and the individual (the person who is applying for skilled work). Some fundamental questions are linked with the implementation of recognition practices: How much information is required in order to assess a qualification as "equivalent" with a domestic one? How do countries with a long history of immigration approach the recognition of vocational qualifications and which procedures are in place? What are the perceived challenges to be faced? Some of these issues are addressed by the project "Models and procedures for the recognition of vocational qualifications and competences acquired abroad" (MoVA) which reflects the implementation of the "recognition Act" in Germany by looking abroad and analysing recognition models and strategies in EU and non-EU countries (Canada, Australia, United Kingdom, Switzerland). MoVA has a vocational training (VET) focus and investigates options and obstacles that arise with regard to the recognition of vocational competences in a different context. We provide a report at the halfway stage of the project and present initial reflections on terminological, methodological and on content specific challenges that emerged in the research process. We conclude with some remarks on the function that is accorded to recognition in various contexts.

INTRODUCTION

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For several decades, a debate has taken place in Europe as to how vocational qualifications below the level of a higher education degree can be formally recognised. Recognition was considered as an important tool in order to secure freedom of movement of labour and to support the establishment of a European labour market in overall terms. A series of European Directives stretching from the 1960's and culminating in the EU Recognition Directive 2005/36/EC form "milestones" along the way. This Directive applies across Europe and covers regulated professions and occupations only. A profession or occupation is considered to be "regulated" if evidence of a certain qualification is required to access and exercise it, i.e. access to the labour market is dependent on recognition. Member states decide autonomously on whether an occupation is regulated or not. The necessity for a formal procedure for the recognition of vocational qualifications is therefore dependent on whether the respective vocational qualification is regulated or not in the target countries. This is not standardised across Europe, a circumstance which finds its expression in the fact that "some member states have strict national regulations on access to certain professions, whilst some largely leave the matter to the social partners and professional associations (...) and others do not exercise any regulation at all." (Beyer Paulsen, 2008, p. 27). In Germany, 81 professions and occupations are regulated at national level (including 41 licensable Meister occupations in the skilled trades. Currently around 800 categories of regulated occupations exists in the Member States.

In Germany, recognition in years gone by depended on the status and nature of the profession (i.e. regulated or not) and on nationality and place of residence. In the field of non-regulated professions recognition was no prerequisite for accessing the labour market. Nevertheless, the number of workers with foreign qualifications entering the labour market on a skilled level that matched with their domestic qualification was low. For the employers the foreign qualifications were often not "readable" and it remained unclear which occupational competences are concealed behind the foreign qualification profile. The lack of knowledge on the foreign qualification and the absence of uniform assessment/recruitment procedures and yardsticks was however identified by policymakers and trade and industry as a barrier to the integration of qualified skilled workers into the domestic labour market.

Inclusion in the German labour market of persons with foreign qualifications is, however, increasingly becoming an urgent necessity. The population in Germany is shrinking and ageing. Prognoses prepared by the Federal Statistical Office suggest that the number of inhabitants of Germany will fall from around 81 million to between 65 and 70 million by the year 2060. One in three persons will be aged 65 and above (Report on Vocational Education and Training, 2015, p. 3). At the same time, the number of school leavers will decrease. This situation is already exerting effects on vocational education and training (VET). In 2014, 37,101 apprenticeship places in Germany remained vacant, 10% more than in the previous year – this means that the labour market will lack more and more skilled workers. The recruitment of skilled workers from abroad and the integration of persons who have not as yet been able to utilise their qualifications on the labour market are viewed as measures via which the negative effects of the impending shortage of skilled workers on productivity and growth in German trade and industry can be countered (Report on Vocational Education and Training, 2015, p. 4).

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This lent an additional dynamic to calls for procedures and regulations for the recognition of competences and qualifications acquired abroad and ultimately led in 2012 to the “Law to improve the assessment and recognition of professional and vocational education and training qualifications acquired abroad” (referred to in abbreviated form as the “Recognition Act”). The Recognition Act pursues two main objectives. The first aim is for persons already living in Germany who have thus far not been able to gain an adequate foothold on the labour market to be given an opportunity to have their qualifications assessed and be accorded equivalence with German qualifications. The second goal is for interested individuals abroad to undertake a prior investigation of whether their qualification can be recognised in Germany and, should this prove to be the case, to be encouraged to migrate to Germany. No differentiation is drawn as to whether persons interested in seeking recognition come from the European Union or third countries. The Recognition Act establishes a general right to a procedure (although not to recognition) in which the qualification acquired abroad is assessed in terms of a German occupation. The intention is for the assessment to take place in accordance with standardised procedures, irrespective of the nationality of applicants. The aim is for foreign professional and vocational qualifications to be recognised if “no substantial differences” exist between the foreign qualification and the German reference occupation. At the heart of the respective recognition procedure is the identification of (functional, formal and material) correspondence of a professional or vocational qualification with regard to a German reference occupation, i.e. evidence of equivalence.

In international terms, there is already a series of countries in which the recognition of professional and vocational qualifications acquired abroad is regulated. Some of these countries are in the focus of the MoVA project, in which strategies and concepts for the recognition of foreign vocational qualifications in selected European and non-European states are described and analysed in their specific application context. Questions that arose during the research process were: What is meant by “vocational” and by “qualification” in the different contexts? And: what is the function and the purpose of recognition in the various countries? In other words: How portable and transferable are qualifications? What is the value of a VET-qualification in another context? In the next pages we describe the challenges we met while working with these questions. We end up with some reflections on comparative VET research based on the MoVA example.

LITERATURE REVIEW

There are a number of studies in Germany which address the topic of ‘recognition of competences’ from a vocational education and training perspective. The current state of research is described by Annen/Eberhardt/Knöller/Gutschow (2013, pp 8-9). Questions of standardisation and certification (Hofer 2004, Annen 2012), and the validation of informal and non-formal learning (Clement/Le Mouillour/Walter 2006, Dehnbostel/Stamm-Riemer/Seidel 2010, Gutschow 2010 and Geldermann/Seidel/Severing 2008) form one big research cluster. A second research cluster covers studies that were conducted in order to prepare and/or to support the implementation of Recognition Act in Germany. The study “Brain waste: The

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recognition of foreign qualifications in Germany” (Englmann/Müller 2007) impacted the political agenda by analysing the recognition practice in Germany and by exploring the opportunities and problems associated with the recognition of foreign qualifications. Nevertheless, the introduction of the Recognition Act in 2012 has altered the situation in Germany, and this is something which has not been taken into account in previous studies. In Germany, the aim of the Recognition Act is to recognise vocational qualifications. Applicants need to have completed a VET-programme which must be documented by the competent bodies. For this reason, the current situation demands indications and results which focus more closely on the issue of valid criteria for the investigation of professional/occupational/vocational competences on an individual case basis. The obvious approach is to look at countries which have been recruiting skilled workers for their domestic labour markets in a targeted way for many years. A feasibility study on the establishment of a cross-occupational and cross-border information portal, prepared by Riesen/Werner (2011) and commissioned by the Federal Minister for Economic Affairs, devotes a few pages to considering the examples of Denmark, Sweden, Canada and Australia. Further articles on Canada by Bohlinger and Schmidtke each focus on individual aspects (Bohlinger 2011 on assessment of performance and Schmidtke 2009 on Canadian migration policy) which are closely connected with recognition.

If we switch focus and consider recognition as it relates to migration rather than against the background of VET policy issues (which outlines the third research cluster), it is revealed that skilled migration is seen in many countries as a key to counteracting labour market shortages and demographic challenges. The migration of highly skilled persons has already constituted the main emphasis of a number of publications (Peixoto 2001, Iredale 1999, Boyd 2013, Cerna 2014). These studies show that the labour market access of migrants depends to a high degree on the successful completion of respective recognition procedures, both in the European Union and in many countries beyond Europe. Skills recognition in general and in specific sectors and branches was and still is at the core of various publications by Hawthorne (for Australia) and Guo/Shan (for Canada). Often discussed as a migration policy issue, skills recognition has not until now been the subject of comparative VET research nor geared towards the target group of vocationally trained persons (skilled workers, journeymen, employees) at an intermediate qualification level (EQF level 3-5). MoVA seeks to fill this gap.

METHODS

MoVA is designed as an exploratory study which relates both to governance and to the specific level of implementation of recognition procedures. The questions posed relate to the following areas.

- Principles. (What were the driving forces behind the recognition regulations?)
- Construction. (What is the methodological and conceptual basis of recognition in the countries?)
- General (institutional) conditions. (How were the models/procedures introduced?)

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- Stakeholder constellations. (Who is involved in implementation? What is the nature of cooperation?)
- Procedures. (Which procedures are deployed and which upstream or downstream measures accompany these procedures?)
- Implementation. (Which factors have proved to be conducive to operative implementation?)

MoVA aims to identify the strategies and concepts for the recognition of qualifications acquired abroad and to present an inventory of relevant approaches adopted in the countries. The idea of focusing attention abroad is to show the significance attached there to the recognition of professional and vocational qualifications with regard to economic, policy and/or societal targets and how relevant models are conceived and institutionally integrated. Alongside this monitoring approach anchored at the level of educational systems, the procedures applied, and thus a consideration of the specific level of implementation, form a further focus of the project. The project is being implemented in several phases.

Screening

In the first phase, the countries to form the object of investigation were selected on the basis of a "screening" process. Against the background of data relating to migration, labour market policy and education and training, the status of development of the recognition procedures applied and the availability and accessibility of relevant information, the following countries were selected for consideration and presented in the form of criteria-based brief profiles: Norway, Denmark, Switzerland, Austria, the United Kingdom, Canada, Australia, the USA and South Africa. An analysis grid was used to investigate whether relevant models and procedures exist. The decision was taken to choose two European countries (the UK and Switzerland) and two non-European countries (Canada and Australia) for further analysis.

Briefing

The second phase of research involved an analysis of fundamental documents relating to the policy, legal, theoretical and conceptual backgrounds of the respective recognition models in the countries selected. The result was four "briefing reports" which summarise the current status and represent the basis for the interview phase.

Interviews

The interviews were based on an interview guide containing pre-defined categories. The questions are as open as possible and couched in a way appropriate to the object of investigation. The purpose of the interview guide was to "get people talking" whilst not losing sight of the essential issues addressed by the project (governance of models and specific implementation level of the procedures). In the four countries selected, interviews were conducted in pairs in English, French or German. The interviewees comprised experts (so-called "key persons") from the fields of policy, practice and research who are relevantly involved with the execution of recognition models/procedures. Within this context, the interview partners represent the approach and perspective of a certain expert group. The interviews were conducted in a problem-centred manner with regard to the recognition of professional and

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vocational qualifications acquired abroad. The aim of the interviews was to gather expert knowledge to supplement the interim results formulated, to subject these results to critical scrutiny and to modify them where necessary. The original plan was to conduct approximately ten interviews per country. With the exception of Switzerland, this number was exceeded in all other countries due to the fact that the stakeholders involved in the coordination and implementation of the recognition procedures are highly diverse in some cases. Each of the transcribed interviews will be subjected to a MAXQDA based content analysis evaluation and to condensed descriptions of the interviews.

Evaluation and systematisation

The collation of the results from the various phases of research will lead to the identification and systematisation of the models and procedures deployed in the countries, of their methodological conceptual principles and of the prevailing general institutional conditions. Finally, a comparative synthesis of the results will be drawn up. This will be discussed with experts involved in the implementation of the German Recognition Act.

FINDINGS

The processing of the research topic that has hitherto taken place has led to initial challenges and hypotheses and these will be presented here. They relate to aspects of the research design specified and to first impressions that we have gained from conducting around 60 interviews in the countries concerned. The interviews are currently being transcribed, and detailed analyses has not yet commenced.

Working with an analysis grid: How to map recognition models?

In order to take proper account of the various recognition models in different national or institutional contexts and arrive at a uniform way of mapping these, criteria which can serve as a basis for representation were developed within the scope of an initial analytical stage. The following considerations are associated with the individual categories (see intermediate report, Annen/Eberhardt 2014, pp. 12-15).

Quantitative framework data: data on population and immigration in the country, including, insofar as available, further information such as country of origin or diversity of educational qualifications of the migrants.

Context of the recognition model: National migration policy and its objectives, (educational) policy, economic and societal interests and objectives as backgrounds for the emergence of relevant recognition models.

The labour market as a reference system for qualifications: Any regulations to professions and occupations with regard to labour market entry. Are stakeholders on the labour market and within the educational system able to assess qualifications related to the national qualifications and labour market structures?

Stakeholders: stakeholders integrated into a recognition procedure and of the underlying norms (and standards) determining the process adopted and the available options in the procedures.

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Implementation: Norms and standards for the recognition procedure because standards may ease communication between stakeholders in the educational system and on the labour market.

Procedural coordination: coordination of tasks amongst the various stakeholders.

Methodology: methodological process stages and the methods specifically applied by the recognition bodies within the framework of the procedures.

Property rights: decision-making powers of organisations and stakeholders (for example certifiers or employers) that possess property rights within the scope of the recognition procedures for the making of decisions regarding recognition of qualifications.

Support structures/provision of information for the recognition process and the immigration process: programmes and measures which support migrants in the recognition of their qualifications.

Vocational education and training and qualification: the (vocational) training system and its organisation (centralised/decentralised) and structure.

The latter category was formulated against the supposition that preference is given to qualifications from countries which have a similar qualifications structure. Comparability and transparency of qualifications tends to be in place in countries with similar VET systems and that trust in the qualifications/certificates is likely to be higher. The category was challenging in so far as vocational education and training often does not exist as an independent educational sector. This led to a further challenge in the project development: the need for “terminological and cultural specification”.

Terminological and cultural specification: What is meant by recognition and what is the object of recognition?

In the interviews, it rapidly became clear that we can only understand recognition models and procedures if we are able to categorise the object of intended recognition. In Germany, for example, the focus is on the recognition of a vocational qualification acquired abroad which is accorded the same status as the German occupation via a process of equivalence. The concept of what constitutes an “occupation” in Germany lies at the heart of the procedure. In Germany, “occupation” is seen as a binding key between work and the labour market. The principle of an occupation (“Beruf”) stands for a “universal principle for regulating training contents and qualification standards in initial vocational training and thus for shaping a large segment of the qualification structure in Germany” (Reuling, 2000). There are two aspects associated with vocational training for a recognised occupation (“Beruf”). VET prepares trainees for a range of skilled activities which are not specific to any single company profile and, as a main feature of the dual system; it is geared towards promoting the process of personality development of apprentices. Training for the majority of these vocations/occupations is provided within the framework of a total of 330 recognised training occupations, e.g. in apprenticeships within the dual system which combine learning and working and theory and practice. The understanding of what makes a vocational qualification is quite similar in Switzerland, Austria and in Denmark. Whereas in Germany the object of recognition is the “concept of the state-

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recognised occupation”, the focus in Canada is on the “skilled trades” and Australia concentrates on the regulation of “occupations” and “professions”. In the UK, awarding bodies grant stipulated and accredited “qualifications” which do not necessarily fulfil a National Occupational Standard until they are combined with one another. It is obvious that vocational education and training (systems) and qualifications as their products are „cultural projections “(Georg 2005, p. 183). The same applies for recognition models.

In the process of recognition of qualifications acquired abroad, individuals seeking recognition are in possession of various credentials, certificates and professional and occupational experience that they have gained within a certain national institutional structure. Such a structure is characterised by a particular scope, it may, for example, be restricted to part of the educational system or to the labour market. The term “recognition” is ambiguous in this context. It may refer to “soft” recognition within the meaning of an “appreciative attitude” and otherwise not entail any further (legal) rights. This is frequently not sufficient in order to be able to categorise the qualifications and experience acquired within the existing institutional structure in the preferred destination country. In some European countries, procedures have been developed to ascertain how qualifications people have acquired within other national contexts relate to the existing (non-regulated) qualifications in the home country. We may assume that associated recognition on the domestic labour markets is the essential motivation for people to submit relevant applications and undergo assessment procedures. In all cases, the purpose of recognition procedures is to confirm existing (professional and vocational) competences and qualifications or certificates (acquired abroad) for an individual and to formalise such competences and experience with regard to national reference occupations and qualifications. This may take place via various routes, and regulations and procedures may differ in terms of essential structural principles (Eberhardt/Annen 2014, p. 1997). To this extent, “recognition” may also be viewed as a legal act, the consequence of which is the awarding of a title/professional or vocational qualification. In the world of vocational education and training, therefore, the term “recognition” is also used synonymously with the terms “confirmation”, “correspondence”, “allocation of an occupational title” and “equivalence” (Eberhardt/Annen 2013, p 66).

In many countries, for example, the successful completion of a recognition procedure enables individuals to exercise a particular professional or occupational activity or gain access to the education system. The necessity for and structuring of recognition depends on the institutional framework within which occupational activity abroad is sought (for example, regulated professions versus non-regulated occupations, permanent employment versus temporary work).

Contextualisation – what is the function of recognition?

The same situation applies in all of the countries we investigated. Persons with foreign qualifications who are legally resident in the country may apply for employment at any time or exercise employment activities in the field of non-regulated occupations. Recognition of the qualification from their home country is not a prerequisite for access to the labour market. In some countries such as Germany, the imputation is that, although recognition is not a condition for exercising an occupation, it may increase chances of adequate employment and career

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advancement. Of the total of 26,466 applications registered with the competent bodies in Germany during the period from the entry into force of the Recognition Act on 1 April 2012 until December 2013, 21.8% related to non-regulated training occupations (www.anerkennung-in-deutschland.de). The aim of recognition within this sense is to facilitate the integration of persons with foreign qualifications into a position on the labour market that is commensurate with the qualification. In addition to this, recognition may have a signalling function for employers. Referencing the initial qualification to the occupation in the host country enables statements to be made regarding the underlying occupational standard and the assumed occupational competence of the person in question. Qualifications acquired abroad are rendered legible by dint of the fact that they are accorded equivalence with national (in this case German) occupations. Countries with labour markets that are not structured along occupational lines do not set any store by this form of (formal and legal) recognition. Nevertheless, it is revealed that the recognition of qualifications obtained abroad has a part to play in all countries in which it is associated with a shortage of skilled workers and/or an active immigration policy. Against this background, recognition serve the purpose of formalising within the host country the occupational skills and competences that someone has acquired in another country and which can be demonstrated by certificates with reference to the host country's existing occupational standards or to the labour markets (Eberhardt/Annen 2014). In Europe, the aims of the recognition of qualifications are to secure freedom of movement of labour, support the creation of the European common market, drives forwards skills competition and dynamise the European labour market in overall terms. Regulated professions are subject to a European Directive that is implemented into national law and is thus recognised de jure in all EU member states. In addition to this, Denmark and Germany have laws in place that accord a right to recognition or assessment to the holders of qualifications that are non-regulated in the respective countries. The laws perform a double function. On the one hand, they exert an external effect by appealing to persons intending to migrate (recruitment function). To the same extent, however, they also target people who already live in the countries and who have not as yet been adequately able to exploit their qualifications on the respective labour markets (integration function). In Canada and Australia, the recognition of professional and vocational qualifications is an essential criterion for the receipt of a work and residence permit. To this extent, the recognition of foreign professional and vocational qualifications is the instrument of an "active immigration policy with an integrated selection mechanism" (Eberhardt/Annen 2014, p. 1998). The relevant prevailing skilled worker requirements are decisive for recognition rather than the qualification.

CONCLUSION

Comparative research projects face the dilemma that there is "no culturally independent academic research terminology that permits society-specific constructs to be described from a meta level" (Georg 2005, p. 189). The significance and functional correlation of nationally specific organisational forms can only be derived from overarching contextual conditions. This requires a "shift of perspective which opens up access to internal societal interpretations of the country of comparison including the terminology used for such interpretations" (Georg 2005, p. 190). "Qualification", "occupation", "profession" and "VET" are social constructs which carry

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the very highest degree of cultural and societal connotations. The recognition models map these specific interpretations. In contrast to what was planned in our original conceptual design, we ascertain that it is not useful to draw up a “typology” in an attempt to align all countries investigated to various types of recognition. The reason for this is that the recognition models and procedures in the countries considered are structured too differently. They vary depending on whether the focus is on a regulated profession or non-regulated occupation, depending on whether the goal is permanent or temporary migration, depending on which type of qualifications and competences is involved and depending on from which home country the applicant is from.

The question of recognition models can also be resolved via the structure of the host labour market rather than merely via the migration policy governance function. If the structure of the host labour market is largely non-occupationally structured, as is the case in the UK for example, then relevant recognition procedures are not necessary and obsolete. In such contexts, far more scope is accorded to the quality assurance of basic skills such as health and safety via “regulators” or via the issuing of relevant “licenses”. The conflicting relationship in countries such as Switzerland and Germany between recognition of qualified residents and migrants and the protection of an occupational structure and associated quality standards does not exist in that extent in the UK, Australia or Canada. The initial evaluations of our interviews show that, in the latter countries, recognition models primarily have their basis in migration policy, labour market utilisation and/or inclusive criteria.

In general the recognition of foreign qualifications can serve various functions, depending the respective framework conditions in which recognition takes place: (1) it can be geared to attracting people from abroad to domestic labour markets, (2) it can overtake a restrictive function and link entry permit with recognition, (3) it can serve selective purposes and allow permission only to those individuals that are needed on the labour market, (4) it can have a integrative function, giving status and access to the labour market regardless whether they are already in the country or whether they want to migrate into the country.

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