

Alberta Court of Appeal won't restore foreign-trained engineer's appeal

Ladislav Mihaly was educated in the former Czechoslovakia

By John Cotter, The Canadian Press Posted: Jan 12, 2017 10:34 PM MT Last Updated: Jan 12, 2017 10:34 PM MT

An Alberta court has dismissed an appeal application by a foreign-trained man who wanted to work in the province as an engineer.

Ladislav Mihaly, who was educated in the former Czechoslovakia, had been seeking to register with the Association of Professional Engineers and Geoscientists of Alberta.

The association required Mihaly to write exams to confirm his credentials, but after failing tests he filed a complaint with the Alberta Human Rights Commission.

Tribunal calls tests discriminatory

In 2014, a human rights tribunal ruled the tests were discriminatory and ordered the association to reconsider Mihaly's application and pay him \$10,000 in damages.

'Even Canadian educational institutions must demonstrate the equivalency of their programs, and Canadians who receive foreign training must also demonstrate equivalency.'
Justice Frans Slatter

Last January, an Alberta Court of Queen's Bench judge reversed the tribunal's decision, saying the ruling was based on errors and was unreasonable.

Mihaly filed an appeal, but the Alberta Court of Appeal dropped it in June when he failed to follow up.

In a ruling released Thursday, Justice Frans Slatter of the Appeal Court dismissed Mihaly's application made in December to restore his appeal.

"As far as the merits of the appeal, the appellant does not point to any patent error on the face of the decision under appeal," Slatter wrote.

"Even Canadian educational institutions must demonstrate the equivalency of their programs, and Canadians who receive foreign training must also demonstrate equivalency."

Case closed, says engineers

Mihaly could not be reached for comment.

Carol Moen, registrar of the engineers association, said the regulator considers the case to be closed.

"It reconfirms that APEGA's application process is fair, equitable, and transparent, and serves the public interest," she wrote in an email.


"Regardless of where applicants for licensure studied, the same rigorous standards apply. Lowering the standards used to examine if an individual has appropriate education and experience to be licensed would result in an unacceptable increased risk to Albertans."

Mihaly's case has been watched by other professional regulatory organizations across Canada.

In its 2014 ruling, the human rights tribunal said many immigrants from Eastern Europe, Africa and Asia experience disadvantage and discrimination in the workforce because of language, culture and racial prejudice.

It said imposing additional exams or requirements without flexible individual assessments restricts the ability of immigrants to work in their professions and could lead to immigrants taking lower-paying jobs in other fields.

© The Canadian Press, 2017

THE CANADIAN PRESS 

Explore CBC

CBC Home	Music	Documentaries	Digital Archives
TV	Life	Comedy	Games
Radio	Arts	Books	Contests
News	Kids	Parents	Site Map
Sports	Local	Indigenous	

Stay Connected

Apps	RSS	Podcasts	Newsletters & Alerts
----------------------	---------------------	--------------------------	--

Services and Information

Corporate Info	Reuse & Permission	CBC Shop	Jobs
Public Appearances	Terms of Use	Help	Doing Business with Us
Commercial Services	Privacy Policy	Contact Us	Renting Facilities

CBC  Radio-Canada

©2017 CBC/Radio-Canada. All rights reserved

Visitez [Radio-Canada.ca](#)