



*A Fair Way to Go:*  
**Access to Ontario's  
Regulated Professions  
and the Need to Embrace  
Newcomers in the  
Global Economy**



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*fairness*  
commissioner

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*The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions Act, 2006. Its mandate is to ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.*

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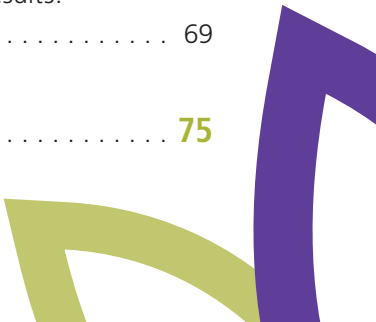
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## COMMISSIONER'S MESSAGE

*Ontario is a very different place than it was in 2007, when the Office of the Fairness Commissioner (OFC) first opened its doors. Indeed, the world is a very different place. Economic upheaval, immigration and demographic shifts, and increased labour mobility are among the factors contributing to dramatic changes in business, employment and society.*

Against this backdrop, the OFC has spearheaded improvements in the way qualified professionals are licensed in Ontario.

As we have gone about our work, the urgency has only intensified as global forces impact on the Ontario marketplace. We see, ever more clearly, the imperative of removing unnecessary barriers in the licensing process.

This goes far beyond procedural minutiae — although any red tape causes hardship for the people tangled in it. In the broader context, we need to have the right mindset, embracing skilled newcomers as vital economic contributors, rather than assuming that their training is inherently inferior.

Licensing, like the economy itself, is evolutionary — it must change with the times. In today's fluid workforce, where we are literally competing with the entire world for skills, we simply cannot afford to be insular or parochial.

Obviously, the licensing system is an important safeguard for the public, ensuring that only qualified professionals are licensed to practice in their respective fields. But there is a vast difference between protection and protectionism. Given the global — and even inter-provincial — competition for the brightest and best, Ontario needs to look forward, not just inward.

As part of that conversation, we are pleased to present this report on our findings and observations from the OFC's first five years.

Attracting diverse, talented newcomers is critical to Ontario's economic future. Licensing offers us a window to view how well we are accommodating this need. As this report documents, we have made progress, but there is a fair way to go.

A handwritten signature in black ink, appearing to read 'JA', with a stylized flourish extending from the bottom right.

*Hon. Jean Augustine, PC, CM  
Fairness Commissioner  
August 31, 2012*

# 1.

## 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.

Top 12 areas for improvement	How improvements contribute to fair access
<ol style="list-style-type: none"> <li>1. Provide clear rationales for requirements.</li> <li>2. Recognize acceptable alternatives for meeting registration requirements.</li> <li>3. Identify exemptible requirements.</li> <li>4. Strengthen assessment criteria and methods.</li> </ol>	<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"> <li>5. Improve information for applicants.</li> <li>6. Address the burden of fees.</li> <li>7. Ensure reasonable and transparent timelines.</li> <li>8. Facilitate opportunities to start the registration process outside Canada.</li> </ol>	<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"> <li>9. Increase focus and rigour of training for decision-makers.</li> <li>10. Provide anti-discrimination training.</li> </ol>	<p>Well-trained decision-makers ensure consistent, fair and impartial assessments and registration decisions.</p>
<ol style="list-style-type: none"> <li>11. Offer better information about reviews and appeals.</li> <li>12. Enhance access to records.</li> </ol>	<p>Improved information and better access to records for applicants are critical to ensuring effective access to appeals.</p>

## 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.



## 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.

# 2.

## INTRODUCTION

*Maximizing the knowledge and skills of immigrants is critical to Canada's future. With immigrants now playing the central role in labour-force growth, a wide range of voices are sounding the alarm concerning the steady decline in immigrant earnings over the past three decades, even as educational levels have risen.*

Proposed solutions range from more targeted immigrant selection and improved access to settlement supports, training, and internship opportunities, all the way to employment-equity legislation.

Ontario's introduction of the Fair Access to Regulated Professions Act in 2006 and the Office of the Fairness Commissioner in 2007 sought to address one part of a complex problem: removing barriers that prevent professionally trained immigrants from getting a licence to practise in Ontario.

### 2-1. CANADA'S ECONOMIC FUTURE IS TIED TO IMMIGRANT SUCCESS

According to the Canadian Chamber of Commerce, immigrants will account for 100% of net growth in the labour force by 2016. Progressive think tanks are highlighting the importance of diversity to Canada's global competitiveness, allowing the country to recruit and mobilize the best talent, gain access to new markets and networks, innovate, and accelerate prosperity.<sup>1</sup>

Immigration of highly skilled professionals is a key part of this diversity advantage. Immigrants intending to work in a regulated profession or trade accounted for 13% of new arrivals between 2001 and 2006.<sup>2</sup>

Immigrant professionals often have an educational advantage over other newcomers, but face unique challenges related to credential recognition and licensing.<sup>3</sup> Underutilization of knowledge and skills is a particularly significant problem for this group, with one study finding 33% of internationally trained doctors and 35% of internationally trained engineers working in completely unrelated occupations.<sup>4</sup>

*In this document, licensing, registration and certification all refer to authorizing a person to practise a profession.*

### 2-2. DECLINING ECONOMIC POSITION OF IMMIGRANTS

Declining immigrant earnings have become a major policy concern for Canada. Census data show that recent immigrants earned 30% to 40% less than their Canadian-born counterparts in 2006, compared to 10% to 15% less in the late 1970s. Recent immigrants are taking longer to catch up with the Canadian-born, and may not catch up at all.<sup>5</sup>

The cost, to immigrants and to the national economy, is substantial. Whereas earlier immigrants were paid for their experience at a rate comparable to the Canadian-born, recent immigrants see little if any financial reward for international work experience.<sup>6</sup> A 2011 RBC report estimates a loss of \$30.7 billion in potential immigrant earnings, equivalent to about 2.1% of GDP in 2006.<sup>7</sup>

Lost potential is particularly dramatic for immigrant professionals who cannot get licensed and find work in their field. *Making Ontario Home*, a province-wide study of 2,530 immigrants arriving in Ontario between 2000 and 2010, found that respondents with a degree in a regulated profession showed the highest levels of unemployment.<sup>8</sup>

Over time, professional education may help people get work and get ahead without allowing them to use their skills and experience fully. The Longitudinal Survey of Immigrants to Canada showed that immigrants who declared an intention to work in a regulated profession earned higher hourly wages four years after arrival, but did not necessarily work in the target profession.<sup>9</sup>

### 2-3. UNDERSTANDING THE CAUSES

Untangling the reasons for immigrants' declining economic fortunes is complex. Researchers point to the shift away from traditional immigration sources, such as the United States and Western Europe, to the Global South. This shift leads to growing diversity in language skills and educational backgrounds. This diversity in turn creates new challenges for employers and regulatory bodies in evaluating the quality of international training and that training's relevance to the Canadian labour market.<sup>10</sup> Racial discrimination — as suggested by the difference in call-back rates to job-seekers with English and "ethnic" sounding names — has been increasingly recognized as another key factor.<sup>11</sup>



The immediate and practical concerns of unemployed immigrants reflect this analysis. In the *Making Ontario Home* study,<sup>12</sup> unemployed respondents cited the following reasons for their job difficulties:

- not having enough job experience in Canada (16.6%)
- language problems (15.1%)
- not having enough connections in the job market (13.8%)
- non-recognition of their job experience (13.1%) and qualifications (11.4%) from outside Canada

## 2-4. TACKLING FAIR ACCESS TO THE REGULATED PROFESSIONS

Growing government concern with the declining performance of immigrants in the labour market, a high level of media attention to the issue of credential recognition, and pressure from immigrant professional associations and immigrant-serving organizations led to all-party support for Ontario's Fair Access to Regulated Professions Act, 2006 (FARPA), and the establishment of the Office of the Fairness Commissioner (OFC) in 2007. In addition, this fair-access legislation amended the Regulated Health Professions Act (RHPA) to require registration practices that are transparent, objective, impartial and fair. *Registration practices* are the policies and procedures a regulatory body uses to determine whether to license a person in the profession.

Important precursors to this legislation include the Ontario government's Task Force on Access to Professions and Trades in Ontario, the immigrant sector's Policy Roundtable Mobilizing Professions and Trades, and the regulatory community's Ontario Regulators for Access. However, FARPA, the first

legislation of its kind, was unique in establishing an accountability mechanism for professional regulatory bodies.

## 2-5. THE OFFICE OF THE FAIRNESS COMMISSIONER

The purpose of the fair-access legislation is to ensure that Ontario's regulated professions conduct their registration processes in a way that is "transparent, objective, impartial and fair." FARPA and the RHPA set out specific and general duties for regulatory bodies, establish the role of the OFC in receiving yearly Fair Registration Practices Reports, and mandate formal audits and Entry-to-Practice Reviews.

The legislation and the OFC are particularly concerned with levelling the playing field for internationally trained applicants through the removal of all unnecessary barriers, but the legislation seeks fair access for all applicants for professional licensing. Regulators must fairly assess growing numbers of applications from Canadian-born people who have completed their professional training in another country. Even within Canada, the increasing diversity of educational institutions and programs, from private career colleges to distance-education programs, creates new layers of complexity for regulatory bodies.

The OFC mandate is thus broad in scope, covering both domestically and internationally trained applicants in a wide range of regulated professions in Ontario. It seeks to realize the vision of a system that serves the public interest — in diverse fields such as education, accounting, health, law and technology — by ensuring that all registered professionals are qualified, and all qualified professionals are registered.

## 2-6. BUILDING A STRATEGY FOR CONTINUOUS IMPROVEMENT

During its first four years, the OFC focused on research and education. It gathered baseline information about regulatory bodies' registration practices, informed them of their legislative responsibilities, and encouraged them to improve their practices. All regulatory bodies underwent compliance audits between 2008 and 2010 and then submitted Entry-to-Practice Reviews in 2011. In these reviews, regulators had to critically examine three key facets of the licensing process: practical-training or work-experience requirements; timeliness of decision-making; and fees.

The OFC then developed a strategy that would take the office into a new phase: direct assessment of each regulatory body's registration practices. In 2011–12, the OFC conducted the first comprehensive assessment of registration practices ever done in Canada, and issued reports.<sup>13</sup>

The OFC set assessment in a continuous-improvement model, where regulators develop action plans to address recommendations and improve the overall transparency, objectivity, impartiality and fairness of registration practices. This model, outlined in the 2011 *Strategy for Continuous Improvement of Registration Practices*, recognizes that fair access takes time and requires ongoing adjustments. Changes arise in a dynamic regulatory environment that may pose challenges for fair access. For that reason, continued vigilance is needed to remove ongoing and new barriers to fair licensing.

Since 2007, the OFC has played an important role in promoting — and tracking — changes in registration practices, while holding regulators accountable for the first time to legislated standards for fair access. After five years of work, the OFC is uniquely positioned to assess both progress and persistent problems related to the transparency, objectivity, impartiality and fairness of professional licensing in Ontario.

## 2-7. PURPOSE AND ORGANIZATION OF THIS REPORT

This report describes the state of fair access to the professions up to August 31, 2012. To this end, the report also documents advances in fair access since FARPA and the RHPA came into force, identifies persistent problems, and articulates a vision for the way forward.

Section 3 offers a five-year perspective on fair access to the professions in Ontario, including a critical examination of the necessary role of government in promoting and facilitating fair access.

Section 4 focuses on the 2011–12 assessment findings, offering a point-in-time analysis of recommendations made and commendable practices noted by the OFC.

Finally, Section 5 outlines a fair-access agenda for the future, rooted in continuous improvement and in collaboration between regulators and their members, the OFC and its partners in government, and the academic and research communities.



# 3.

## THE IMPACT OF FIVE YEARS OF FAIR-ACCESS WORK

### 3-1. THEN AND NOW: AN OVERVIEW

*Concern about the barriers experienced by many internationally trained professionals inspired the Fair Access to Regulated Professions Act (FARPA) in 2006, and the opening of the Office of the Fairness Commissioner (OFC) in 2007. Through the fair-access legislation, Ontario sought to ensure that all qualified applicants were able to practise their profession.*

Many factors shape the representation of internationally trained members in Ontario's professions. Increasingly, Canadians study overseas. In addition, immigration policy determines the pool of applicants. Applicants' success in getting licensed depends on their ability to show they have the necessary skills. But it also depends on the regulator's ability to identify the skills that are truly necessary for professional practice, and to reliably assess applicants' qualifications.

Since 2007, the OFC has worked with regulators to ensure that registration practices are transparent, objective, impartial and fair.

#### Limited progress

Five years of fair-access work has seen both incremental progress and persistent problems, as reflected in registration statistics submitted to the OFC. From 2008 to 2011, the total membership of Ontario's regulated professions grew by approximately 135,000, with internationally trained members improving their representation from 14% in 2008 to 16% in 2011. U.S.-trained members contributed one percentage point of this growth in representation, increasing from 4% to 5% of total membership. Meanwhile, the representation of people trained outside Canada and the United States rose from 10% to 11%.

On the other hand, internationally trained applicants from outside Canada and the United States continue to be under-represented among those accepted into full membership. As illustrated in Figure 1 (on page 14), people trained outside Canada and the United States account for 22% of all applicants between 2005 and 2011, but only 17% of applicants accepted as full members during that same period. Overcoming this systemic disadvantage requires a coordinated response. It also requires a variety of interventions,



from improved language training and better access to bridging programs, to continued efforts to improve the transparency, objectivity, impartiality and fairness of registration practices.

## OFC mandate and work

The OFC oversees licensing in 40 regulatory bodies for Ontario professions, to ensure that licensing practices comply with fair-access principles.

To promote greater fairness, the Commissioner has exercised her authority to call for reports, reviews and audits of licensing practices.

*The OFC oversees 40 regulatory bodies (regulators). Five do not yet issue licences. The other 35 regulate 38 professions (3 of the 35 each regulate two related professions). The numbers in this report relate to the 35 regulators currently issuing licences, and their 38 professions. The OFC does not oversee the regulated professions in Ontario that are not covered by FARPA or the RHPA.*

## Promoting self-reflection: Fair Registration Practices Reports

Annual Fair Registration Practices (FRP) Reports, mandated by the fair-access law, became a key tool for educating regulatory bodies about their fair-access responsibilities, and for encouraging self-reflection on registration processes. The FRP reporting template requires regulators to provide a detailed account of their registration practices in relation to legislative requirements in the following areas:

- provision of information for applicants
- provision of timely decisions, responses and reasons

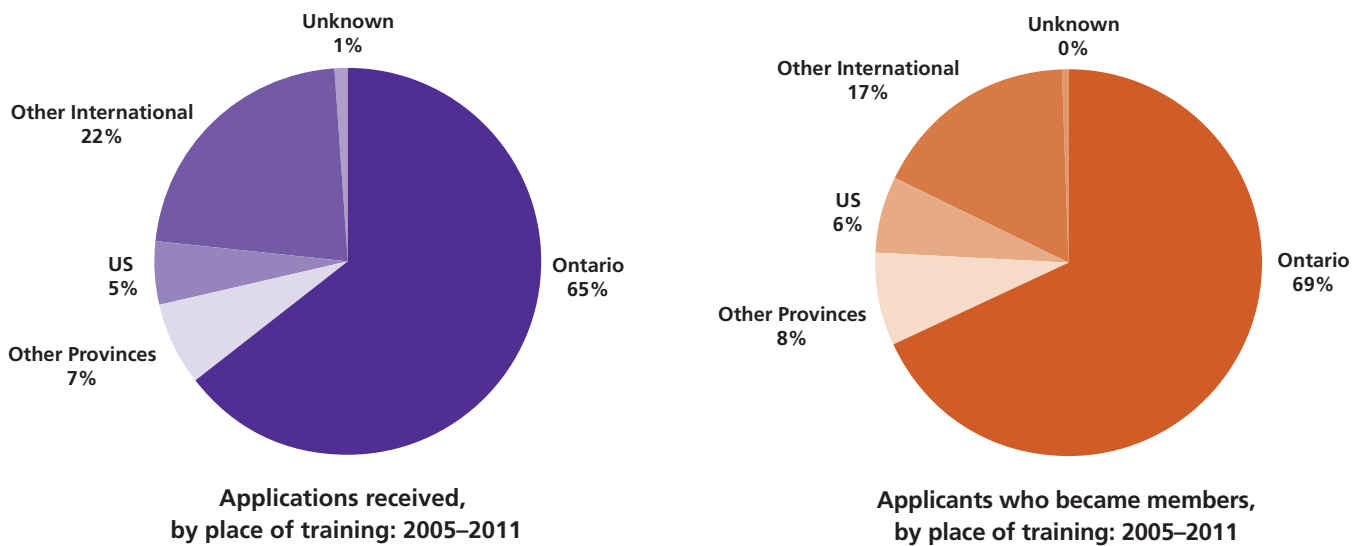


- provision of opportunities for internal review and appeal
- provision of information on appeal rights
- fair assessment of qualifications
- accountability of third-party qualifications assessors
- training for decision-makers
- access to records

In keeping with the overarching principle of fairness, the template also requires information about resources to help applicants with the registration process, and any extra or different fees charged to internationally trained applicants.

Finally, FRP Reports provide statistical information, broken down by place of training, on applications, licensing and membership.

**Figure 1: Internationally trained applicants are still at a disadvantage**



Ontario graduates constitute 65% of applicants during the period 2005–2011, but 69% of applicants who become full members. Individuals trained outside Canada and the U.S. count for 22% of all applicants between 2005 and 2011, but only 17% of applicants accepted as full members during that same period.

The clear and consistent under-representation of internationally trained applicants suggests systemic disadvantage.

Note:

- The following five professions are excluded from the data presented in this figure because they did not provide full data for the period 2005–2011: early childhood educators, land surveyors, lawyers, paralegals, and pharmacy technicians. In the case of early childhood educators, paralegals and pharmacy technicians, the profession was not yet issuing licences in 2005. The other two professions have not consistently tracked place-of-training in 2005–2011.
- The number of individuals accepted as members in any one year does not directly correspond to the number of applications submitted in that same calendar year, because of the time lapse between application and membership. This time varies between professions.

## Promoting change: Audits and Entry-to-Practice Reviews

All regulatory bodies underwent compliance audits between 2008 and 2010 and submitted Entry-to-Practice Reviews in 2011.

While the annual FRP Reports are mainly a tool to help regulators report and reflect on changes to registration practices, the purpose of the audits and Entry-to-Practice Reviews was to generate specific recommendations for change. Audit Reports set out recommendations from auditors who were external to both the regulatory bodies and the OFC. In the Entry-to-Practice Reviews, regulators critically examined three key facets of their own licensing processes: practical training or work-experience requirements, timeliness of decision-making, and fees. When they saw opportunities for improvement, regulators proposed changes.

## Promoting accountability: Other activities

The OFC has been directly involved in many amendments to the provincial regulations that outline regulators' authority. The responsible ministry, or the regulatory body itself, periodically proposes amendments to the regulator's registration regulation, and once in force, amendments are law.

For example, many regulators had to amend their regulations in order to achieve compliance with the Ontario Labour Mobility Act (OLMA). OLMA is Ontario's law that enables the labour-mobility provisions of the Agreement on Internal Trade between all of the provinces and territories.

The OFC took the opportunity presented by these amendments to suggest additional improvements to the registration regulations.

The OFC also participated in national discussions about the *Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications*. The *Framework* was a collaborative effort of national, provincial and territorial governments, regulatory bodies and assessment agencies, industry associations and employers to streamline the licensing process. Under the *Framework*, government funding supported the development of:

- bridging programs
- competency frameworks (systems for identifying knowledge and skills needed to practise a profession, rather than degrees/diplomas and hours of experience)
- qualifications-assessment tools
- other related initiatives

The OFC has thus played an important role in promoting — and tracking — changes in registration practices, while holding regulators accountable for the first time to legislated criteria for fair access.

## Purpose and organization of Section 3

This section of the report reflects on progress and persistent challenges for fair access up to August 31, 2012.

The OFC is encouraged by many changes to registration practices that favour fair access to the professions, from an increase in supportive resources and acceptable alternatives available to applicants, to improved accountability of third-party qualifications assessors and shifts in work-experience requirements.

Sections 3-2 to 3-7 describe shifts in registration activities. Appendix 1 provides a statistical overview of progress made by individual professions in these areas up to December 2011.

Sections 3-8 to 3-10 explore the relationship between fair access and labour-mobility laws, follow up on OFC recommendations to provincial and federal governments, and discuss the implications of current immigration-policy developments. Section 3-11 sets this discussion within the broader context of a dynamic regulatory environment and struggling economy.

### 3-2. RECONSIDERING CANADIAN-EXPERIENCE REQUIREMENTS: PUBLIC PROTECTION OR PROTECTIONISM?

Debate over Canadian-experience requirements for applicants to regulated professions points to many key questions for fair-access work:

- Who are our registration systems designed to benefit?
- What knowledge and skills are truly necessary to professional practice in the Canadian environment?
- When and how are these competencies best assessed?
- Where is the critical line between meaningful assessment and hoop-jumping, and between public protection and systemic discrimination?
- Why is there such a disconnect between pre-arrival messages and post-arrival realities for immigrant professionals?

Many of these questions are contentious. Immigrants often identify Canadian-experience requirements — in licensing and employment — as a key barrier to getting ahead. Further, they perceive such requirements as an inappropriate and unfair barrier for seasoned professionals — one that negates the value of the same education and experience that helped them immigrate to Canada.

*“Canadian experience” includes, for example, practical training, work experience, mandatory bridging programs, supervised practice, residency (such as the requirement for physicians and surgeons) or practice subject to Canadian standards.*

Regulators have varying perspectives on the relevance and necessity of Canadian-experience requirements. Figure 2 lists the professions subject to the Fair Access to Regulated Professions Act, 2006 (FARPA) or the Regulated Health Professions Act, 1991 (RHPA) that had a Canadian-experience requirement for registration on August 31, 2012.

Clearly, requirements vary among professions. In 2012, 15 of the 38 regulated professions had some form of Canadian-experience requirement. Meanwhile, 23 professions had no such requirement.

The fact that this latter number is growing suggests that there are alternatives for ensuring that applicants have — or develop — the unique competencies needed to practise in the Canadian environment.

The OFC encourages all professions to explore such alternatives. Since the start of 2008, three professions have removed a Canadian-experience requirement, most notably the largest profession — teaching. This profession accounted for 20% of all applications for professional licensing in Ontario and 16% of all applications from internationally trained professionals in 2011. Pharmacy, the profession with the largest percentage of internationally trained members, has decreased the length of its Canadian-experience requirement, as has forestry. Two professions have introduced exemptions, and one has reported that an approved bridging program now satisfies the experience requirement.

**Figure 2: 15 of 38 professions require Canadian experience**

Profession	Description of work-experience requirement, August 31, 2012
Architects	940 hours of work experience in Ontario.
Audiologists & Speech-Language Pathologists	6-month mentorship in Ontario.
Dietitians	Most internationally educated applicants are asked to complete a Canadian Practical Training experience. Completing Ryerson University's Internationally Educated Dietitians Pre-registration Program satisfies this requirement.
Engineering Technicians	1 year of work experience in Canada. Applicants may work for a Canadian company abroad, or may work on projects, while in another country, that are destined for Canada and are consistent with Canadian codes, standards and practices.
Engineers	12 months of work experience anywhere in the world under the supervision of a Canadian professional engineer, while employed by a company whose head office is in Canada.
Foresters	18 months of relevant Ontario (or equivalent) work experience.  Up to 6 months of international experience can be credited to this requirement, depending on the type of experience. For example, experience involving cooler, boreal-forest ecosystems is most relevant.
General Accountants	1 year of experience in Canada. International experience may count towards a maximum of two-thirds of the work-experience requirement.
Geoscientists	12 months of work experience in Canada. This experience includes experience in another country if the applicant was subject to Canadian professional standards in carrying out the work and did so on behalf of a company incorporated in Canada.
Land Surveyors	18 months of training and work experience with an Ontario land surveyor or Ontario land-information professional.
Midwives	All internationally trained midwives must complete a bridging program in Canada.
Optometrists	All internationally trained applicants must complete a bridging program in Canada.
Pharmacists	A period of structured practical training in Canada.
Pharmacy Technicians	12 weeks of structured practical training in Canada.
Physicians and Surgeons	All international medical graduates must complete 1 year of post-graduate training (residency) in Ontario, unless they are eligible for one of the alternative pathways to registration.
Psychologists	1500 hours (approximately 1 year) of supervised practice in Ontario.



In 2008, 8 of the 10 professions with the highest percentages of internationally trained members had Canadian-experience requirements. By 2012, this number was reduced to six. (For a listing of changes in Canadian-experience requirements up to December 2011, see Appendix 1.)

However, these changes represent only incremental change. Canadian-experience requirements continue to present a significant obstacle for internationally trained applicants.

In the medical profession, government funding has improved access to residency by more than doubling the annual number of spots designated for international medical graduates (IMGs). However, the number of applicants continues to far outstrip opportunities. In 2011, more than 1,800 applicants competed for the 191 first-year residency spots designated for IMGs.<sup>14</sup> Networks of internationally trained physicians report that no more than 5% to 15% of their members become licensed. Frustration abounds for candidates who undergo the effort and cost of passing exams, only to be denied a residency spot, with no feedback about how they can improve their chances in the future.

Professional Engineers Ontario (PEO) has tried to address the challenges associated with its Canadian-experience requirement by introducing a provisional licence for those able to satisfy all conditions for licensing other than the 12 months of Canadian experience. It is too soon to tell whether this has succeeded. As of December 2011, few provisional licences had been issued.

PEO argues that the Canadian-experience requirement does not represent a barrier because licensing is not required for many engineering jobs.<sup>15</sup>

However, many internationally trained engineers have difficulty finding appropriate employment to meet the Canadian-experience requirement. The technology boom brought historic numbers of engineering and computer science graduates to Canada, accounting for 50% of immigrant men arriving through the Federal Skilled Worker Program between 2000 and 2005.<sup>16</sup> Then the industry crashed, and engineering jobs became harder to find. With an oversupply of applicants, employers prefer candidates who already have a full licence.

Clearly some progress has been made, but further work is required to address persistent problems related to Canadian-experience requirements.

### 3-3. INCREASING BRIDGING PROGRAMS AND OTHER RESOURCES

While regulators debate the necessity and relevance of Canadian-experience requirements, they are united on the importance of resources for applicants. Since the end of 2007, the resources available to applicants have increased substantially. All 38 professions under OFC oversight provide resources to applicants, and 25 increased these resources between 2008 and 2011.

More specifically, professions introduced:

- more comprehensive information about the registration process (18 professions)
- self-assessment tools (7 professions)
- study resources, sample questions and exam-preparation courses (14 professions)
- accessibility tools such as visual aid software (1 profession)



Appendix 1 identifies the professions that introduced new applicant resources between 2008 and 2011.

In many cases, online access to more information and to self-assessment tools helps prospective immigrants evaluate their chances of being licensed in Ontario. The expansion of online course delivery has improved opportunities for both domestically and internationally trained applicants to work towards professional licensing. New study resources include exam preparation and online course delivery, an accelerated program for management accountants, and continued expansion of bridging programs.

## Bridging programs

Bridging programs help internationally trained professionals “bridge the gap” between what they already know and can do and the additional skills and knowledge they need in order to practise in Ontario. They can also dramatically improve participants’ chances of getting licensed. For example, for midwifery, the success rate for international applicants was 32% before the development of a bridging program. But the success rate was 100% for graduates of Ryerson University’s International Midwifery Pre-Registration Program.

Since 2003, Ontario’s Ministry of Citizenship and Immigration (MCI) has provided the main funding for bridging programs for regulated and unregulated professions. Funding increased significantly after 2007. In 2012, MCI funded 40 bridging programs associated with regulated professions, 5 targeting systemic change and 35 delivering direct training to internationally trained professionals.

Meanwhile, other programs have become independent of MCI funding or have started up independently. Currently, OFC is aware of 49 bridge training programs serving 25 regulated professions, up from 20 professions

in 2007 (see Appendix 1). Other professions, such as dentistry, are well served by advanced-standing programs.

Bridge training, together with mentoring and internships, has become a widely acknowledged best practice in helping internationally trained professionals to get licensed and find employment appropriate to their skills and experience.

Research shows that the most successful bridging programs include a mentoring or internship component. Close collaboration between the program provider and the regulator is another predictor of success.<sup>17</sup>

However, regulators vary widely in their participation and support for bridging programs. Some are very involved, and deliver the programs themselves or participate in decision-making through boards and advisory committees. Others play a minor role through referrals and arm’s-length advice. Others have no involvement at all with bridging programs.

MCI reports that regulators are involved in 20 of its 35 funded programs that offer training related to a regulated profession. Bridging programs not directly supported by regulators may not prepare participants well enough to become licensed and employed in their field.<sup>18</sup>

The *Making Ontario Home* study suggests that the quality of bridging programs has improved over time, with recent immigrants getting the greatest benefits from participation. Respondents who arrived in Canada between 2006 and 2010 were more likely than those who arrived between 2000 and 2005 to be highly satisfied with bridging for regulated professions. But access remains a problem. Focus group participants noted that bridging programs are not widely available and often have long waiting lists. Access is even more limited for immigrants in smaller towns.<sup>19</sup>

### Figure 3: Pharmacists offer an effective bridging program

Pharmacy is an exceptionally diverse profession, with internationally trained professionals accounting for 40% of its total membership in 2011. Some of the contributing factors follow.

**Demand exceeds domestic supply:** Pharmacy is a high-demand profession across Canada, due in part to an aging population with growing pharmaceutical needs. The Ontario College of Pharmacists (OCP) reports 100% employment for 2011's graduating class at the University of Toronto. In recent years, the Canadian government has facilitated the entry of internationally trained pharmacists by including the profession on the priority occupation list for the Skilled Worker Program.

**Bridging program is supported by key stakeholders:** Even where skills are highly transferable, internationally trained professionals can benefit from bridging support. Delivered by the University of Toronto Faculty of Pharmacy, the International Pharmacy Graduate (IPG) program offers a university-based curriculum and a solid mentorship network that enables students to link with practising pharmacists. A high degree of involvement by the OCP and its recognition that the IPG program meets educational requirements for licensing have contributed to the program's effectiveness. Since 2001, the IPG program has graduated more than 600 participants. Bridging program graduates are more successful on the entry-to-practice exam and get licensed more quickly than non-graduates.

**Regulator is responsive to fair-access mandate:** The OCP has changed and adapted to improve access to the profession. A key example relates to a new registration regulation, which came into force in December 2010. Following feedback about the first draft, the OCP adopted a model for structured practical training focused on measuring actual attainment of competencies, rather than strictly relying on time spent. As a result, the new regulation reduced the length of the structured practical training requirement from 48 to 12 weeks. The OFC's review of the draft regulation resulted in significant changes to bridge training. Upon OFC's urging to consider international applicants' individual education and training needs, the regulation was changed to require bridging only of those applicants who do not pass both parts of the qualifying exam on their first attempt.

Because access is limited, and because bridging can be expensive and lengthy, the OFC has discouraged regulators from making bridging programs mandatory for the internationally trained.

For example, the Ontario College of Pharmacists proposed regulation changes that would make bridging mandatory for all internationally trained applicants. The OFC noted that 40% of internationally trained applicants passed required pharmacy exams without bridging, and argued that therefore a bridging requirement was an unnecessary barrier to licensing. The OFC recommended that the bridging program adopt a tailored and modular approach, rather than obliging all participants to go through the same course of study. The recommendations were adopted. (For more information about the bridging program for internationally trained pharmacists, see Figure 3.)

### 3-4. GROWING FLEXIBILITY IN REGISTRATION PRACTICES: ACCEPTABLE ALTERNATIVES

Over the last five years, another important trend has been a growing flexibility in registration practices. Regulators have been identifying acceptable alternatives for meeting their registration requirements, as well as options for applicants who have difficulty getting original documents, particularly transcripts. In 2007, 29 professions then under OFC oversight outlined acceptable alternatives for meeting registration requirements (see Appendix 1), and 30 outlined acceptable alternatives for submitting required documentation. By the end of 2011, these numbers had risen to 31 and 32, respectively. In addition, many professions identified new alternatives.

## Alternatives for meeting registration requirements

In total, 13 professions reported making changes to acceptable alternatives from 2008 to 2011. Some professions introduced new alternatives to traditional exam or work-experience requirements, ranging from recognition of credentials and/or experience from another jurisdiction to offering an alternative exam format. Other professions offered provisional or temporary restricted licences to help applicants get employment and work under supervision while completing the final stages of licensing.

The College of Physicians and Surgeons of Ontario identified a series of alternative “pathways” to licensing, including a practice-ready assessment. Unfortunately, both formal research and informal conversations with international physician networks show that few applicants have been able to access practice-ready assessments.<sup>20</sup> Pathways designed to ease inter-provincial mobility have been relatively successful, although they have been largely superseded by labour-mobility legislation.

Other alternatives focused on new ways of demonstrating competency. For example, *competency assessment* measures skills, knowledge, and behaviours obtained through formal or non-formal education, work experience, or other means. The similar *prior learning assessment* focuses more specifically on competencies acquired outside of formal education.

Both types of assessment use a range of methods, from eligibility examinations to portfolio submissions, where graduates from international and even Canadian non-accredited programs submit documentary evidence that they have the competencies required to practise the profession. In many cases, competency assessments

distinguish between candidates who are ready to become licensed or to take an entry-to-practice exam and candidates who need bridging or retraining.

Regulators are increasingly identifying bridging as an acceptable alternative, as well as learning-contract or pathway options that allow applicants to fill competency gaps without having to complete a full academic program.

## Alternatives for required documentation

Applicants sometimes have difficulty getting required documents, for reasons beyond their control. Between 2007 and 2012, 12 professions changed their acceptable alternatives for documentation. New options enable applicants to:

- provide a statutory declaration
- provide notarized copies of transcripts
- get testimonials from former lecturers

Some professions even began to see competency-based assessment as a feasible approach for evaluating applicants without educational documents.

## Competency assessments

The turn to competency assessments reflects the many challenges that regulators face because of the growing number of non-traditional applicants:

- the lack of worldwide standardization of the professions
- the rapid evolution of professional knowledge
- the inadequacy of regulatory frameworks originally developed to serve domestically trained applicants

Competency assessments offer a new approach to tackling these challenges, and support labour mobility and fair-access legislation.<sup>21</sup>

Competency assessment as it relates to licensing is still a new field. More research is needed on its validity as an assessment approach and on its effectiveness in overcoming barriers for internationally trained professionals. Competency-based assessment can offer a richer portrait of skills and knowledge than traditional credential-recognition approaches, especially when multiple methods are used.

However, assessors must be highly trained to ensure accurate and fair assessments, and competency assessments can be costly and lengthy for participants.

Further, prior learning assessment can be a difficult process for candidates. This is particularly true for portfolio submissions, where candidates must describe and prove how they acquired their professional knowledge and skills. Professions that have recently implemented this approach, such as foresters and land surveyors, report resistance from some applicants who prefer more familiar approaches to demonstrating knowledge, such as writing an exam.

### 3-5. EXPANDING MUTUAL RECOGNITION AGREEMENTS

The best way to reduce the challenges for internationally trained applicants is to comprehensively assess the education and licensing practices in other countries. The regulator can then use this information to negotiate a mutual recognition agreement (MRA) with a regulator in another country, whereby each regulator recognizes the other's programs and professionals. International MRAs can reduce the burden of the registration process for internationally trained applicants by exempting them from some requirements, such as examinations or work-experience requirements.

This is a resource-intensive process for regulators and tends to be limited to larger professions with strong national bodies. In 2007, nine Ontario professions had MRAs (see Appendix 1):

- architects
- chartered accountants
- dental hygienists
- dental surgeons
- engineering technicians and technologists
- engineers
- general accountants
- management accountants
- psychologists

By 2012, medicine and nursing also had international MRAs, and four other professions added to their lists of recognized jurisdictions.

Negotiation of MRAs has tended to focus on English-speaking and Commonwealth countries with similar approaches to education and licensing. While these negotiations are simpler for regulatory bodies, they do not reflect the diversity of applicants to Ontario professions.

Figure 4 shows the top five source countries (excluding Canada) for each of the five Ontario professions with the highest numbers of internationally trained members, and highlights the countries where there is an MRA in place. Among these five professions, only engineers, nurses and physicians have MRAs at all, and all MRAs with regulators in top source countries reflect the bias toward Commonwealth countries where university courses are taught in English. Applicants from these jurisdictions have an advantage over applicants from other parts of the world.

**Figure 4: International mutual recognition neglects key source countries**

<b>Teachers: Top five source countries</b>					
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
<b>1</b>	U.S.	U.S.	U.S.	U.S.	
<b>2</b>	Australia	Australia	Australia	Australia	
<b>3</b>	India	India	India	India	
<b>4</b>	U.K.	Scotland	Philippines	New Zealand	
<b>5</b>	Jamaica	New Zealand	New Zealand	Scotland	
<b>Engineers: Top five source countries</b>					
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
<b>1</b>	China	India	India	India	
<b>2</b>	India	China	China	China	
<b>3</b>	Iran	Iran	Iran	Iran	
<b>4</b>	Pakistan	Pakistan	Pakistan	U.S.	
<b>5</b>	Bangladesh	Bangladesh	Bangladesh	Bangladesh	
<b>Nurses: Top five source countries</b>					
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
<b>1</b>	Philippines	Philippines	Philippines	Philippines	
<b>2</b>	India	India	India	India	
<b>3</b>	Nigeria	Nigeria	Nigeria	Nigeria	
<b>4</b>	U.K.	China	Jamaica	Jamaica	
<b>5</b>	China	U.K.	China	China	
<b>Physicians and Surgeons: Top five source countries</b>					
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
<b>1</b>	India	India	India	Saudi Arabia	
<b>2</b>	Saudi Arabia	Saudi Arabia	Saudi Arabia	India	
<b>3</b>	U.K.	U.K.	U.K.	Ireland	
<b>4</b>	Egypt	Ireland	Ireland	U.K.	
<b>5</b>	Pakistan	Pakistan	Pakistan	Australia	
<b>Pharmacists: Top five source countries</b>					
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	
<b>1</b>	Egypt	Egypt	Egypt	Egypt	
<b>2</b>	India	India	India	India	
<b>3</b>	U.S.	Philippines	U.K.	U.S.	
<b>4</b>	Philippines	Pakistan	Philippines	U.K.	
<b>5</b>	Pakistan	U.K.	U.S.	Pakistan	

Note:

- Shading indicates the existence of a mutual recognition agreement (MRA) with a regulator in that country in that year.
- Professions are arranged in descending order of their numbers of internationally trained members.

For example, teachers have the most internationally trained members, and have no MRAs with regulators in their top five source countries.

Clearly, more work remains to be done to extend MRAs beyond English-speaking and Commonwealth countries. Engineers Canada has been a leader in this regard, negotiating MRAs with regulators in Chinese Taipei, Japan and South Korea, in recognition of the importance of East Asia as a source region for the engineering profession. Professional Engineers Ontario (PEO) does not review course descriptions for applicants from MRA countries, but does confirm that they passed all required courses. PEO reserves the right to assign technical exams if it is unsure whether an applicant's academic qualifications meet PEO's licensing requirements.

### 3-6. IMPROVING ACCOUNTABILITY OF QUALIFICATIONS ASSESSMENT AGENCIES

Many Ontario regulators use external organizations (third parties) to assess knowledge or skills for professional practice. These bodies include organizations that:

- assess academic credentials
- administer exams
- assess competency or prior learning

To ensure that regulators cannot avoid their fair-access responsibilities by contracting out key parts of the licensing process, FARPA states that regulators that rely on third parties must "take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair."

Because so many regulators rely on third-party assessments, accountability measures are an important issue. In 2007, 33 professions under the OFC mandate relied on third parties, and this was unchanged in 2012.

During its first two years, the OFC repeatedly appealed to assessment agencies and regulators to improve fairness and streamline processes, in order to reduce costly duplication and unnecessary delays for applicants. In its 2009 *Study of Qualifications Assessment Agencies*, the OFC recommended that regulatory bodies ask more questions of third-party assessment agencies, and hold them accountable to fair-access principles.

Since the start of 2008, 20 professions have reported changes to third-party accountability. Some made more than one change. Eleven have signed a formal agreement with a third party and/or added specific fairness provisions. Three professions met with a third party to discuss and review policies, and two monitor third parties more explicitly. Finally, three professions reduced their reliance on third parties, while five strengthened their third-party relationships through greater collaboration. Health professions are more consistently reliant on third parties, and thus made more changes with regard to third-party accountability (see Appendix 1).

In its 2011–12 assessments, the OFC made recommendations to only four professions with regard to third-party accountability, and commended nine professions for monitoring practices that ranged from regular communication and meetings to formal agreements and reporting.

However, recent OFC analysis of academic-credential assessment suggests a need for ongoing vigilance with regard to both third-party and in-house assessments. In total, 35 of 38 professions require some form of credentials assessment, with 26 using third parties. Of those that conduct in-house assessments, 44% do not have clear criteria for deciding how credentials are assessed, and a similar percentage do not provide in-depth training on how to conduct assessments.



This finding raises concerns that regulators do not yet comprehend all that is required to ensure that assessments are “transparent, objective, impartial and fair.” Without this critical understanding, third-party reporting and accountability mechanisms have limited value.

### 3-7. REDUCING THE LENGTH OF THE REGISTRATION PROCESS

In 2009, the OFC began a comprehensive study of the experience of 3,784 applicants across 37 regulated professions. The study confirmed what has long been known: the complexity, length and cost of the registration process are among the most significant licensing barriers for internationally trained professionals.

Self-regulating professions have the authority to set their own timelines. However, the OFC can ask regulators to review timelines and propose strategies to improve efficiency. In 2010, the OFC asked all regulators to do this and to document their proposed changes and implementation plans in Entry-to-Practice Reviews.

In their Entry-to-Practice Reviews, 26 of 38 professions made one or more proposals to address issues of timeliness:

- 9 professions proposed measures to increase efficiency or eliminate unnecessary processes.
- 9 proposed to better monitor timelines.
- 6 health professions recommended improving transparency of timelines or establishing timelines in policy.
- 8 health professions sought to ensure adequate staffing or provide resources to applicants to address potential delays.

- 8 non-health professions proposed using information and technology to improve communication timeliness.
- 3 non-health professions made recommendations allowing applicants flexibility to complete requirements more quickly.

Clearly, some regulators are proposing improvements to timeliness. Non-health regulators seem to take implementation of the proposals more seriously. This may result from the requirement for timely decisions, responses and reasons in FARPA, the fair-access legislation covering non-health professions. This requirement is not in the corresponding amendments to the Regulated Health Professions Act (RHPA).

Of non-health professions, 69% made timeliness recommendations in their Entry-to-Practice Reviews, and 60% had implemented one or more such recommendations by the time of their 2011–12 OFC assessment. A similar proportion of health professions made timeliness recommendations, but only 53% had implemented one or more by the time of their assessment.

In its 2011–12 assessments, the OFC identified 11 commendable practices among non-health professions in the area of timeliness, but none among health professions.

The impact of efficiency-related changes proposed by regulators on the actual experience of applicants is difficult to assess. By the time of their assessments, 12 of the professions that made recommendations related to timeliness in their Entry-to-Practice Reviews had failed to implement even one recommendation. Further, only three health and three non-health professions shortened the timelines for registration

decisions or certification. Worse, four health professions and one non-health profession *increased* timelines for providing written reasons to applicants about all registration decisions, internal reviews and appeal decisions.

Even where regulators have improved the efficiency of their internal processes, applicants may still wait a long time to become licensed. The most significant delays experienced by applicants relate to the time needed to study and save for additional courses and examinations, and to the many challenges associated with completing Canadian-experience requirements.

### 3-8. AMENDING REGULATIONS TO ACHIEVE LABOUR MOBILITY

Mobility — of people and goods — is a growing reality both internationally and within Canada, resulting in a wide range of related government policy initiatives for immigration and trade, as well as labour mobility and access to the professions.

When different parts of government work together to implement policies with complementary goals, it can lead to important advances for fair access to the professions. This has been the case with labour-mobility legislation in Ontario. Unfortunately, there has been much less coordination between federal immigration policy and provincial fair-access concerns (see Section 3-10).

#### Enabling inter-provincial mobility

The Ontario Labour Mobility Act (OLMA), Ontario's legislation to implement the Agreement on Internal Trade (AIT), came into force in December 2009. Starting then, professionals with an unrestricted licence to practise in a Canadian jurisdiction were to be eligible

for a licence in another province or territory, without undergoing another assessment. The new legislation gave regulators 12 months to formalize any necessary changes to their registration regulations.

Since December 2009, OFC staff members have advised regulatory bodies about labour mobility, reviewed registration regulations, and helped shape amendments to comply with OLMA. The Ontario Ministry of Health and Long-Term Care supported this work by systematically consulting with the OFC on proposed regulation amendments by each of the 22 professions under the ministry's responsibility. Timelines were delayed for some professions, but all health professions made or were in the final stages of completing labour-mobility amendments to their registration regulations by the summer of 2012. Non-health professions were less unified and systematic in their approach: some amended regulations and others relied on existing mutual recognition agreements to meet their responsibilities under OLMA.

#### Building inter-provincial cooperation

Labour-mobility legislation obliged regulators from different provinces to talk together about their requirements and processes. Regulators realized that harmonization was necessary to ensure the overall integrity of the licensing process in Canada. This has led the way for national projects to:

- establish shared frameworks for professional competency
- develop competency assessment tools
- develop common principles for assessment, such as those developed by Geoscientists Canada in the *Framework for Assessment in the Licensing of Professional Geoscientists in Canada*<sup>22</sup>

Many such projects have been supported by funding from the Foreign Credential Recognition Program at Human Resources and Skills Development Canada, as part of national collaboration on the *Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications*. This funding allowed regulated professions to carry out initiatives that would otherwise have been impossible, especially for smaller professions with very limited resources.

## Removing other barriers

By participating in the review of regulations that was prompted by OLMA, the OFC was able to comment on other aspects of the regulations that created unnecessary barriers for applicants.

As a result of the review process, 7 of 22 health professions and 7 of 16 non-health professions made or proposed regulation changes that removed a barrier or improved access to licensing. Most significantly, these regulation changes eliminated or reduced Canadian-experience requirements for some professions.

Regulators used regulation amendments to improve fairness for all applicants in a variety of ways:

- Two regulators made broader changes to work-experience requirements, to the benefit of Canadian as well as international applicants. The Institute of Chartered Accountants of Ontario reduced its work-experience requirement from 5,400 to 3,720 hours. The College of Occupational Therapists of Ontario shortened its requirement for recent practice from 750 to 600 hours during the three years prior to applying for licensing.

- The Ontario Professional Foresters Association established an internal appeals procedure.
- Other regulators made minor reductions to course hours, eliminated certain requirements for post-specialty and graduate-student certificates, and removed requirements for Canadian citizenship or permanent residence status.

## 3-9. EXAMINING THE ROLE OF GOVERNMENT

Clearly, government has a critical role to play with regard to fair access to the professions. Both federal and provincial support is needed to integrate fair-access priorities into related legislation and policies, and to provide needed funds for regulators, training partners, and applicants themselves to overcome barriers to professional licensing.

In March 2010, the OFC issued a series of recommendations to federal and provincial governments in *Clearing the Path: Recommendations for Action in Ontario's Professional Licensing System*.

Governments have taken steps to respond to some of these recommendations, but underlying problems remain. Following is an analysis of the recommendations that addressed issues common to all of the regulated professions, including two made to the Ontario government and two made to the Government of Canada.

# GOVERNMENT AND FAIR ACCESS TO THE PROFESSIONS: A TIMELINE

**2006: Fair Access to the Regulated Professions Act** obliges regulatory bodies to ensure that their registration practices are "transparent, objective, impartial and fair." FARPA governs non-health professions directly and also amends the Regulated Health Professions Act.

**2008: Increasing Access to Qualified Health Professionals for Ontarians Act** amends the Health Professions Procedural Code to require all regulated health professions to work with the Ministry of Health and Long-Term Care "to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals."



**2007: The Hon. Jean Augustine, PC, CM,** is named Fairness Commissioner, and the Office of the Fairness Commissioner is established to oversee the regulatory bodies named in the fair-access legislation.



**2009: Ontario Labour Mobility Act (OLMA)**, Ontario's legislation to implement the Agreement on Internal Trade (AIT), receives Royal Assent in December 2009. One of the core concepts is that individuals with an unrestricted licence to practise in a Canadian jurisdiction should be eligible for a licence in any other Canadian jurisdiction, without undergoing another assessment.

**2009: Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications** is a public commitment by federal, provincial and territorial governments to ensure that regulatory bodies have foreign-credential-recognition processes based on shared principles of fairness, transparency, timeliness and consistency.

**2009: Ontario College of Trades and Apprenticeship Act** establishes a new regulatory body for skilled trades and amends FARPA to include this new body under the mandate of the Office of the Fairness Commissioner.



**2010: The OFC issues a series of recommendations** to federal and provincial governments in *Clearing the Path: Recommendations for Action in Ontario's Professional Licensing System*.

**2011: Ontario government announcement** obliges health colleges to make publicly available any comments made about them by the OFC, and commits the government to work with the OFC to remove unnecessary barriers in registration, including Canadian-experience requirements.

**2012: Ontario's Expert Roundtable on Immigration** lays the foundation for the province's first immigration strategy.

## Two OFC recommendations to the Ontario government

### ***1. Decide within six months whether to approve or reject regulators' proposed changes to regulations or laws affecting licensing.***

Given the importance of regulation amendments to removing barriers associated with needlessly difficult registration requirements, the OFC recommended that the government ministries speed up decisions about regulators' proposed changes to their regulations.

To date, the government has not committed to quicker timelines. Regulatory bodies continue to face long wait times for approval, particularly where the proposed amendments are not directly related to inter-provincial labour-mobility legislation. Delays can have serious consequences. For example, one regulator faced a court challenge because of ambiguity in its registration regulation. This ambiguity was addressed by a registration amendment that was proposed in 2009 and that is still waiting for ministry approval.

### ***2. Open the Ontario Student Assistance Program or other needs-based financial aid to internationally trained professionals who must upgrade their education or training.***

This recommendation addressed applicant concerns about the cost of the licensing process, especially in cases where applicants need to forego income at the same time that they are paying for bridging or other training. Costs are increasing, because government is putting pressure on bridging programs to reduce their dependency on grants. The costs for participants can be considerable, reaching up to \$30,000 for a one-year program.

In the first quarter of 2010, the government announced it would invest \$18 million over 19 months to help cover the cost of college and university bridging programs that are not covered under the Ontario Student Assistance Program (OSAP) because of their short-term nature. This Ontario Bridging Participant Assistance Program aimed to help more than 1,800 newcomers enter bridge training programs in high-demand fields.

While this is a welcome development, it only helps people attending bridging programs at publicly funded post-secondary institutions. The many bridging participants receiving training outside the formal education system still have no access to financial aid. The Ministry of Citizenship and Immigration currently funds 40 bridging projects for regulated professions, 5 targeting systemic change and 35 providing direct support to internationally trained professionals. Of this latter group, 23 training programs are offered by a university or college, and 12 by other stakeholders including regulators, professional associations, community organizations and a conservation authority. Many of these providers offer unique strengths and industry contacts not found in traditional educational institutions.

There is a critical need for new and flexible approaches to financial aid for internationally trained professionals engaged in the bridging and licensing process, because the diversity of training providers goes beyond the scope of traditional student assistance programs, and also because the costs of licensing extend beyond training to credentials assessments and exams.

Total exam fees, for exams required of all applicants, can range from under \$500 to as much as \$6,000. Internationally trained applicants may also have costs related to eligibility or clinical competency exams. For veterinary medicine, the clinical competency exam for internationally trained applicants has an intimidating price tag of \$8,367. Further, many applicants have to repeat at least part of this exam, at additional cost.



Clearly, financial aid can be critically important. In recognition of this, the Government of Canada's 2011 Budget included a new pilot initiative to help internationally trained applicants pay for the assessment of their foreign credentials.<sup>23</sup> The initiative provides funding to test and develop community-based approaches to offering financial aid, but falls short of election promises that raised hopes of a broadly available loan program.

Further measures are needed from federal and provincial governments, to overcome financial barriers to licensing and achieve the ultimate goal of employment and earnings appropriate to people's skills and experience. Internationally trained applicants face a significant financial disadvantage compared to domestic applicants. Generally, they have less access to financial aid and face greater costs. These greater costs result from requirements for:

- additional exams
- prior learning assessments
- document translation
- academic-credential assessment

On average, they are also older and more likely to have to balance long-term professional development against the immediate need to provide for a family.

In this context, governments must ensure equal opportunity for internationally trained professionals. This can be a challenging mandate in times of fiscal restraint. And it is particularly challenging for health professions, where an increase in the supply of health professionals is often associated with increased health-care costs for government. However, equity demands that all qualified people have an equal opportunity to become licensed and practise their profession. Internationally trained professionals should not be seen as a reserve labour force, to be drawn upon only

when domestic graduates are in short supply. Rather, they should be seen as equal citizens with equal rights.

Governments and regulatory bodies must be clear that licensing is about ensuring public safety, and not about intervening in labour-market supply and demand. The proper moment for asking questions about supply and demand is at the time of setting immigration policy, and not after qualified individuals have already arrived and begun the journey to becoming licensed in Canada.

## Two OFC recommendations to the Canadian government

### ***1. Ensure that professionals who apply to immigrate to Canada are informed that there is a provincial licensing process.***

To increase transparency, the Government of Canada now requires prospective immigrants to sign a declaration on their application form: "I understand that if I wish to work in a regulated occupation, it is my responsibility to obtain information on the licensing requirements from the appropriate regulatory body in Canada."<sup>24</sup> This change was introduced in July 2011, to address unrealistic expectations about licensing and employment in regulated professions.

Feedback from immigrant professional networks suggests that this may be too little too late, when balanced against the hopes and dreams that drive immigration.

### ***2. Before immigrant professionals arrive, give them realistic, clear and up-to-date information about licensing requirements in destination province(s).***

Federally funded pre-immigration services, such as those provided by the Canadian Immigration Integration Project, have shown promising results in educating prospective immigrants about potential

barriers and preparing them for the challenging task of seeking work in their field.<sup>25</sup> Before leaving home, economic immigrants from some large source countries can benefit from group sessions on joining the labour market, individual support for developing an action plan, and referrals to support services at the Canadian destination.

In 2010, an evaluation report about the integration project noted that 83% of clients said that they had a better understanding of challenges they might face in finding a job in their field. The evaluation also affirmed the value of individual support and an individualized action plan, particularly for those seeking licensing and employment in a regulated profession. People who followed their action plan were more successful in securing a first job related to their field of specialization.<sup>26</sup>

Unfortunately, access to pre-arrival services remains limited. The Canada–Ontario Immigration Agreement (COIA) promised \$920 million in new funding for settlement services over the period 2005–06 to 2009–10. One of its objectives was the expansion of pre-arrival services. But COIA's evaluation reports that COIA funded only three additional projects related to pre-arrival information, all involving development of educational resources that could be used both before and after arrival. The evaluation also cites feedback from immigrant service providers, who stated that skilled newcomers continued to be frustrated by the gap between their experience in the job market and information they received before their arrival.<sup>27</sup>

### 3-10. EXAMINING THE COHERENCE OF IMMIGRATION POLICY AND FAIR ACCESS

Recent developments in federal immigration policy risk worsening the gap between licensing experiences for internationally trained applicants and information they

receive before immigrating. The Canadian government is moving forward with immigration-policy changes that will require prospective immigrants to meet a minimum language requirement and complete an assessment of their academic credentials before arrival in Canada. The OFC is concerned that this new policy will lead to unnecessary duplication and expense for internationally trained professionals, while raising unrealistic expectations regarding the adequacy of their language skills and academic credentials for professional licensing.

Ontario's Expert Roundtable on Immigration has echoed the OFC's concerns. The Roundtable report urges federal and provincial governments to work together to "ensure that the new federal credential and language assessment system is aligned with licensing bodies and not misconstrued as licensure."<sup>28</sup>

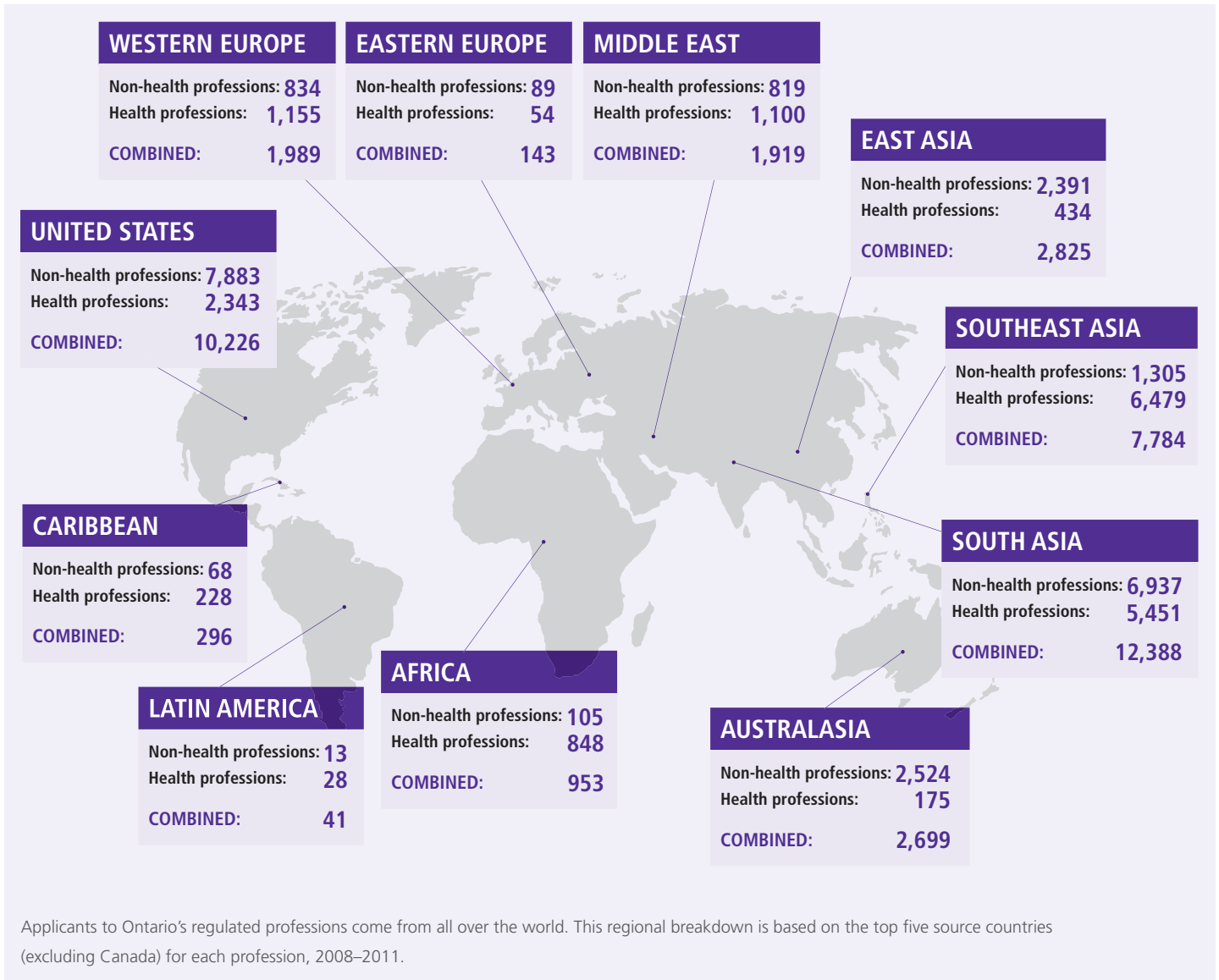
### Language

The minimum language requirement also threatens to undermine the high degree of cultural and linguistic diversity of professional immigration to Canada. The source countries for Ontario's regulated professions span all regions of the globe. Figure 5 offers a regional breakdown of applicants, based on the top five source countries (excluding Canada) for each profession over the period 2008–2011.

Among top source countries, English variously has the status of:

- native language (the United States, Australia and the United Kingdom)
- language of instruction for higher education (India, Philippines and Nigeria)
- language learned for international trade and migration (China, Iran and Saudi Arabia)

Figure 5: Where do internationally educated professionals get their training?



The introduction of a minimum language requirement will have particularly serious consequences for countries in the third category. Most significant is the anticipated impact on China, which currently sends large numbers of applicants to the engineering and related professions in Ontario and which has been the largest source country for immigrants to Canada over most of the last decade.

### Canadian experience

Other immigration-policy changes would give greater weight to Canadian experience in the immigrant-selection process. These changes weaken efforts to educate employers and regulators about the value of international experience and the importance of developing effective strategies for assessing such experience. The OFC is concerned that this policy change institutionalizes discrimination, legitimizing employer preferences without properly considering whether there is true justification for giving disproportionate weight to Canadian experience in either employment or immigration selection.

### 3-11. EXAMINING THE INFLUENCES OF A DYNAMIC ENVIRONMENT

Fair-access work takes place in a dynamic environment, calling for ongoing vigilance.

For example, since the OFC was first established in 2007, it has seen:

- the introduction of a priority occupations list in 2008 that favoured immigration for some professions while limiting it for others

- the implementation of labour-mobility legislation in 2009. This helped professionals move between provinces and increased the sense of urgency around national projects to establish competency frameworks and related assessment tools. (See Section 3-8.)

Further changes include the regulation of new professions in Ontario, and the global recession, discussed below.

### New regulated professions

In Ontario, five health colleges within the OFC's oversight are developing registration processes and policies:

- College of Homeopaths of Ontario
- College of Kinesiologists of Ontario
- College of Naturopaths of Ontario
- College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario
- College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario

Also, the Ontario College of Trades and Apprenticeship Act, 2009, has led to the development of another new regulatory body, with an ambitious mandate to regulate 22 skilled trades.

For the OFC, the opportunity to help shape these bodies' registration policies and processes from their start has been extremely valuable, because many fair-access challenges arise from the difficulty of adapting existing processes, designed for domestic graduates, to meet the needs of a new era of global mobility.

At the same time, new regulators raise new issues and challenges. For example, they must define professional practice requirements for fields that have their roots in traditional ways of knowing (homeopathy and Chinese medicine), or establish registration processes that are flexible enough to address the needs of many trades, while being rigorous enough to protect the public.

### Global recession and job losses

The recent global recession has had a disproportionate impact on immigrants, leading to an increasing gap between the employment and earnings of domestically versus internationally trained individuals. Immigrants, at 28.9% of the work force, lost 33% of all jobs lost in Ontario between 2008 and 2009, a total of almost 55,000 jobs. The earnings gap between university-educated immigrants and their Canadian-born counterparts has also grown significantly. In 1995, the gap stood at \$24,437 annually; by 2005, this figure had grown to \$27,020.<sup>29</sup>

The recession has hindered access to the professions in many ways, making it more difficult for all applicants to cover exam fees and other registration costs, and making it especially difficult for many internationally trained applicants to provide for a family while participating in bridging and related training. For professions with Canadian-work-experience requirements, the drop in employment opportunities has made it harder for internationally trained applicants to meet the work-experience requirements for the licence that would enable them to compete more successfully in the labour market.

Finally, recession anxieties have paved the way for a series of immigration-policy changes, some already implemented and others still in development, that tighten requirements for permanent entry, while easing temporary entry for foreign workers and international students.<sup>30</sup>

*Immigration policy favours certain professions, but licensing and jobs don't always follow. For trends in teaching, engineering, nursing, medicine and pharmacy, see Appendix 2.*

# 4.

## 2011–12 ASSESSMENT OF PROFESSIONAL LICENSING

### 4-1. INTRODUCTION

*In 2011, the Office of the Fairness Commissioner (OFC) embarked on an ambitious endeavour: the first comprehensive assessment of professional registration practices to be conducted in Canada. The stakes were high: applications for Ontario licensing reached 62,452 in 2011, up by over 4,500 from 2010. Of these, a record 14,721 were submitted by applicants trained outside Canada.*

While much has changed over the past five years, much work remains to improve fair access to the regulated professions. Since the introduction of the fair-access law, the number of internationally trained professionals licensed to practise in Ontario has grown almost 20%. Nevertheless, applicants continue to experience challenges with regard to recognition of international training and experience, as well as the length, cost and complexity of the registration process.

As Figure 6 shows, applications and membership both climbed at slower rates for internationally trained applicants than for Ontario applicants (see page 38).

OFC assessments looked objectively at the state of professional registration practices in Ontario, measuring them against the four key principles of transparency, objectivity, impartiality and fairness in the fair-access legislation. It is these principles that informed the 71 looked-for practices documented in the OFC's two assessment guides. These guides are tools developed in consultation with regulators themselves.

### Developing and using the Registration Practices Assessment Guides

To ensure a consistent and transparent approach to assessment, the OFC convened a working group of regulators and qualifications assessors to translate the fair-access legislation into a series of clearly defined desirable practices. Specific duties outlined in the legislation were translated into a series of *required practices* under eight categories. General duties were translated into a second series of practices grouped under the four key principles named in the legislation. These practices were designated *good practices*, in accordance with the limited enforcement authority attached to this section of the legislation.



This process created two separate assessment guides, tailored to minor differences in the Fair Access to Regulated Professions Act (FARPA), for non-health regulatory bodies, and the corresponding amendments to the Regulated Health Professions Act (RHPA).

The OFC used the 71 registration practices in the assessment guides to perform its assessments in 2011–12. That is, it compared regulators' actual practices against the desired practices in the guides, made recommendations for change, and identified commendable practices the regulators had already put in place.

For more information about the guides, their categories of registration practices, and the numbers of recommendations and commendable practices the OFC noted in those categories, see Appendix 3.

#### **Purpose and organization of Section 4**

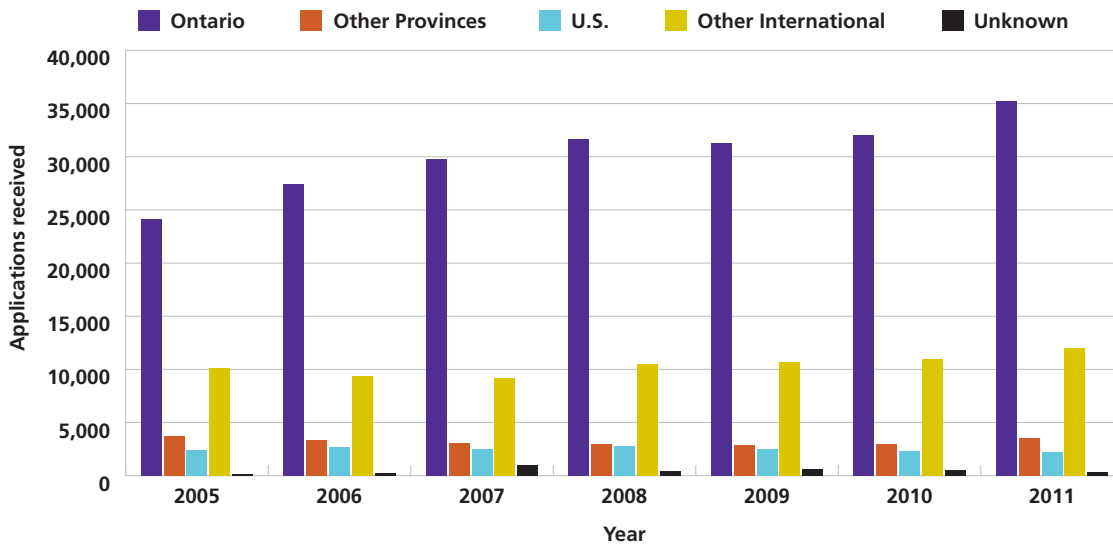
The rest of this section provides a broad summary of the 2011–12 assessment findings, and conclusions that can be drawn from them:

- Section 4-2 outlines the OFC's recommendations to the regulatory bodies.
- Section 4-3 outlines commendable practices that the OFC noted.
- Section 4-4 discusses the current state of access to the professions in Ontario.
- Section 4-5 suggests ways for regulators to make further improvements.

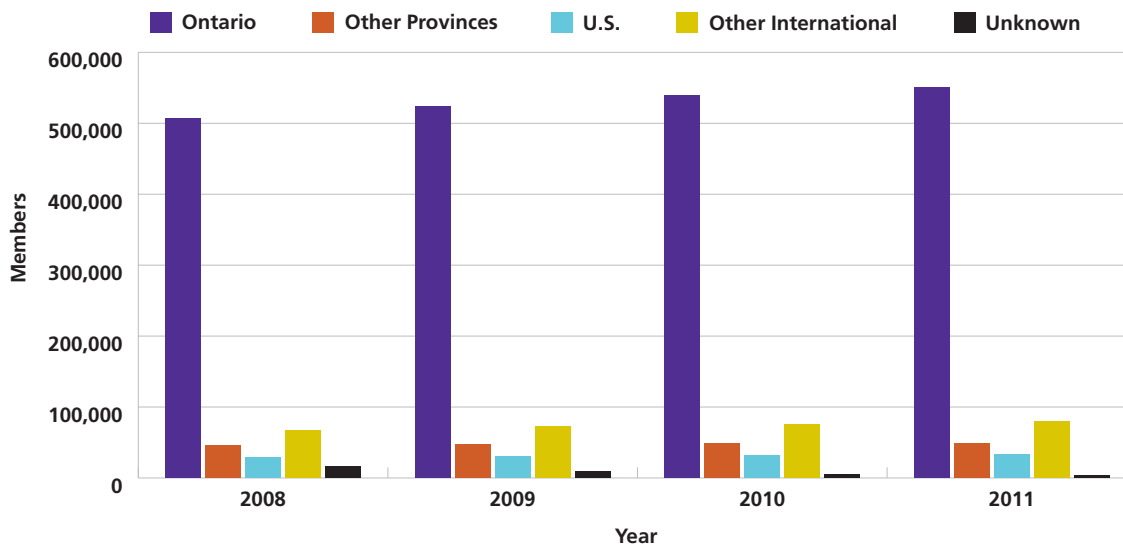


## Figure 6: Internationally trained applicants struggle to take their place in Ontario professions

Note: The following five professions are excluded from the data presented in the two graphs in this figure because they did not provide full data for the period 2005–2011: early childhood educators, land surveyors, lawyers, paralegals, and pharmacy technicians. In the case of early childhood educators, paralegals and pharmacy technicians, the profession was not yet issuing licences in 2005. The other two professions have not consistently tracked place-of-training in 2005–2011.



Applications rose steadily in the two years following proclamation of FARPA, then levelled out during the worst of the recession from 2008–2010, before starting to climb again in 2011. Applications from internationally trained individuals also climbed, but at a slower rate than those from Ontario-trained applicants.



Total membership in the regulated professions grew steadily between 2008 and 2011. The number of internationally trained members also grew during this period, in both the U.S. and Other International categories, but at a slower rate than the number of Ontario members.

## 4-2. MAKING RECOMMENDATIONS

Between September 2011 and August 2012, the OFC completed 37 assessments.<sup>31</sup> While the process found regulators to be generally working in good faith to adhere to their fair-access duties, it highlighted key areas for further improvement and made wide-ranging recommendations to improve 339 registration practices among the various regulators.

Both the number and the substance of the recommendations are significant.

### Top 12 areas for improvement

Analysis of the recommendations yields 12 key areas for improvement:

1. Provide clear rationales for requirements.
2. Recognize acceptable alternatives for meeting registration requirements.
3. Identify exemptible requirements.
4. Strengthen assessment criteria and methods.
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.
9. Increase focus and rigour of training for decision-makers.
10. Provide anti-discrimination training.
11. Offer better information about reviews and appeals.
12. Enhance access to records.

The OFC's findings in these 12 key areas are grouped in the following four themes:

- flexible registration pathways (key areas 1–4)
- accessible information and efficient processes (key areas 5–8)
- training for objectivity (key areas 9–10)
- effective access to appeals (key areas 11–12)

For detail about the importance of these 12 key areas, see Appendix 4.

### Flexible registration pathways (key areas 1–4)

OFC recommendations reflect the need for regulators to carefully review their academic and experience requirements, and to ensure that their assessment criteria are directly linked to requirements. Professional self-regulation means that regulatory bodies themselves define the requirements that applicants must meet before they are considered ready to practise competently and safely.

The OFC's recommendations aim at ensuring that all requirements are clearly aligned with the regulator's public-protection mandate, that training from non-accredited institutions is appropriately accommodated, and that assessment methods do not set unnecessary barriers to licensing or disproportionately affect specific groups of applicants.

In total, the OFC made 61 recommendations regarding flexible registration pathways, focusing on the following:

- providing clear rationales for requirements (8 recommendations)
- recognizing acceptable alternatives, including alternative documentation, for meeting registration requirements (16)

- identifying exemptible requirements (15)
- strengthening assessment criteria and methods (22)

In several cases, recommendations specifically address the communication of rationales for Canadian-experience requirements. Such requirements have often been criticized by internationally trained applicants, who see them as unnecessary and discriminatory hurdles for seasoned professionals. However, some regulators view Canadian experience as important and necessary to ensure adequate exposure to Canadian codes, standards, and processes. OFC recommended posting this information on regulators' websites to ensure greater transparency and to oblige regulators to ensure that their reasons are sound.

### **The recommendations at work: Engineering technicians and technologists**

The Technology Registrations Canada initiative for engineering technicians and technologists allows applicants to self-assess against national benchmarks, providing evidence of how their education and experience satisfy each competency they claim to have. This online process eases registration both for international applicants and for domestically trained individuals who wish to upgrade their status or be certified in a new discipline. In response to an OFC recommendation, the Ontario Association of Certified Engineering Technicians and Technologists provided information about this initiative, and links to it, on its website.

## **Accessible information and efficient processes (key areas 5–8)**

Clear and accessible communication of registration information is another key theme of the OFC recommendations. In total, the OFC made 204 recommendations about providing better registration information for applicants. Among these, nine call for an easily accessible, plain-language overview of key steps in the registration process.

Nineteen recommendations relate to fees charged by regulators or qualifications assessors. These recommendations instruct regulators to ensure regular review of fees and to provide the comprehensive fee information that applicants need in order to estimate the total cost of the registration process. Another 36 recommendations relate to transparency and review of timelines. Fourteen seek to ensure that prospective immigrants have access to information about the steps of the registration process that they can begin before arriving in Canada.

These recommendations about steps that international applicants can start before arriving in Canada are important because of:

- ongoing concerns about lost time and productivity that result from licensing delays for internationally trained professionals
- new immigration policies that will require assessment of academic qualifications before applicants arrive in Canada

More work is needed to address high levels of frustration among skilled newcomers caused by the gap between their licensing and employment experiences and the information they receive before arrival.

In large part, responding to these concerns means ensuring greater coherence between federal immigration policy for skilled workers and provincial legislation on professional licensing and fair access. Nevertheless, making information available via the Internet can help prospective immigrants gain a more accurate picture of their chances of being licensed upon arrival.

### **The recommendations at work: Physicians and surgeons**

International medical graduates (IMGs) can access a variety of alternate pathways to registration. But they may have difficulty finding the information that is relevant to their specific situation, because pathway information is spread across the websites of the seven national and provincial organizations involved in the complex licensing process for doctors. In response to an OFC recommendation, the College of Physicians and Surgeons of Ontario has developed a series of flowcharts for IMGs, outlining the options available to them based on their current practice location.

### **Training for objectivity (key areas 9–10)**

Other recommendations relate to training for decision-makers. Many professions rely heavily on volunteer committees drawn from their membership to review academic qualifications and/or work experience and to make decisions about licensing applicants, particularly in complex cases requiring review or appeal. Committee members are experts in their profession,

but not necessarily in assessment. Training for decision-makers is critical to ensuring that they have a common understanding of licensing requirements and apply criteria consistently in their licensing decisions.

The OFC made seven recommendations to improve training in decision-making, and an additional 18 recommendations to offer anti-discrimination training to regulatory staff and committee members. Interestingly, training was one of the few areas separating health and non-health professions. Only one recommendation was made to a health regulator regarding general decision-making training, compared to six for non-health bodies. Recommendations about training in cultural diversity, anti-discrimination and the objectives of the fair-access legislation were more evenly distributed across health and non-health professions.

### **The recommendations at work: Optometrists**

Optometry does not exist as a separate profession in many countries; applications from internationally trained ophthalmologists to practise optometry have been a subject of debate in Ontario. The College of Optometrists of Ontario has faced a challenging task in developing a fair process for considering applications from internationally trained optometrists as well as ophthalmologists. In response to an OFC recommendation, the college organized a training session on cultural diversity and human rights for staff and committee members involved in designing and implementing the new process.

## Effective access to appeals (key areas 11–12)

Even with the best of training, mistakes can be made. Ontario’s professions already provide opportunities for applicants to appeal negative decisions. However, the information available to help applicants effectively access appeals is variable. The OFC made 18 recommendations to improve information about reviews and appeals, including opportunities to appeal qualifications assessments or exams administered by third parties.

The OFC made 12 more recommendations related to the transparency of regulators’ policies and processes for accessing records, a critical ingredient in enabling applicants to effectively apply and prepare for appeals. Another 22 recommendations address the availability of information on document-retention policies and practices, including information about which documents are kept by the regulator and which may be returned to the applicant upon written request.

### The recommendations at work: Pharmacists

Applicants to the Ontario College of Pharmacists (OCP) must take a jurisprudence exam to qualify for licensing. In response to an OFC recommendation, the college’s registration committee approved a new policy for appealing exam results, which has been posted to the OCP website.

Appendix 4 offers further detail on the top 12 key improvement areas arising from the OFC recommendations. It offers additional examples of situations where regulators are making a difference by implementing OFC recommendations.

## 4-3. RECOGNIZING COMMENDABLE PRACTICES

The OFC assessment process involved not only making recommendations but also identifying commendable practices. The purpose was two-fold: to recognize and encourage regulators for practices that exemplified fair-access principles, and to identify practices that could be useful to other regulators in their continuous-improvement efforts.

In this first assessment cycle, the OFC did not define strict criteria for identifying a practice as commendable. Rather, the process was intuitive and discretionary, inspired by the dual goals of encouraging continuous improvement and collecting a broad range of commendable practices that might be included in a database of promising practices.

Therefore, regulators cannot be ranked based on numbers of commendable practices. However, analyzing commendable practices related to the four recommendation themes suggests a number of areas where weak regulators can learn from their peers, as well as other areas where the regulatory community needs outside support to improve practices.

### Flexible registration pathways (key areas 1–4)

The large number of commendable practices related to flexible registration pathways is significant in light of persistent problems of inflexibility, worsened by insufficiently developed rationales for requirements or inadequately described criteria for assessments.

Regulators can learn much from each other about assessment methods and identification of acceptable alternatives for meeting registration requirements.



OFC assessors identified 17 commendable practices related to acceptable alternatives. Most relate to enabling applicants to give the regulator alternative documentation in cases where required documentation is unavailable. Other commendable practices involve alternatives to the regular pathway to registration. For example, the Ontario College of Teachers normally requires that a teacher education program include a minimum of 40 days of supervised practice teaching. Graduates of programs that do not include this practical training can meet the requirement through one year of teaching experience after certification.

OFC assessors also identified 43 commendable practices related to strengthening assessment criteria and methods. Most relate to procedures for ensuring reliable and valid assessments. Examples include comparing two or more assessments of an applicant's file, to catch errors and reduce the risk of bias.

Only one commendable practice concerns the providing of rationales for requirements, and only two concern identifying exemptible requirements. This suggests a need for all regulators to think more deeply about requirements that are truly necessary to public protection, and those that can be exempted for the greater good of ensuring access for applicants who bring a rich diversity of training, experience and cultural knowledge to the profession.

### **Accessible information and efficient processes (key areas 5–8)**

Some regulatory bodies give unclear or incomplete information to applicants about the registration process, timelines, and fees, as well as registration steps that can be completed outside of Canada. These regulators can learn much from the regulators who have made more and clearer information available to applicants.

OFC assessors identified 104 commendable practices related to providing information for applicants, 15 of which concern steps in the registration process that can be started or even completed outside Canada. An increasing number of professions are allowing international applicants to write evaluating exams before they immigrate, enabling them to better assess their chances of being able to practise in Ontario, and to practise sooner after arriving.

Assessors also identified 11 commendable practices related to timelines, including initiatives for improving timelines by establishing control procedures or empowering a senior staff member. For example, the board of directors of Certified Management Accountants of Ontario, which meets only four times a year, sped up its certification process by empowering the CEO to approve candidates for registration.

Only seven commendable practices address fees. Since many regulators have limited revenue, this small number of commendable practices suggests that governments must be more involved in helping applicants who experience financial difficulties, by helping pay the expenses associated with licensing.

### **Training for objectivity (key areas 9–10)**

OFC assessors identified 20 commendable practices related to training opportunities for staff and committee members in making fair decisions about applicants' licensing, and in explaining these decisions in writing. In general, health regulatory bodies had more commendable practices related to training than non-health bodies did.

Only one commendable practice was identified in relation to anti-discrimination training. The College of Midwives of Ontario employs a legal counsel to offer anti-discrimination training. The college also provides ongoing training in understanding cultural differences and avoiding culture-related bias in decision-making.

Some opportunities exist for regulators to learn from their peers about improving training for decision-makers. But overall, assessment findings suggest that adequate training for staff, and especially for volunteer committee members, continues to be a significant challenge for regulatory bodies in Ontario. OFC is committed to developing resource material to help regulators better understand fair-access principles.

### **Effective access to appeals (key areas 11–12)**

As discussed earlier, the OFC assessments highlighted opportunities to improve access to appeals through better information, access to records and document retention. OFC assessors identified seven commendable practices related to providing information about appeals. The Law Society of Upper Canada has a well-developed hearing process that allows candidates to ask for information used to deny their entry to the profession. The Law Society also has a tribunal office that provides more information about the appeal process as required.

The OFC identified only two commendable practices about access to records and none about document retention. However, many regulatory bodies have already begun to develop policy documents in response to OFC recommendations and recent privacy legislation. Sharing of these documents, as well as the process involved in developing effective policy, can offer many benefits to regulators just starting this work.

## **4-4. THE STATE OF FAIR ACCESS ACROSS THE REGULATED PROFESSIONS**

All regulators demonstrate most of the 71 practices outlined in the OFC's assessment guides. As illustrated by the high numbers of commendable practices, regulators are also working proactively to improve registration practices above minimum requirements.

Clearly, there has been progress towards realizing fair-access principles. Commendable practices show a commitment to transparency on the part of most regulators, through efforts to increase the availability and clarity of registration information, including specific instructions for domestic and international applicants from non-accredited programs. Many regulators have also invested considerable effort in objectivity, as shown by the number of commendable practices related to qualifications assessment.

Regulators have developed innovative approaches to competency-based assessment, sometimes working at a national level to establish competency frameworks and assessment tools. Promising initiatives for fairness include:

- accessibility measures to support applicants with disabilities
- bridging and provisional-licensing opportunities for the internationally trained
- new appeal procedures, particularly in non-health professions where appeal routes were quite variable before FARPA

## More work to be done

Nevertheless, considerable work remains to be done, to address more than 300 recommendations, and to clear the path for all qualified applicants to put their knowledge and skills into practice. The 2011–12 assessments are only the beginning of a continuous-improvement strategy, where regulators develop and implement action plans with support, monitoring and follow-up from the OFC.

Out of the 37 professions assessed, 36 were subject to recommendations. By May 31, 2012, just nine months after the first assessment was finalized, a third of all recommendations had already been implemented. By August 31, 2012, most professions had submitted acceptable action plans or had implemented all OFC recommendations. Nine regulatory bodies covering 10 professions had implemented all OFC recommendations (see Figure 7).

The work required to address shortcomings varies considerably among professions:

- 11 professions had 5 or fewer recommendations.
- 18 professions had 6 to 10 recommendations.
- 5 professions had 11 to 15 recommendations.
- 3 professions had 16 or more recommendations.

Assessment summaries for individual professions are posted on the OFC website.

Assessment results must be viewed in context, as regulatory bodies have different membership sizes and available resources, as well as different registration processes and requirements.

## Proportional representation of internationally trained professionals

One of the goals of fair access is to improve the proportion of internationally trained members in the regulated professions. One might assume that regulators with fewer recommendations are more successful at integrating internationally trained members. However, many factors influence these statistics, including immigration policy, education and work experience, and registration practices.

### Immigration policy

Clearly, immigration policy plays a large role in determining the number of internationally trained applicants and members. Among the 10 professions with the highest proportion of internationally trained members, four professions — pharmacists, architects, physicians, and dental surgeons — were included in the 2010 priority occupations list announced by Citizenship and Immigration Canada (see Figure 8 on page 48). Two more — engineers and audiologists/speech-language pathologists — were among the original 38 priority occupations named in 2008.

### Education and work experience

The immigration points system favours applicants with higher levels of formal education. Figure 8 shows a strong correlation between a profession's requirement for university-level education and a higher proportion of members classified as internationally trained. Of the 10 professions with the highest proportions of internationally trained members, nine require a university-level education.

**Figure 7: Regulatory bodies take action to address OFC recommendations**

Profession	Submitted action plan(s) by Aug. 31, 2012 (Y/N)	Implementation complete by Aug. 31, 2012 (Y/N)	2011 total membership
Architects	Y	N	3,097
Audiologists and Speech-Language Pathologists	Pending	N	3,501
Chartered Accountants	Y	Y	35,739
Chiropractors	Y	N	580
Chiropractors	Y	N	4,156
Dental Hygienists	Y	N	12,069
Dental Surgeons	N	Y	8,785
Dental Technologists	Y	N	541
Dietitians	Y	N	3,361
Early Childhood Educators	Y	N	36,137
Engineering Technicians and Technologists	Y	Y	16,538
Engineers	Y	N	75,059
Foresters	Y	N	807
General Accountants	Y	N	21,142
Geoscientists	Y	N	1,924
Land Surveyors	Y	N	612
Lawyers	Y	N	43,388
Management Accountants	Y	Y	19,706
Massage Therapists	Y	N	10,986
Medical Laboratory Technologists	Y	Y	7,727
Medical Radiation Technologists	N	Y	6,707
Midwives	N	Y	574
Nurses	Pending	N	155,817
Occupational Therapists	Y	N	4,926
Opticians	Y	N	2,468
Optometrists	Y	N	1,963
Paralegals	not applicable (no recommendations)	not applicable (no recommendations)	4,117
Pharmacists	Y	Y	12,982
Pharmacy Technicians	Y	Y	425
Physicians and Surgeons	Y	N	36,513
Physiotherapists	Y	Y	7,613
Psychologists	Y	N	3,413
Respiratory Therapists	Pending	N	2,968
Social Service Workers	Y	N	1,628
Social Workers	Y	N	13,006
Teachers	Y	N	234,416
Veterinarians	Y	N	4,276

Shaded professions are the 10 professions with the highest proportion of internationally trained members.

Please note that assessments and deadlines for action plans were staggered, with reports published between September 2011 and August 2012. Therefore, many regulators had deadlines for submitting and implementing action plans that extended beyond August 31, 2012.

Professions requiring a college education may have more internationally trained members than statistics show. Anecdotally, it seems that internationally trained candidates for professions requiring a college level of education may be more likely to repeat their studies or to gain advanced standing in a Canadian program, and therefore be counted as domestic graduates by the regulatory body.

Both education and work-experience requirements, together with opportunities to fill identified gaps, play a powerful role in shaping access to a profession. Canadian-experience requirements tend to limit access to professions otherwise favoured by immigration policy and are a frequent subject of concern in applicant letters to the Fairness Commissioner. Six of the 10 professions with the highest proportion of internationally trained members have some form of Canadian-experience requirement.

## Registration practices

Registration practices also shape access to the professions, through the quality of information provided to applicants and decisions made about applications for licensing. This is the primary focus of the fair-access law and the OFC.

OFC recommendations aim to improve access to the professions — especially for applicants educated outside Canada and the United States. Ontario has been strongly influenced by U.S. accreditation, examination and licensing standards. As a result, some professions are quite successful at integrating members trained in the United States, but much less successful for people trained in other international jurisdictions.

Four of the 10 professions with the highest percentages of internationally trained members admit twice as many U.S.-trained applicants as those trained in other countries outside Canada. OFC recommendations to these professions seek to level the playing field for other internationally trained applicants.

## 4-5. TRANSPARENCY, OBJECTIVITY, IMPARTIALITY, FAIRNESS: THE WAY FORWARD

### Increasing understanding

The fair-access principles of transparency, objectivity, impartiality and fairness have far-reaching implications for regulatory bodies. While the assessment process furthered reflection on what it means to translate these principles into practice, it also uncovered serious gaps in understanding. Future progress on fair access to the professions requires deeper understanding by regulators and their members of the positive practices included in the OFC's assessment guides, as well as the larger implications of transparency, objectivity, impartiality and fairness.

### Measuring impact

More work is also needed to measure the impact of changes in registration practices on the experience of applicants. So far, most fair-access initiatives have been implemented without systematic evaluation.

Also needed is the development of systematic approaches to collecting feedback from applicants about their registration experiences. This feedback can shape fairer registration practices and inform strategies for overcoming the barriers applicants face. Feedback is most specific when applicants clearly understand existing registration processes, and most effective when regulators are open to new ideas.

**Figure 8: Immigration policy and registration requirements shape access to the professions**

Note: All information in this table is drawn from reports submitted by the regulator to the OFC.

Profession	Percentage of members internationally trained, 2011	Increase or decrease from percentage in 2008	On 2010 priority occupations list (Y/N)	Requires Canadian experience (Y/N)	Requires university level of education (Y/N)
Pharmacists	40	↑	Y	Y	Y
Audiologists and Speech-Language Pathologists	<b>34</b>	↓	N	Y	Y
Architects	29	↑	Y	Y	Y
Physicians and Surgeons	28	↑	Y	Y	Y
Dental Surgeons	28	↑	Y	N	Y
Chiropractors	<b>28</b>	↓	N	N	Y
Optometrists	<b>28</b>	↑	N	Y	Y
Dental Technologists	26	↓	N	N	N
Engineers	26	↑	N	Y	Y
Chiropodists	<b>22</b>	↓	N	N	Y
Geoscientists	22	↑	N	Y	Y
Engineering Technicians and Technologists	20	↑	N	Y	N
Physiotherapists	19	↑	Y	N	Y
Psychologists	<b>19</b>	↑	Y	Y	Y
Midwives	18	↑	N	Y	Y
Veterinarians	18	↑	N	N	Y
Teachers	16	↑	N	N	Y
Medical Laboratory Technologists	15	↑	N	N	N
General Accountants	11	↑	N	Y	Y
Nurses	11	↑	Y	N	Y/N*
Social Workers	10	↑	Y	N	Y
Occupational Therapists	10	↓	N	N	Y
Management Accountants	10	↑	N	N	Y
Medical Radiation Technologists	9	↑	Y	N	N
Denturists	8	↑	N	N	N
Dietitians	7	↑	N	Y	Y
Dental Hygienists	<b>6</b>	↓	Y	N	N
Chartered Accountants	5	↑	N	N	Y
Lawyers	3	Not enough data	N	N	Y
Respiratory Therapists	<b>3</b>	↓	N	N	N
Foresters	2	↑	N	Y	Y
Opticians	2	↑	N	N	N
Social Service Workers	2	↓	N	N	N
Massage Therapists	less than 1	=	N	N	N



Profession	Percentage of members internationally trained, 2011	Increase or decrease from percentage in 2008	On 2010 priority occupations list (Y/N)	Requires Canadian experience (Y/N)	Requires university level of education (Y/N)
Early Childhood Educators	less than 1	Not enough data	N	N	N
Land Surveyors	No data	Not enough data	N	Y	N
Pharmacy Technicians	No data	No data	N	Y	N
Paralegals	No data	No data	N	N	N

\* Registered nurses require a university level of education. Registered practical nurses do not.

Bold numbers mean that the number of members trained in the United States is double or more the number of members trained in countries other than Canada and the United States.

## Digging more deeply into “transparency”

In this assessment cycle, much weight was given to the goal of transparency, both in the assessment guides and in the recommendations arising from the guides’ application. Information about registration requirements had been widely available for some time, but this round of assessments sought to take the principle of transparency a step further. In some cases, recommendations that were ostensibly focused on clarity of information about requirements, rationales, and criteria for assessment also challenged regulators to look at tougher and more complex questions of objectivity and fairness before making this information public.

In other cases, recommendations sought to reduce negative surprises by improving the clarity of information about fees and timelines.

Clearer information allows for clearer identification of problems that remain. Members of the public at large, from applicants themselves to external observers interested in equity and strong professions, have a role to play in using this information to exert pressure

for further change. Government has an important role to play in supporting further improvements, especially those related to the often prohibitive costs of training, exams and licensing.

The OFC assessment process reaffirms the validity of the principles of transparency, objectivity, impartiality and fairness as a lens for assessing — and improving — the registration practices of Ontario regulators. Such improvements increase fair access to the professions for all qualified applicants, especially those from groups facing systemic disadvantage. Chief among these are internationally trained applicants, who encounter multiple challenges related to jurisdictional differences in entry-to-practice requirements, as well as barriers rooted in registration processes originally designed for domestically trained applicants.

Overall, a gradual upward trend in the proportion of internationally trained members represents a cautiously optimistic sign for fair access. The proportion of internationally trained members increased from 2008 to 2011 in 24 professions (see Figure 8) that collectively have over 80% of the total members of professional regulatory bodies in Ontario.<sup>32</sup>

# 5.

## A FAIR-ACCESS AGENDA FOR THE FUTURE

### 5-1. CONTINUOUS IMPROVEMENT

*Transparency, objectivity, impartiality and fairness demand a continuous-improvement approach to fair access in the regulated professions, particularly in the context of a continually evolving environment. Changes in the economy and in immigration present new challenges for professional registration. Professions themselves evolve in response to a changing world, and as a result must periodically change their requirements for entering the professions, as well as the assessment methods that flow from those requirements.*

The Office of the Fairness Commissioner (OFC) has stressed continuous improvement over compliance. To declare a regulator compliant suggests that the work of fair access is complete, whereas the very principles of fair-access law call for ongoing work to improve fair access to the professions.

Regulators may achieve “compliance” at a particular moment in time when they demonstrate all of the practices in the appropriate OFC *Registration Practices Assessment Guide* by fully implementing all recommendations. By this measure, nine regulators were compliant with the fair-access legislation on August 31, 2012.

However, this does not eliminate the need for the regulator and the OFC to continue to reflect more deeply on the principles of transparency, objectivity, impartiality and fairness, and on their implications for the ongoing evolution of registration requirements and processes in a dynamic and changing environment. These implications are complex and far-reaching, and have yet to be fully understood by regulatory bodies.

Often, regulators are pulled in different directions by their public-protection mandate and by the interests of their existing members. At times, these influences conflict with fair access, with its promise of enriching the professions with diversely educated and skilled new applicants. In this context, vigilance is required to maintain fair-access achievements and to make further progress.

## 5-2. ATTENTION TO CHANGES IN PRACTICES AND ENVIRONMENTS

To deepen understanding and strengthen implementation of fair-access principles, all bodies involved in fair access must pay careful attention to the impact of changes in registration practices, for the sake of applicants and their ability to fully contribute their skills and experience to Ontario. Five years is a relatively short period, and many fair-access developments are quite new, such as developments in bridge training and competency assessment. More research is needed to measure effectiveness and outcomes, and to shape best practices.

Meanwhile, the field of equity studies is challenging Ontario society to look at fairness in new ways. Fairness is not just about treating all people the same, but about ensuring equity in regards to key outcomes such as licensing and employment. Registration statistics suggest that internationally trained members are improving their representation in Ontario's regulated professions, from 14% in 2008 to 16% in 2011. But these figures continue to fall short of the proportion of internationally educated people among the well-educated working-age population, at 19% for Ontario according to the last available census figures.<sup>33</sup> Further, internationally trained applicants are still under-represented among those accepted into full membership. This suggests a persistent disadvantage in licensing and professional employment.



### 5-3. LENGTH OF REGISTRATION PROCESSES

The registration process often takes longer for internationally trained applicants, who have to get documents from overseas, complete additional assessments or exams, bridge gaps, and demonstrate that they are competent to practise in the Canadian environment. With each year out of practice, a professional becomes less likely to successfully join the professional labour market. Regulators have identified many initiatives that could improve efficiency and timeliness, but many have been slow to implement commitments they made in their Entry-to-Practice Reviews.

Growth in international mutual recognition agreements has sped up the process for some applicants, but excludes most who were trained outside of English-speaking Commonwealth countries. To improve equity, regulators should expand the reach of mutual recognition agreements, giving priority to the key source countries for their profession.

### 5-4. CANADIAN EXPERIENCE

Canadian-experience requirements are one of the persistent barriers contributing to systemic disadvantage, and they add to frustrations with the length of the registration process, which is directly linked to the length of residency, supervised practice or work-experience requirements.

The OFC has contributed to changes by providing critical analysis and comments on proposed registration regulation changes. Also, the OFC has required all regulators to critically examine the relevance and necessity of practical training and work-experience requirements. It encourages all regulators to make public the rationale for these requirements.

Experts now have an important role to play in assessing whether a stated rationale is valid, and in exerting pressure to remove requirements or explore alternatives, in cases where further change is needed.

Is a requirement for Canadian experience inherently discriminatory?

FARPA and the RHPA do not address the issue of discrimination beyond requiring regulators to demonstrate that their requirements are relevant and necessary. However, the Ontario Human Rights Code states that any organization must be able to show that all requirements are reasonable and bona fide. Regulatory bodies that do not meet this standard may be vulnerable to a human rights challenge.

The Supreme Court of Canada has considered this issue and has established a three-part test<sup>34</sup> that examines whether each requirement:

- has a purpose or goal that is rationally connected to the function being performed
- is necessary for fulfilling the purpose or goal
- is reasonably necessary to accomplish its purpose or goal, in the sense that it is impossible to accommodate the applicant without undue hardship for the regulator

## 5-5. A CALL TO COMMITMENT AND COLLABORATION

Neither regulators nor the OFC can achieve fair access to the professions alone. Increased transparency can and should lead members of the professions and the broader public to push for continued and deepening change. Researchers also have a role to play, in measuring the effectiveness of new developments in competency assessment and bridge training, in order to shape improvements.

Government support is essential to ensure coherence between fair-access concerns and related issues such as skilled immigration, numbers of residency spaces available to international medical graduates, and the costs, length and availability of other professional training programs. Government funding is also needed to support regulators, training partners, and applicants themselves to overcome barriers to professional licensing.

In particular, overcoming the persistent disadvantage faced by internationally trained applicants requires a coordinated response, with a variety of interventions, from improved language training and better access to bridging programs, to continued efforts to improve fairness in registration practices. Immigrants now play the central role in labour-market growth; therefore, maximizing their knowledge and skills is critical to the future of Ontario, and of Canada.

Continued progress in improving fair access to the professions calls for commitment by professional regulatory bodies and their members, the OFC, and its partners in government to deepen our collective understanding and strengthen our collective practice of the principles of transparency, objectivity, impartiality and fairness. It calls for collaboration, contributing the best of our research and resources to the complex task of ensuring that all licensed professionals are qualified and all qualified professionals are licensed.

Above all, it means going far beyond the letter of the law. It calls for us to pursue an ambitious vision for our province that mobilizes the full potential of all its residents. It calls for us to harness our diversity advantage to innovate and develop our professions, to better meet the growing and changing needs of an increasingly multicultural population.

It calls for all of us to participate in a fair-access agenda for the future of Ontario.

## 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.



# APPENDICES

**Appendix 1.** Regulated professions make progress on fair access, 2007–2011

**Appendix 2.** Immigration, labour-market and licensing trends: teachers, engineers, nurses, physicians, and pharmacists

**Appendix 3.** Translating legislation into action: Identifying recommendations and commendable practices

**Appendix 4.** 2011–12 assessment results: Top 12 areas for improvement



## APPENDIX 1. REGULATED PROFESSIONS MAKE PROGRESS ON FAIR ACCESS, 2007–2011

Non-health Professions	Bridge training programs		Additional resources 2008–2011	Acceptable alternatives to meet registration requirements			International mutual recognition agreements		Relied on third party in 2007	Third-party accountability measures introduced 2008–2011	Canadian-experience requirement	
	2007	2011		2007	2011		2007	2011			2007	Changes 2008–2011
Architects	Y	Y (1)	N	Y	Y		Y	Y	Y	N	Y	N
Chartered Accountants	N	N	Y	Y	Y		Y	Y	Y	N	Y	New exemption possibilities
Early Childhood Educators	N	Y (2)	Began licensing after 2007. Comparative data not available.									No work-experience requirement
Engineering Technicians and Technologists	Y	Y (1)	Y	Y	Y		Y	Y	N	not applicable	Y	N
Engineers	Y	Y (8)	N	Y	Y		Y	Y	N	not applicable	Y	Provisional licence
Foresters	N	N	Y	Y	Y		N	N	Y	Meeting with third party	Y	Reduced length of requirement in policy
General Accountants	Y	Y (3)	Y	Y	Y		Y	Y	Y	Signed formal agreement with fairness provisions	Y	N
Geoscientists	Y	Y <sup>1</sup>	Y	Y	Y		N	N	Y	Signed formal agreement	Y	N
Land Surveyors	N	Y (1)	N	N	Y		N	N	Y	N	Y	N
Lawyers	N	Y (1)	Y	Y	Y		N	N	Y	Signed formal agreement with fairness provisions <sup>2</sup>	Y	New exemption possibilities
Management Accountants	Y	Y (2)	Y	Y	Y		Y	Y	Y	N	N	N
Paralegals	N	Y (1)	Began licensing after 2007. Comparative data not available.									No work-experience requirement
Social Service Workers	N	N	Y	Y	Y		N	N	Y	N	N	N
Social Workers	Y	Y (1)	Y	Y	Y		N	N	Y	N	N	N
Teachers	Y	N	Y	Y	Y		N	N	Y	Review of third-party language testing	Y	Removed requirement
Veterinarians	Y	Y (1)	Y	N	Y		N	N	Y	More collaboration / explicit monitoring	N	Provisional licence
<b>Total non-health</b>	<b>9</b>	<b>12 (22)<sup>3</sup></b>	<b>11</b>	<b>12</b>	<b>14<sup>4</sup></b>		<b>6</b>	<b>6<sup>5</sup></b>	<b>12</b>	<b>6</b>	<b>10</b>	<b>6</b>

Note: In the two tables in Appendix 1, information about bridging programs is drawn from various sources, including the Ministry of Citizenship and Immigration. All other information is drawn from submissions by the regulatory bodies to the Office of the Fairness Commissioner, and appears in 2011–12 assessment reports, Entry-to-Practice Reviews, Fair Registration Practices Reports, and the *2007 Study of Registration Practices*. For more detailed contextual information, please contact the regulatory body.

Notes:

- <sup>1</sup> Geoscientists had 1 bridging program, joint with Engineers.
- <sup>2</sup> Lawyers also reduced the number of National Committee on Accreditation (NCA) courses required of internationally trained applicants.
- <sup>3</sup> There were 22 programs among the 12 professions that had bridging programs.
- <sup>4</sup> 7 professions introduced new acceptable alternatives.
- <sup>5</sup> There were 3 new mutual recognition agreements (MRAs) among professions that already had MRAs in 2007.
- <sup>6</sup> Dental surgeons did not have a bridging program, but had about 70 advanced-standing programs.
- <sup>7</sup> Physicians and Surgeons had 1 bridging program plus a pre-residency orientation.
- <sup>8</sup> There were 27 programs among the 13 professions that had bridging programs.
- <sup>9</sup> 6 professions introduced new acceptable alternatives.
- <sup>10</sup> There were 3 new MRAs, including 2 for professions that did not previously have MRAs.

Health Professions	Bridge training programs		Additional resources 2008–2011	Acceptable alternatives to meet registration requirements			International mutual recognition agreements		Relied on third party in 2007	Third-party accountability measures introduced 2008–2011	Canadian-experience requirement	
	2007	2011		2007	2011		2007	2011			2007	Changes 2008–2011
Audiologists and Speech-Language Pathologists	N	N	N	N	N		N	N	Y	N	Y	N
Chiropodists	N	N	N	N	N		N	N	Y	Reduced reliance on third party	Y	Removed requirement
Chiropractors	N	N	Y	Y	Y		N	N	Y	N	N	N
Dental Hygienists	N	N	Y	Y	Y		Y	Y	Y	N	N	N
Dental Surgeons	N	N <sup>6</sup>	Y	Y	Y		Y	Y	Y	N	N	N
Dental Technologists	N	N	N	Y	Y		N	N	Y	New fairness provisions	Y	Removed requirement
Denturists	N	N	N	N	N		N	N	Y	N	N	N
Dietitians	Y	Y (1)	Y	Y	Y		N	N	Y	N	Y	Bridging program meets requirement
Massage Therapists	Y	Y (1)	N	Y	Y		N	N	Y	Reduced reliance	N	N
Medical Laboratory Technologists	Y	Y (2)	Y	Y	Y		N	N	Y	Signed formal agreement	N	N
Medical Radiation Technologists	Y	Y (2)	Y	Y	Y		N	N	Y	More collaboration / new fairness provisions	N	N
Midwives	Y	Y (1)	N	Y	Y		N	N	Y	New policy/agreement	Y	N
Nurses	Y	Y (12)	Y	Y	Y		N	Y	Y	More collaboration	N	N
Occupational Therapists	Y	Y (1)	Y	Y	Y		N	N	Y	Signed agreement with fairness provisions	N	N
Opticians	N	N	Y	Y	Y		N	N	Y	N	N	N
Optometrists	Y	Y (1)	Y	Y	Y		N	N	Y	Reduced reliance	Y	N
Pharmacists	Y	Y (1)	Y	Y	Y		N	N	Y	New fairness provisions	Y	Reduced requirement
Pharmacy Technicians	N	Y (1)	Began licensing after 2007. Comparative data not available.									Requires structured practical evaluation
Physicians and Surgeons	Y	Y (1) <sup>7</sup>	N	Y	Y		N	Y	Y	Signed formal agreement	Y	New pathways
Physiotherapists	N	Y (1)	Y	Y	Y		N	N	Y	Meeting with third party / more explicit monitoring	N	N
Psychologists	N	N	Y	N	N		Y	Y	Y	Meeting with third party / more collaboration	Y	N
Respiratory Therapists	Y	Y (2)	Y	Y	Y		N	N	Y	More collaboration / signed formal agreement / new fairness provisions	N	N
<b>Total health</b>	<b>11</b>	<b>13 (27)<sup>8</sup></b>	<b>14</b>	<b>17</b>	<b>17<sup>9</sup></b>		<b>3</b>	<b>5<sup>10</sup></b>	<b>21</b>	<b>14</b>	<b>9</b>	<b>6</b>

Notes for this table appear at the bottom of pages 56–57.

## APPENDIX 2. IMMIGRATION, LABOUR-MARKET AND LICENSING TRENDS: TEACHERS, ENGINEERS, NURSES, PHYSICIANS, AND PHARMACISTS

In recent years, five professions consistently had the highest numbers of internationally trained members. They reported the following numbers of internationally trained members for 2011:

- teachers (36,763)
- engineers (19,624)
- nurses (16,659)
- physicians and surgeons (10,390)
- pharmacists (5,251)

The first four are also among the top five professions in total membership. Pharmacists are a unique case, ranking fifth in numbers of internationally trained members, but tenth in total membership. This profession boasts the highest proportion of internationally trained members, at 40% in 2011.

The graphs in this appendix show the location of original training for new applicants and new fully licensed members, each year from 2005 to 2011, for the five professions.

As shown in the graphs, the number of new fully licensed members has risen or remained relatively constant each year since 2005 for each of these five professions. Licensing rose most dramatically for nursing, medicine and pharmacy, as Ontario sought to address the doctor shortage. It has risen more gradually for engineering, while remaining relatively constant for teaching, where a drop in teacher retirements since 2003 has limited opportunities for both new Ontario graduates and internationally trained teachers.

Closer examination of application and licensing (full membership) data reveals the intertwining impact of economic and immigration trends.

Citizenship and Immigration Canada tracks the intended occupation of people who become permanent residents in each province. Unfortunately, the information collected is not complete, as only about one-third of new arrivals identify a specific occupation. However, the existing information does illustrate some interesting trends, including a marked decline in the arrival of international engineers since 2007 and a significant increase in the arrival of nurses between 2009 and 2010.

Since 2008, the Canadian government has tried to link immigration to labour-market demand by fast-tracking immigration applications from candidates trained in a list of “priority occupations.” Four of the five professions with the largest numbers of internationally trained members were included on the original priority occupations list: engineers, nurses, pharmacists, and physicians.

Because of changing economic conditions, engineers were dropped in an updated list issued in 2010. Because many applicants spend time getting settled and taking language training before applying for professional licensing, the impact of this change is not yet reflected in application and registration data for Professional Engineers Ontario.

While the priority occupations list has helped increase immigration within these professions, labour-market demand has not always supported their integration. Labour-market demand is difficult to predict in a dynamic and diverse economy, and the policy process is not agile enough to keep the priority occupations list current. Further, the priority occupations list has often been criticized for poor alignment with provincial employment realities, particularly in Ontario. This creates a disconnect between arrivals and opportunities, resulting in high levels of frustration for internationally trained applicants.

The recent recession has affected professions in different ways, as shown by the graphs for the five professions. For example, the recent recession provoked a drop in the number of internationally trained applicants in engineering between 2008 and 2010, because of reduced private-sector employment. The recession also affected membership, as applicants struggled to meet

the Canadian-experience requirement in a challenging job market. In 2011, internationally educated applicants were only 32% of those accepted into full membership, down from a high of 52% in 2007 (see the table below).

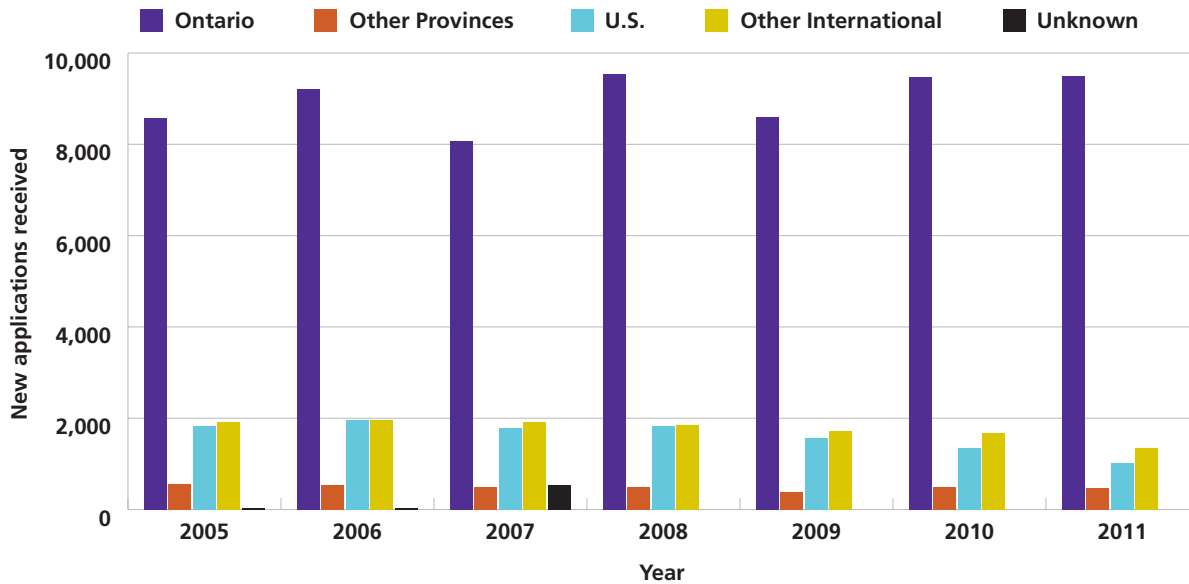
Interestingly, registration data show that since 2005 rates of licensing for internationally trained professionals have, at least temporarily, reached or passed those of Ontario graduates for the traditionally male-dominated professions of engineering, medicine and pharmacy. But the licensing rates remain significantly lower in teaching and nursing, where women tend to play a much larger role. Research shows that immigrant women face multiple barriers in both regulated and unregulated professions, and face greater disadvantage than immigrant men with respect to employment, underemployment, and low wages.<sup>35</sup> Further research is needed on the gendered dimension of access to the professions.

### Percentage of new members who were internationally trained

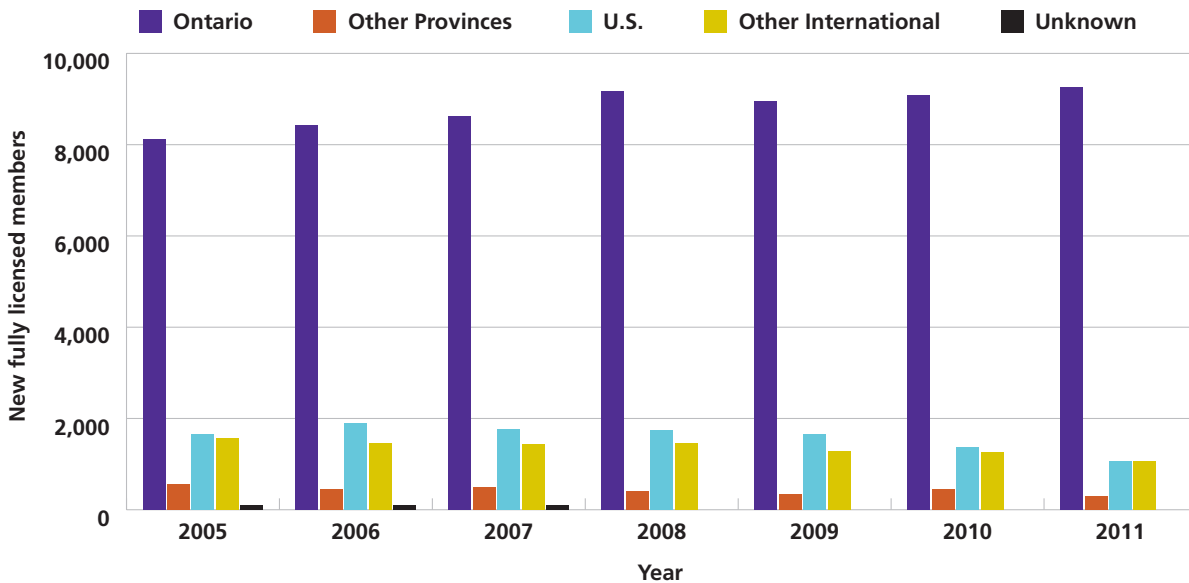
Profession	2005	2006	2007	2008	2009	2010	2011
Teachers	13%	12%	12%	11%	11%	10%	9%
Engineers	49%	49%	52%	47%	45%	38%	32%
Nurses	16%	5%	6%	7%	7%	12%	12%
Physicians and Surgeons	39%	43%	43%	43%	42%	41%	41%
Pharmacists	41%	38%	43%	44%	46%	54%	49%

## 1. Teachers: Applications and new members, 2005–2011

In 2011, teachers had the largest number of internationally trained members among the regulated professions, and had the highest total membership.



Applications from Ontario applicants have been rising gradually but inconsistently, while applications from other sources have fallen, corresponding to a downward trend in total applications between 2005 and 2011. This trend follows labour-market trends, with a decline in job opportunities after 2003, as teacher retirement rates slowed and unemployment rates grew, disproportionately affecting new and internationally trained teachers.<sup>36</sup>

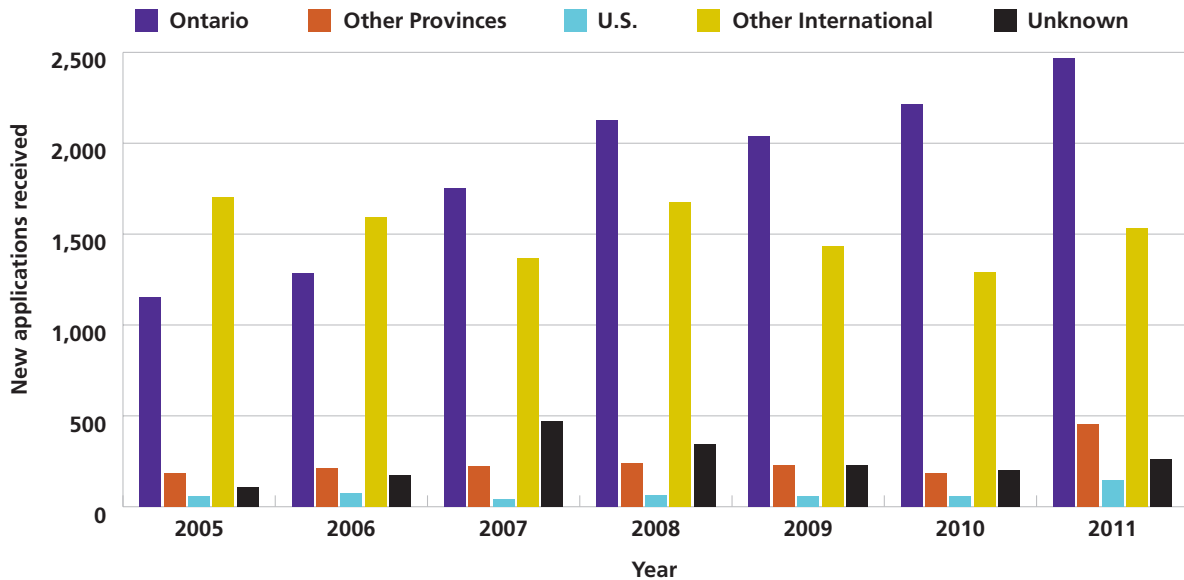


Licensing followed application trends, with a gradual increase in licensing of Ontario-trained applicants, together with a gradual decrease in licensing of applicants trained in other jurisdictions.

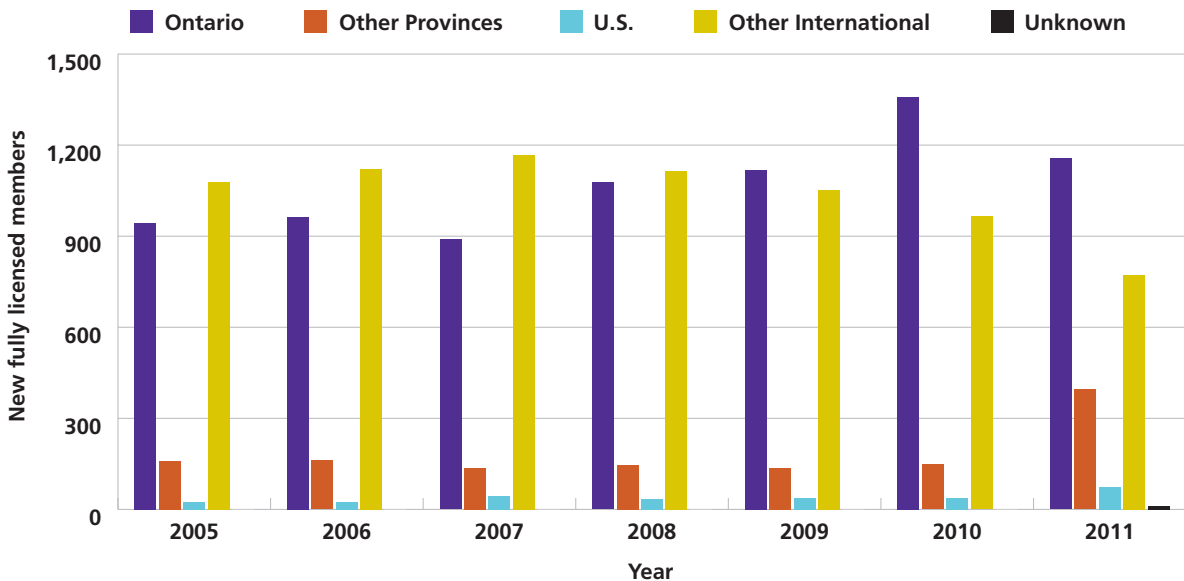


## 2. Engineers: Applications and new members, 2005–2011

In 2011, engineers had the 2nd-largest number of internationally trained members among the regulated professions, and had the 3rd-highest total membership.



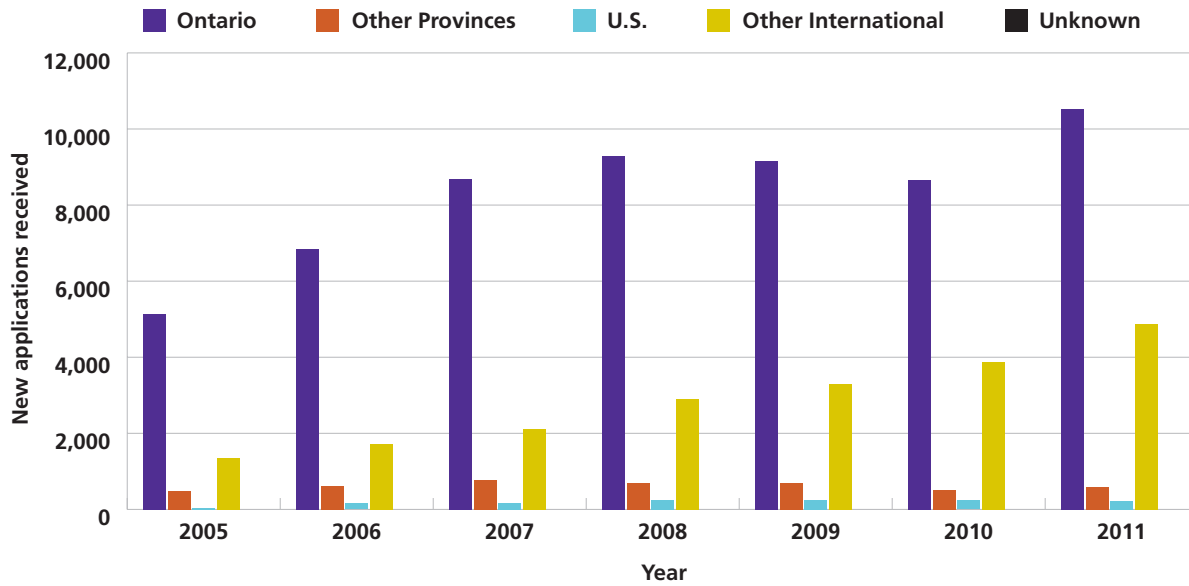
Total applications follow labour-market trends, dropping during the worst of the recession, and then recovering in 2011. The recession appears to have had the greatest impact on applications from people trained in jurisdictions outside Ontario.



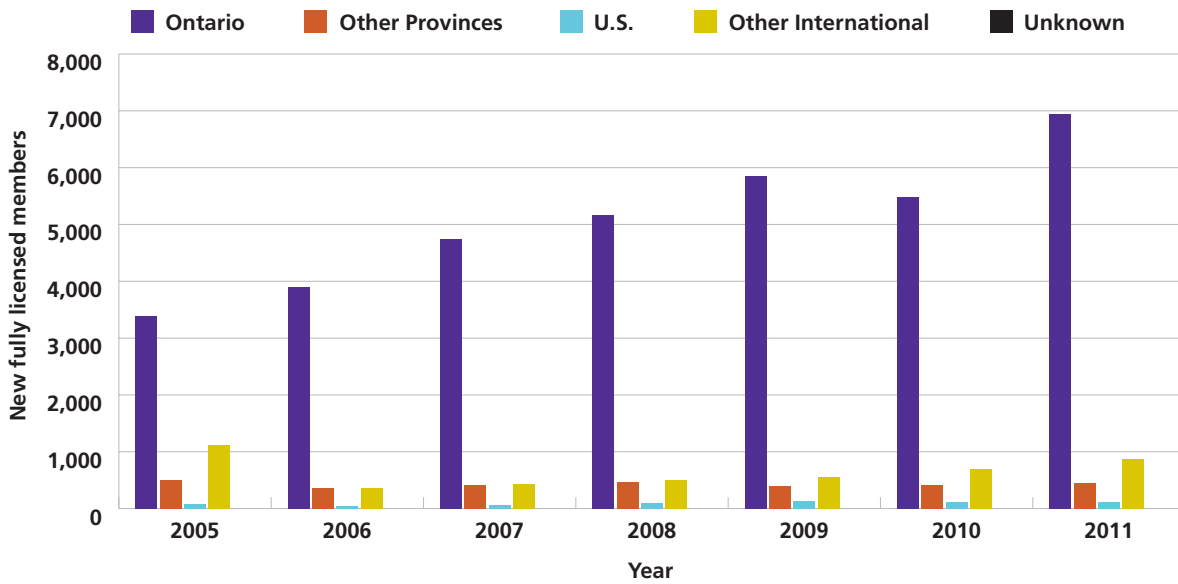
The immediate impact of the recession is less evident in the numbers of new members, probably due to the long-term nature of the licensing process. Engineers may apply as soon as they graduate but have to complete four years of work experience before being registered as full members. Internationally trained engineers must demonstrate one year of Canadian work experience, and their ability to meet this requirement has been affected by the economic downturn. Licensing of internationally trained applicants surpassed that of Ontario graduates until 2008 but dropped significantly after that year.

### 3. Nurses: Applications and new members, 2005–2011

In 2011, nurses had the 3rd-largest number of internationally trained members among the regulated professions, and had the 2nd-highest total membership.



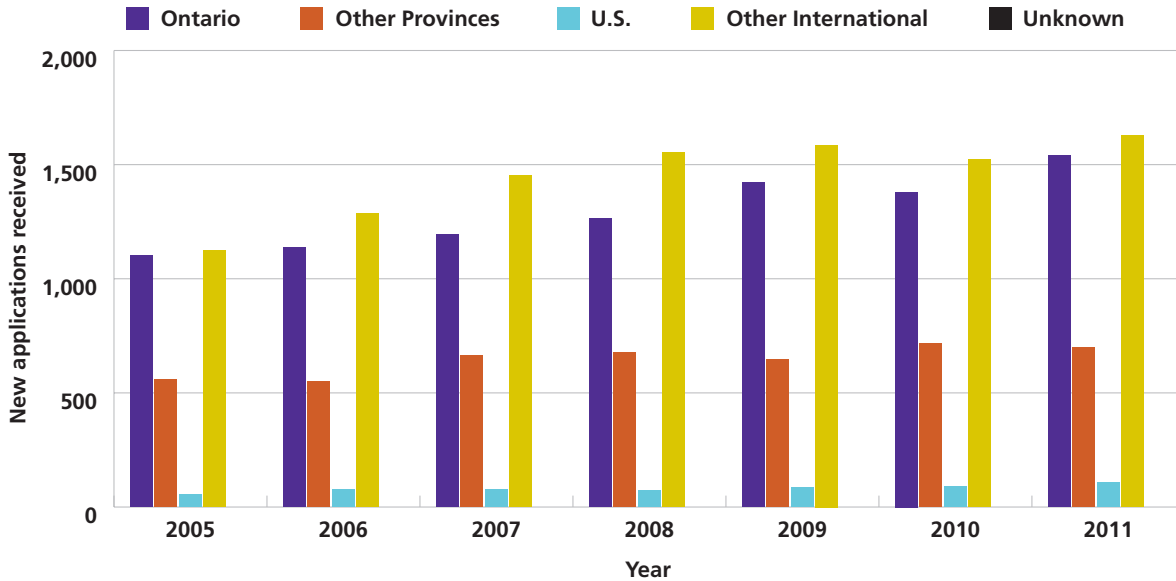
Applications from both domestically and internationally trained applicants have been rising since 2005. Between 2008 and 2011, the rate of growth slowed for Ontario graduates, but not for internationally trained applicants. Both categories saw significant increases in 2011.



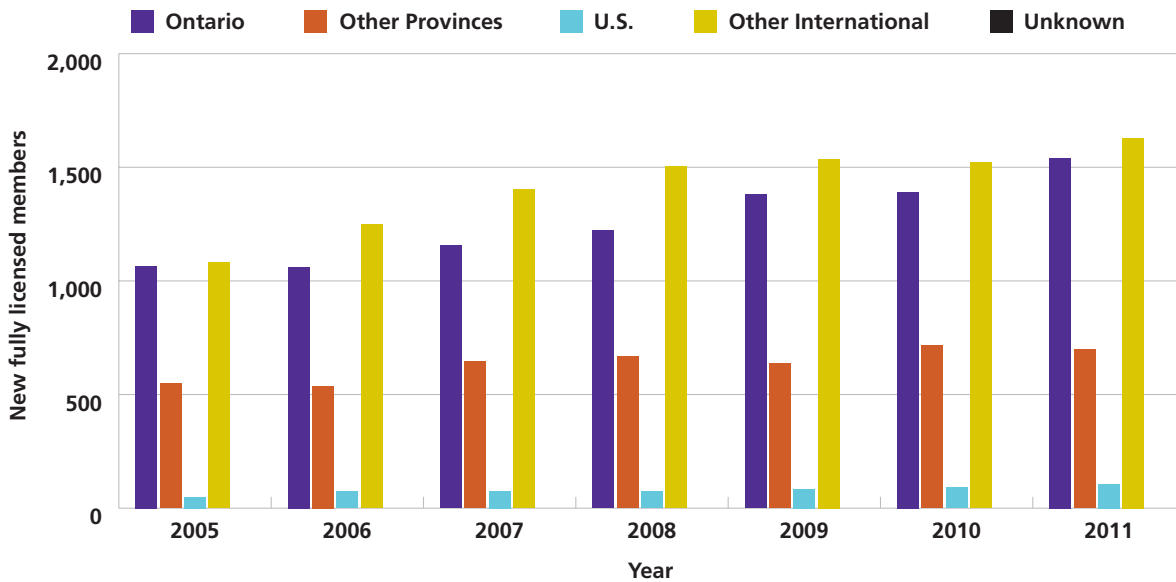
In every year there were more applications than new members accepted into the nursing profession. This is particularly true for internationally trained applicants. While applications have grown at a rapid rate since 2005, the number of internationally trained applicants accepted into full membership grew much more slowly.

## 4. Physicians and Surgeons: Applications and new members, 2005–2011

In 2011, physicians had the 4th-largest number of internationally trained members among the regulated professions, and had the 4th-highest total membership.



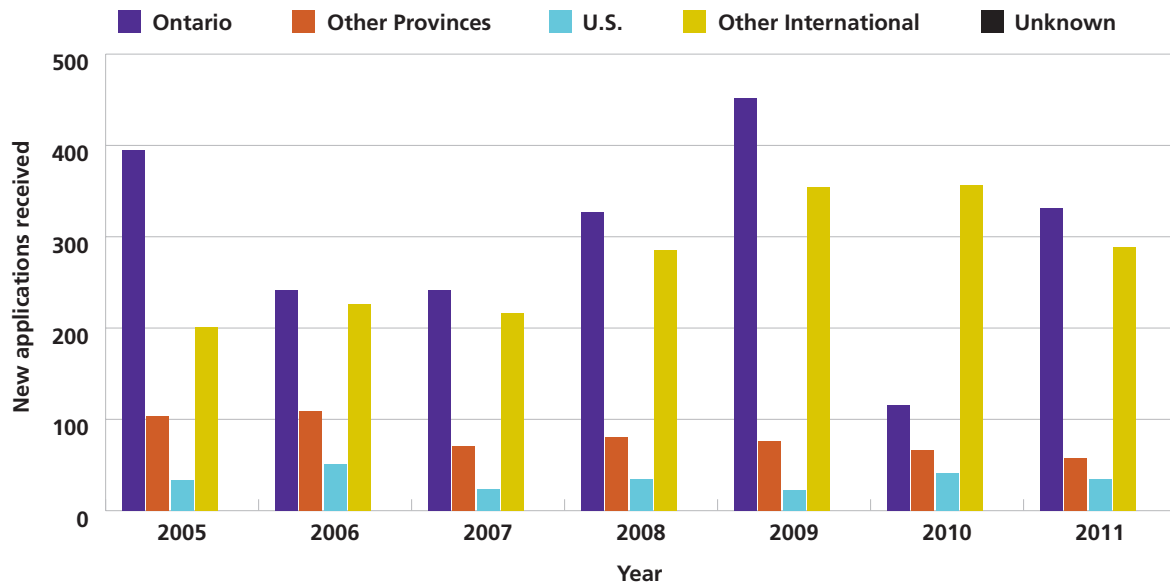
Applications to the College of Physicians and Surgeons of Ontario (CPSO) rose steadily across all categories, with slightly more applications from internationally trained applicants than from Ontario graduates.



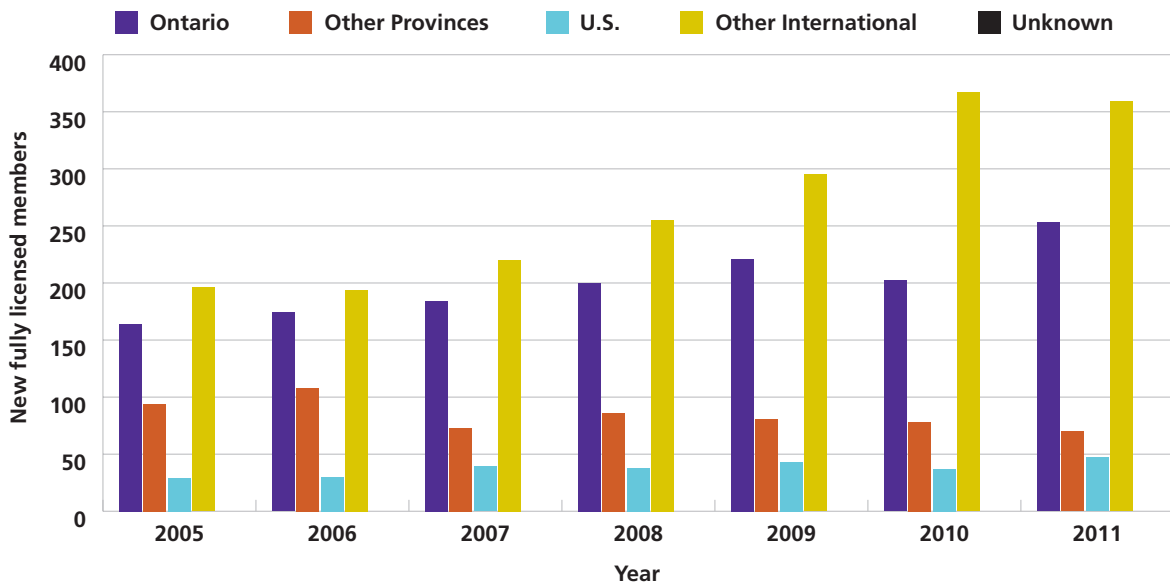
Licensing mirrors application trends. Unlike Professional Engineers Ontario, the CPSO requires applicants to fulfil all requirements before submitting an application. Therefore, virtually all applicants become licensed, usually within the year of application.

## 5. Pharmacists: Applications and new members, 2005–2011

In 2011, pharmacists had the 5th-largest number of internationally trained members among the regulated professions, and had the 10th-highest total membership.



Applications from internationally trained pharmacists almost doubled between 2005 and 2009, and then levelled off and declined. Meanwhile, applications from Ontario graduates dipped sharply in 2010. However, this reflects a change in process rather than a true decline in applications. In previous years, application statistics included the first-year University of Toronto students. As of 2010, these students no longer register during their first year.



The annual number of new members has grown by about 50% since 2005. From 2005 to 2011, the Ontario College of Pharmacists consistently licensed more internationally trained applicants than domestic graduates.

## APPENDIX 3. TRANSLATING LEGISLATION INTO ACTION: IDENTIFYING RECOMMENDATIONS AND COMMENDABLE PRACTICES

### Identifying positive registration practices and developing assessment guides

With help from regulators and third-party assessors, the Office of the Fairness Commissioner (OFC) translated the fair-access legislation into a series of clearly defined positive practices. Specific duties outlined in the legislation were translated into a series of *required practices* grouped under eight headings (see the first eight headings in the table on page 68).

General duties were translated into a second series of positive practices grouped under the four key principles of transparency, objectivity, impartiality and fairness. These practices were designated *good practices*, in accordance with the limited enforcement authority attached to this section of the legislation.

This process created two separate versions of the *Registration Practices Assessment Guide*, tailored to minor differences in the legislation for health and non-health professions.

Beginning in the summer of 2011, OFC staff assessed each regulator against the practices set out in the corresponding guide.

### Making recommendations

Assessors made recommendations about 339 of the various regulatory bodies' actual registration practices.

The largest number of recommendations corresponded to practices in the following categories: Information for Applicants (204); Assessment of Qualifications (30); Training of Decision-Makers (27); Fairness (22); and

Access to Records (21). These same five categories are associated with recommendations to the largest number of regulatory bodies, confirming that these should be the current areas of focus for continuous-improvement efforts.

### Identifying commendable practices: Opportunities for mutual learning

Along with the recommendations, the OFC assessments identified 304 commendable practices, in recognition of the many ways in which regulatory bodies were already practising fair-access principles and could learn from each other in their work of continuous improvement. Commendable practices were classified within the same categories used to identify recommendations.

The largest numbers were in the following categories: Information for Applicants (104); Fairness (57); Assessment of Qualifications (48); and Documentation of Qualifications (28). These four categories were also associated with the largest number of regulators, indicating that these are the most promising areas for regulators to share practices and learn from each other.

Commendable practices in these categories included automated systems for informing candidates about the status of their application (8), providing help with meeting work-experience requirements (3), introducing prior-learning or competency-based assessments (6), and offering alternative ways of meeting documentation requirements (10).

Notably, most professions demonstrated commendable practices in four or fewer categories, with only 27% demonstrating commendable practices in five categories,

and a mere 13% demonstrating commendable practices in six or more categories. As might be expected given the dynamic environment and ensuing challenges for fair access, no profession had commendable practices in all categories.

## Summary data

The following table lists the categories of registration practices in the assessment guides, and the number of positive practices in each category. It also shows the number of recommendations and commendable practices that the OFC identified for regulatory bodies in the 2011–12 assessments.

Note that some categories were harder to translate into clearly defined practices, and some practices were more difficult to assess. This is particularly the case with the general-duty principles of transparency, objectivity, impartiality and fairness. Lower recommendation numbers here do not suggest that work is not needed in these areas. The principles of transparency, objectivity, impartiality and fairness have broad and far-reaching implications for professional registration. Their realization calls for critical thinking and creative adaptation to the evolving demands of a dynamic regulatory environment, to ensure that all qualified applicants are registered and all registered professionals are qualified.

## Recommendations and commendable practices

Categories in assessment guides	Positive practices in assessment guides	Recommendations	Number of regulatory bodies receiving recommendations	Commendable practices	Number of regulatory bodies recognized for commendable practices
TOTAL	71	339	36	304	37
Information for Applicants	20	204	33	104	33
Timely Decisions, Responses and Reasons	1	0	0	11	6
Internal Review or Appeal	5	5	4	8	6
Information on Appeal Rights	1	1	1	4	2
Documentation of Qualifications	4	15	11	28	19
Assessment of Qualifications	14	30	15	48	21
Training	4	27	17	16	8
Access to Records	6	21	18	2	2
Transparency	2	9	9	15	11
Objectivity	2	1	1	6	6
Impartiality	4	4	3	5	5
Fairness	8	22	11	57	20



## APPENDIX 4. 2011–12 ASSESSMENT RESULTS: TOP 12 AREAS FOR IMPROVEMENT

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>1. Provide clear rationales for requirements</b></p> <p>Regulators act as gatekeepers to the professions. To avoid professional protectionism divorced from the regulator’s legitimate role of protecting the public interest, registration requirements must have a strong rationale and be clearly aligned with the core competencies required for practise of the profession. The Office of the Fairness Commissioner (OFC) obliged all professions, in their Entry-to-Practice Reviews, to re-examine the necessity of work-experience requirements, consistently cited by international applicants as a barrier to entry to the professions.</p> <p><b>Example:</b> Shortages in articling placements affect access to the legal profession, with a disproportionate impact on aboriginal, francophone and racialized candidates. In response to this issue, the Law Society of Upper Canada has established a task force to examine the articling program and make recommendations on how to improve it or introduce alternatives, to ensure that no candidate is limited by the requirement. The OFC, through monitoring and follow-up on submitted action plans, will hold the Law Society accountable to the recommendations of the task force.</p>	<p><b>Recommendations: 8</b></p> <p><b>Commendable practices: 1</b></p>	3	5
<p><b>2. Recognize acceptable alternatives for meeting registration requirements</b></p> <p>Professionals, both inside and outside Canada, develop their knowledge and skills in a variety of ways. The OFC encourages professions to move towards a competency-based assessment framework that lets applicants provide evidence of skills gained through experience as well as formal training. Advances are being made, but information is not always consistently available about acceptable alternatives.</p>	<p><b>Recommendations: 16</b></p> <p><b>Commendable practices: 17</b></p>	10	6
		13	4

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>Example:</b> The Technology Registrations Canada initiative for engineering technicians and technologists lets applicants self-assess against national benchmarks, providing evidence of how their education and experience satisfy each claimed competency. This online process facilitates registration both for international applicants and for domestically trained individuals who wish to upgrade their status or be certified in a new discipline. In response to an OFC recommendation, the Ontario Association of Certified Engineering Technicians and Technologists provided information about and links to this initiative on its website.</p>			
<p><b>3. Identify exemptible requirements</b></p> <p>Many professions have some registration requirements that are non-negotiable and others that may be waived under certain circumstances. Lack of clear information about exemptible requirements and how to request exemptions prevents fair and consistent application of exemptions to applicants, and may discourage some from applying.</p> <p><b>Example:</b> In regulation changes currently underway, the Association of Ontario Land Surveyors (AOLS) has included a new exemption that will allow for waiving the articling requirement for a licensed surveyor from another jurisdiction. In response to an OFC recommendation, AOLS has agreed to post information about this exemption on its website.</p>	<p><b>Recommendations: 15</b></p> <p><b>Commendable practices: 2</b></p>	<p>10</p> <p>1</p>	<p>5</p> <p>1</p>
<p><b>4. Strengthen assessment criteria and methods</b></p> <p>Applicants who have graduated from a non-accredited program within or outside of Canada often have difficulty understanding why their education is not recognized, leading to perceptions of discrimination and bias. Objective decision-making is facilitated by clear and transparent criteria that are linked to the competencies required for entering the profession.</p> <p><b>Example:</b> Certified Management Accountants of Ontario (CMAO) conducts an in-house assessment of academic qualifications. In response to an OFC recommendation, CMAO posted information on its website to describe how it assesses courses for equivalency with Certified Management Accountants Canada prerequisites and specifically identify those courses that cannot be exempted due to Canadian-specific content.</p>	<p><b>Recommendations: 22</b></p> <p><b>Commendable practices: 43</b></p>	<p>12</p> <p>31</p>	<p>10</p> <p>12</p>

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>5. Improve information for applicants</b></p> <p>The OFC's 2010 applicant study (<i>Getting Your Professional Licence In Ontario: The Experiences Of International And Canadian Applicants</i>) found that the complexity, length, and cost of licensing processes are frustrating for both Canadian and internationally trained people. A clear road map can guide applicants through the process, minimizing confusion, false steps, lost time and unnecessary costs.</p> <p><b>Example:</b> International medical graduates (IMGs) can access a variety of alternate pathways to registration, but it can be difficult for applicants to find the information relevant to their specific situation. In response to an OFC recommendation, the College of Physicians and Surgeons of Ontario has developed a series of flowcharts for IMGs, outlining the options available to them based on their current practice location.</p>	<p><b>Recommendations:</b></p> <p>– Provide overview or road map: 9</p> <p><b>Commendable practices:</b></p> <p>– Provide overview or road map: 6</p>	7	2
<p><b>6. Address the burden of fees</b></p> <p>Because third parties are often involved in assessing academic qualifications or administering exams, applicants may often find it difficult to estimate the total costs of the registration process. Providing complete information about fees can eliminate negative surprises and resulting delays in the registration process when applicants encounter expenses that they have not planned and saved for.</p> <p><b>Example:</b> Registration costs for the College of Dietitians of Ontario are quite reasonable compared to those for many professions, but internationally trained applicants may encounter unexpected costs associated with certified or notarized translations for transcripts, course descriptions or syllabi. In response to an OFC recommendation, the college developed a comprehensive fact sheet on application costs, informing internationally trained applicants that they are responsible for the costs of translations, language assessments and a third-party degree assessment by World Education Services.</p>	<p><b>Recommendations: 19</b></p> <p><b>Commendable practices: 7</b></p>	14	5
		3	4

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>7. Ensure reasonable and transparent timelines</b></p> <p>The 2010 applicant study found that the length of the licensing process is a major source of frustration and a source of financial hardship for many internationally trained professionals. Clear information about timelines and efforts to make the process more efficient can reduce the negative impact on applicants.</p> <p><b>Example:</b> For applicants from non-recognized programs, the Ontario College of Social Workers and Social Service Workers conducts a complex and time-consuming assessment based on a combination of academic qualifications and experience. In response to an OFC recommendation, the college has committed to assessing the application review process to identify ways to improve efficiency.</p>	<p><b>Recommendations: 36</b></p> <p><b>Commendable practices: 11</b></p>	<p>21</p> <p>0</p>	<p>15</p> <p>11</p>
<p><b>8. Facilitate opportunities to start the registration process outside Canada</b></p> <p>Delays in registration result in frustration and financial hardship for many internationally trained professionals. In some cases, taking on “survival” jobs to meet family needs results in long-term loss of skill and abandonment of the profession. These risks could be reduced by making potential applicants aware of opportunities to begin the process before immigrating to Canada.</p> <p><b>Example:</b> In principle, an internationally trained teacher can complete the registration process overseas, to begin teaching upon arrival in Ontario. In response to an OFC recommendation, the Ontario College of Teachers specified in its 2012 registration materials that all registration steps can be completed outside Canada.</p>	<p><b>Recommendations: 14</b></p> <p><b>Commendable practices: 15</b></p>	<p>9</p> <p>5</p>	<p>5</p> <p>10</p>
<p><b>9. Increase focus and rigour of training for decision-makers</b></p> <p>Committee members involved in decision-making are experts in their profession, not in assessment. Professional judgement alone may lead to a variety of conclusions about the suitability of a candidate for professional practice. Training for decision-makers is critical to ensuring a common understanding of requirements, consistent application of criteria, and consistent application of any special considerations that may apply in assessing academic qualifications and/or work experience.</p>	<p><b>Recommendations: 7</b></p> <p><b>Commendable practices: 20</b></p>	<p>1</p> <p>18</p>	<p>6</p> <p>2</p>

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>Example:</b> Professional Engineers Ontario (PEO) evaluates both the academic qualifications and the work experience of applicants. In response to an OFC recommendation, PEO upgraded its training program to include information on special considerations to accommodate special needs of applicants. The information is contained in a customer service policy and plan developed in compliance with the Accessibility for Ontarians with Disabilities Act.</p>			
<p><b>10. Provide anti-discrimination training</b></p> <p>Decision-makers may not be aware of how bias can shape individual decisions about registration or system-level decisions about registration requirements and processes. Anti-discrimination training exposes participants to new ways of thinking, and challenges them to rethink unexamined assumptions.</p> <p><b>Example:</b> Optometry does not exist as a profession in many countries; applications from internationally trained ophthalmologists have been a subject of debate in Ontario. The College of Optometrists of Ontario (COO) has faced a challenging task in developing a fair process for considering applications from internationally trained optometrists and ophthalmologists. In response to an OFC recommendation, the COO organized a training session on cultural diversity and human rights for staff and committee members involved in design and implementation of the new process.</p>	<p><b>Recommendations: 18</b></p> <p><b>Commendable practices: 1</b></p>	<p>9</p> <p>1</p>	<p>9</p> <p>0</p>
<p><b>11. Offer better information about reviews and appeals</b></p> <p>Even with strong processes, decision-makers sometimes make mistakes. Having access to an appeal — both of registration decisions and of decisions on assessments and exams — is an important part of fairness.</p> <p><b>Example:</b> Applicants to the Ontario College of Pharmacists (OCP) must take a jurisprudence exam to qualify for registration. In response to an OFC recommendation, the OCP’s registration committee approved a new exam-appeal policy that has been posted to the OCP website.</p>	<p><b>Recommendations: 18</b></p> <p><b>Commendable practices: 7</b></p>	<p>11</p> <p>2</p>	<p>7</p> <p>5</p>

Key area and its significance	Number of recommendations and commendable practices for each key area		
	Total	Health professions	Non-health professions
<p><b>12. Enhance access to records</b></p> <p><b>a) Access to records</b></p> <p>Timely access to relevant records is important when an applicant seeks to appeal a registration decision. Regulatory bodies should facilitate this through clear information about the process and timeline for requesting access to records.</p> <p><b>Example:</b> At the time of its 2011–12 assessment, the College of Veterinarians of Ontario (CVO) did not have a formal policy and process for considering applicants' requests for access to their records. In response to an OFC recommendation, the CVO agreed to develop such a policy and communicate it to applicants via the CVO website.</p>	<p><b>Recommendations: 12</b></p> <p><b>Commendable practices: 2</b></p>	<p>3</p> <p>2</p>	<p>9</p> <p>0</p>
<p><b>b) Document retention</b></p> <p>Internationally trained applicants often go to considerable trouble and expense to secure originals of academic and other documentation required by regulators. Clear policies and communication about which documents are required and retained can reduce headaches and costs later on if the same documentation is needed for another purpose.</p> <p><b>Example:</b> The College of Physiotherapists of Ontario keeps all applicant registration materials indefinitely. It requests only notarized copies, allowing applicants to keep originals. In response to a recommendation from the OFC, the college has agreed to add this information to its application form and guide to make applicants aware of this policy from the outset.</p>	<p><b>Recommendations: 22</b></p> <p><b>Commendable practices: 0</b></p>	<p>14</p> <p>0</p>	<p>8</p> <p>0</p>



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*“Attracting diverse, talented newcomers is critical to Ontario’s economic future. Licensing offers us a window to view how well we are accommodating this need. As this report documents, we have made progress, but there is a fair way to go.”*

Hon. Jean Augustine, PC, CM | Ontario Fairness Commissioner

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