



A Fair Way to Go:

**Access to Ontario's Regulated Professions
and the Need to Embrace Newcomers
in the Global Economy**

Office of the
fairness
commissioner

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commissaire à
l'équité



EXECUTIVE SUMMARY



INTRODUCTION

Regulated professions play a critical role in our society. They are responsible for the education of our children, the health of our families, the safety of our infrastructure, and the integrity of our financial systems. In the public interest, all registered professionals must be held to rigorous standards of knowledge, skill and ethical conduct.

In an era of rapid change, the regulating of Ontario's professions faces the double challenge of ensuring that all registered professionals are qualified, and all qualified professionals are registered, regardless of where they were trained.

Ontario regulators are faced with increasing numbers of applications from immigrant professionals, as well as from Canadians who have studied abroad. Even within Canada, the increasing diversity of educational institutions and programs, from private career colleges to distance-education programs, presents an added layer of complexity.

Opening the door to regulated professions too wide brings risks. But so too does closing it too tight. Internationally trained members strengthen the professions by bringing new ideas and innovation, global experience and networks, and linguistic and cultural competencies that enhance their ability to serve the increasingly diverse population of Ontario.

The public interest is best served by high standards combined with flexible approaches to determining professional competency. Unnecessary barriers to practising the professions are not in Ontario's interest.

To this end, the Fair Access to Regulated Professions Act, 2006 (FARPA) and the corresponding amendments to the Regulated Health Professions Act (RHPA) mandate transparency, objectivity, impartiality and fairness in the policies and procedures that regulators use to license applicants in their professions ("registration practices"). FARPA also establishes the role of the Office of the Fairness Commissioner (OFC) in holding regulators accountable for the specific and general duties set out in the legislation.

The scope of the legislation is considerable, covering 40 regulatory bodies with a combined membership of over 800,000. It includes well-established professions, such as law and medicine, as well as occupations more recently granted the rights and responsibilities of self-regulating professions in Ontario. And many skilled trades will also soon come under the OFC's oversight.

After five years in operation, the OFC is uniquely positioned to assess both progress and persistent problems regarding fair access to the professions. This report:

- analyzes the progress and challenges in fair access to the professions from 2007 to 2012
- summarizes the key findings of the assessments of the regulators performed by the OFC in 2011–12
- proposes a route to further progress

EXAMINING FIVE YEARS OF FAIR-ACCESS WORK: ADVANCES AND PROBLEMS

Since 2007, the OFC has challenged both regulators and governments to address barriers to professional licensing, with qualified success.

For example, various regulators have:

- reduced Canadian-experience requirements, which were recognized as an unnecessary barrier in some professions
- increased the resources available to applicants
- enabled alternative paths to licensing
- reduced the length of the licensing process

Progress, however, has not been uniform. Some regulators have made more improvements than others. All could do more to address ongoing challenges related to the complexity, length and cost of the licensing process.

The provincial and federal governments also have an important role to play in promoting fair access. Both levels of government worked together on labour-mobility legislation to streamline licensing for professionals moving from one province to another.

However, the provincial government has been slow to make other needed changes to laws affecting licensing, and financial aid for internationally trained professionals remains inadequate.

Meanwhile, the federal government has introduced immigration-policy changes that conflict with fair-access principles by adding yet another layer of credential assessment and undervaluing international work experience.

Recession anxieties have paved the way for more restrictive immigration policies, while also making it more difficult for immigrant professionals to cover costs and meet requirements for licensing.

EXAMINING THE 2011–12 ASSESSMENTS

In 2011–12, the OFC undertook the first comprehensive assessment of regulators' registration practices ever done in Canada.

Assessment is just the beginning of a process that involves development and implementation of action plans, with monitoring and follow-up from the OFC.

Overall, the OFC assessment process found regulators to be working in good faith to adhere to their fair-access duties. All regulators demonstrate most of the looked-for practices outlined in the OFC's assessment guides. As demonstrated by the 304 commendable practices the OFC identified, regulators are also working proactively to improve their practices.

Nevertheless, considerable work remains to be done, in order to address recommendations to improve 339 registration practices among the various professions, and to clear the path for all qualified applicants to put their knowledge and skills into practice. Based on the assessment results, the OFC has identified 12 key areas for improvement.

A FAIR WAY TO GO

Achieving transparency, objectivity, impartiality and fairness demands a continuous-improvement approach, particularly in the context of a continually evolving global environment.

Fair access goes beyond improving registration practices. It requires looking at fairness in new ways: the goal is not just treating all people the same, but ensuring substantive equality with regard to key outcomes.

Some specific issues provide a starting point for this fair-access agenda:

- Statistics show that internationally trained applicants continue to be under-represented among those accepted into full membership in the professions, suggesting persistent disadvantage with regard to licensing and professional employment.

- The length of the registration process is a major source of frustration for internationally trained applicants. While regulators have been identifying initiatives that could improve efficiency and timeliness, they have been slow to implement commitments made in the Entry-to-Practice Reviews they have submitted to the OFC. Canadian-experience requirements continue to work against internationally trained applicants, and contribute to the frustrations with the length of the registration process.
- Growth in international mutual recognition agreements has sped up the licensing process for only a privileged few — usually applicants from English-speaking Commonwealth countries with educational systems similar to Canada’s. To improve equity, regulators should work towards developing mutual recognition agreements with regulators in other countries that send large numbers of professional immigrants to Canada.

A CALL TO COLLABORATION

No one group can create fair access to the professions.

Continued progress in improving fair access to the professions calls for a commitment on the part of professional regulatory bodies and their members, the OFC, and its partners in government to deepen our understanding and strengthen our practice of the principles of transparency, objectivity, impartiality and fairness. It calls for work by researchers and pressure from the broader public.

Above all, it means going far beyond the letter of the law to pursue an ambitious vision for our province that mobilizes the full potential of all its residents and harnesses its diversity to innovate, to develop the professions, and to better meet the growing and changing needs of Ontarians.

Top 12 areas for improvement	How improvements contribute to fair access
<ol style="list-style-type: none"> 1. Provide clear rationales for requirements. 2. Recognize acceptable alternatives for meeting registration requirements. 3. Identify exemptible requirements. 4. Strengthen assessment criteria and methods. 	<p>To ensure no one is excluded unfairly, regulators must be able to explain why requirements are necessary and relevant for safe and competent professional practice.</p> <p>Assessment needs to be more flexible, going beyond a narrow focus on academic credentials to recognize the variety of ways individuals develop professional knowledge and skills.</p>
<ol style="list-style-type: none"> 5. Improve information for applicants. 6. Address the burden of fees. 7. Ensure reasonable and transparent timelines. 8. Facilitate opportunities to start the registration process outside Canada. 	<p>More accessible information and efficient processes would help all qualified professionals both begin and complete the registration process without unnecessary expense or delay.</p>
<ol style="list-style-type: none"> 9. Increase focus and rigour of training for decision-makers. 10. Provide anti-discrimination training. 	<p>Well-trained decision-makers ensure consistent, fair and impartial assessments and registration decisions.</p>
<ol style="list-style-type: none"> 11. Offer better information about reviews and appeals. 12. Enhance access to records. 	<p>Improved information and better access to records for applicants are critical to ensuring effective access to appeals.</p>

A FAIR-ACCESS AGENDA FOR THE FUTURE

A FAIR-ACCESS AGENDA FOR REGULATORY BODIES AND THEIR MEMBERS:

- Streamline the registration process.
- Widen the reach of international mutual recognition agreements.
- Identify and remove unnecessary requirements.
- Identify acceptable alternatives for meeting the competencies embedded in academic and experience requirements.
- Collect applicant input on registration requirements and processes. Measure the impact of fair-access initiatives on the experience of applicants.
- Implement OFC recommendations from the 2011–12 assessment cycle.

A FAIR-ACCESS AGENDA FOR GOVERNMENT:

- Project a clear and compelling vision for our province and country that values diversity and mobilizes the full potential of all residents.
- Ensure policy coherence, integrating fair-access considerations into the development and implementation of related legislation and policies, particularly in the area of professional regulation, global labour mobility, and immigration.
- Continue to fill resource gaps by addressing applicant needs for financial aid and by funding bridging programs and foreign-credential-recognition initiatives.

A FAIR-ACCESS AGENDA FOR RESEARCH:

- Conduct evaluation research on emerging fair-access developments, such as bridging programs and competency assessment.
- Conduct academic research on access to the professions and how access has changed over time. Identify promising practices and recommend priorities for further action.
- Contribute to the development of an evidence-based understanding of the promise and challenges of diversity for the regulated professions and the public they serve.



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