

WRITTEN SUBMISSION TO

The Standing Committee on Regulations and Private Bills, On Bill 124, Fair Access to Regulated Professions Act, 2006

from

PROMPT - Policy Roundtable Mobilizing Professions and Trades December 5, 2006

About PROMPT

Found in 2003, PROMPT is the first provincial policy roundtable on Access to Professions and Trades and represented with over 20 members, primarily Internationally Trained/Educated Professionals (IETPs), associations of immigrant professionals, and community organizations. PROMPT's mandate is to promote systemic change that will facilitate the full and equitable participation of internationally educated/trained persons (IETPs), who are immigrants to Canada, into the professions and trades in the Ontario's labour market.

The policy roundtable created a vehicle for Internationally Trained/Educated Professions (IETPs), immigrant associations and community groups to engage collectively in the development of policy solutions to address and challenge the systemic barriers immigrants face in Ontario's labour market. Lack of employment is a significant barrier in the integration/settlement process

PROMPT's Vision:

- PROMPT is committed to creating policy changes that highlight the valuable role of immigrants in the economic and social development and prosperity of Canada.
- PROMPT will promote systemic change that will facilitate the full and equitable participation of Internationally Educated/Trained Professionals (IETPs), the professions and trades and the labour market.
- IETPs will become full partners in nation-building and contribute to building a better Canada for all.

Context of "Access to Professions and Trades" Issues

Prior to 1967, Canada's immigration policies were based on nationality. In 1967, the discrimination inherent in the old system was removed and a "point system" created to recruit skilled workers based on their compatibility with Canada's economic goals. The change in immigration policy has resulted in profound changes to the demographic profile of skilled immigrants in Canada. By 2011, immigration is projected to account for 100% of the net labour force growth in Canada.

The reforms to immigration policy have had a significant impact on the demographic composition across major cities in Canada, particularly the Census Metropolitan Area (CMA) of Toronto, Vancouver and Montreal. According to Statistics Canada, immigrants were also more likely to have post-secondary credentials than Canadian-born. In most CMAs the share of recent immigrants aged 25 to 54 who have a university degree is about 12 to 15 percentage points higher than the share of Canadian-born individuals in the same age group¹.

¹ Statistics Canada, *Immigrants in Canada's Census Metropolitan Area* By Grant Schellenberg, Catalogue no. 89-613

Barriers faced by Internationally Educated/Trained Professionals (IETPs)

The barriers that have been identified by the thousands of **internationally educated/trained professionals** are documented as follows:

Barriers of Accessing Regulated Professions

- Lack of knowledge of the regulatory body and education system
- Lack of detailed and accurate information about the licensing process
- Complicated requirements, paperwork and bureaucracy
- Dealing with lengthy application processes
- Difficulty getting transcripts and accessing records from home countries
- Gate-keeping by professional associations and regulatory bodies

Internationally Trained Professionals have difficulties obtaining licensure and registration in order to practice in the regulated professions:

- Lack of comprehensive information of licensing and registration processes
- Difficulty navigating through the “system” of professional associations & regulating bodies
- Lack of accountability and transparency in the assessment and licensure processes
- Lack of national standards for assessment of credentials
- Re-qualification or re-training in order to work in their designated professions
- Time consuming, lengthy and costly processes

Having education and training from another country that is not recognized or does not have an equivalent in Canada

- Difficulty in contacting officials at regulatory bodies, difficult channels of access
- Poor feedback provided by the regulatory bodies
- Lack of accountability and lack of appeals processes within the regulatory framework

PROMPT has been providing policy input in a variety of areas and launched its first policy paper **In the Public Interest** in 2004 (Appendix A). The policy paper outlines the urgency for making changes in how we regulate professions in Ontario. The study adds the perspective of internationally educated professionals to the growing discussion in Ontario about access to professions. The intent was to move towards a system of registration that equitably regulates professions in the interest of today’s public.

PROMPT supports the intent of Bill 124, Fair Access to Regulated Professions Act 2006 because

- It represents positive legislative changes in the registration process for regulated professions.
- It aims to ensure both equitable and fair access for internationally educated professionals to their respective regulated professions, as well as transparent mechanisms for review accountability.
- It aims to remove the barriers in labour market integration of internationally trained individuals.

PROMPT would like to propose four amendments to Bill 124 and they are based on the following three overarching principles in the Registration Process.

1. **In the public interest** Registration processes license all qualified and competent professional applicants and ensure the safety, health and welfare of the public.

2. **Accountability to the public:** Registration processes ensure and are seen to ensure (demonstrate publicly) that registration is carried out in the public interest, as defined above.
3. **Equity:** Registration processes are carried out in compliance with the regulatory bodies' legal obligation not to discriminate and therefore consider skills, knowledge, credentials and competency to practice without regard to an applicant's race, ancestry, place of origin, colour, ethnic origin, nationality, citizenship, creed, gender, sexual orientation, age, marital status, family status or disability. Further, registration processes are carried out in compliance with the regulatory bodies' ethical obligation not to discriminate and therefore consider skills, knowledge, credentials and competency to practice without regard to an applicant's country of training, socio-economic status or employment status, and without regard to labour market demand.

PROMPT submits that the **appointment of an Independent Regulatory Appeal Tribunal** to enable Internationally Trained Individuals to appeal decisions within the registration process and outside of the regulated profession framework.

If an applicant wants to appeal and the applicant wants access to records, there are certain limitations. You're telling me that an individual professional now has to have the legal qualifications without any support, without any legal representation, without any governmental support in terms of having legal representation to determine whether the registration body is meeting the limitations of this particular act in terms of not releasing their records.

A research study entitled "*Unsettled: Legal and Policy Barriers for Newcomers to Canada*" found that the lack of independent appeal mechanisms for rejected applicants is one of the specific barriers faced by foreign-trained professionals seeking to be licensed by regulatory bodies. Also, a 1998 report titled *Access! Task Force on Access to Professions and Trades in Ontario* found that internationally trained individuals faced barriers in the decision review process with regulatory bodies.

Section 9(2) of the Bill dealing with the **assessment of qualifications** says: *If a regulated profession makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair, and if it retains a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.*

PROMPT would like to submit that there should be principles and specific requirements of a third party in the assessment process to enhance the accountability mechanisms. The phrase "transparent, objective, impartial and fair" is abstract. Research found that the assessment process creates systemic barriers to foreign credential recognition.

Immigrant professionals come from a hundred different countries. The registration bodies know only the Canadian standards. They do not have the qualifications, nor do they have the knowledge base, to determine what the immigrant professional is bringing. PROMPT recommends that creating a clear-cut system within this legislation where that particular capacity can be created. It is the responsibility of the government to set up an independent process where people can actually have a rational expectation, understanding and capacity to understand what immigrant proficiency is rather than how immigrants are deficient vis-à-vis some Canadian standard.

PROMPT would like to further recommend the following additions to Bill 124:

Provide a list of 34 regulated professions in the Fair Access to Regulated Professions Act.

Define “reasonable time” within each the 34 regulated professions.

Conclusion

PROMPT would like to thank the Standing Committee on Regulations and Private Bills for the consideration of our oral and written submissions on Bill 124.

Appendix A:

In the Public Interest, Immigrant Access to Regulated Professions in Today's Ontario, A PROMPT Policy Paper, July 2004.