

BWP 4/2011

EDITORIAL

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## **The new Recognition Act – uniformity of implementation is essential**

Dear readers,

Recognising the qualifications of people who come from other countries to Germany, to live, learn and work among us, is in all of our interests. Action to ease the recognition process and increase the transparency of procedures was long overdue. Now the German government has introduced a draft bill to the Bundestag for an “Act to improve the assessment and recognition of foreign vocational and professional qualifications” – or Recognition Act for short.

### **CHANGES EFFECTED BY THE NEW LAW**

The Act will bring in amendments to many areas of statute including the Vocational Training Act (Berufsbildungsgesetz – BBiG) and the Crafts and Trades Regulation Code (Handwerksordnung – HwO). It defines a legal right to request assessment of the equivalence of vocational and professional qualifications gained in other countries. Recognition will be issued by the competent bodies provided that the qualification certifies the competence to carry out comparable occupational activities and no essential differences from the equivalent German qualification are found. This aspect precludes any possibility that the proven quality standards in German vocational education and training could be undermined.

Initially the Act sends out an important signal to people from migrant backgrounds and to potential immigrants. It creates more clarity about procedures and responsibilities in the areas for which the federal government is responsible. But in no way does the Recognition Act regulate entry to Germany or the right to work here. Only people who have legitimate rights of entry and residency and to take up employment in Germany will be helped by the new law.

### **FLANKING MEASURES FOR IMPLEMENTATION**

Passing legislation, on its own, is not enough. It needs to be supplemented with more information and advice for people, as well as offers of top-up training in the event that foreign qualifications do not meet the standards required for full recognition of equivalence.

Preparation of the competent bodies for these tasks, some of which will be new, calls for the pooling of information, the establishment of expert systems and expert networks, and quality assurance of the procedures. The Act opens up some scope for discretion. This makes it all the more important for the competent bodies to be consulting a uniform knowledge base, following uniform procedures and applying uniform criteria. With that in mind, it is right to have made provision for a transitional phase leading up to full introduction of the legal entitlement, allowing time to develop the necessary instruments and equip advisers with the relevant instruction and training.

### **KEEPING TRACK OF THE OUTCOMES**

The true value of the legislation and how people make use of it will only emerge over time, once it comes into general application. From that viewpoint, it is right to have scheduled an evaluation of the Act after four years. The basis for this will be a new set of statistics introduced specifically to

document the recognition procedures. In the light of experience, conclusions can then be drawn about any modifications that may be necessary to the process or to the allocation of responsibilities.

The extent to which people will take advantage of the provisions of the Act remains to be seen. No doubt one of the most decisive factors will be the development of the labour market. If demand for skilled workers continues to rise, which is a foreseeable consequence of the demographic trend, then companies will adapt their recruitment practices. Rather than checking certificates and documents, greater emphasis will once again be placed on the testing of competences. Job-seekers without formal qualification certificates will see their prospects improve. A probation period will give them the opportunity to prove what they are capable of. Any weak spots in their competence can be brought up to standard by extending the induction period or providing continuing education and training on the job.

Translation: Deborah Shannon, Academic Text and Translation, Norwich