



Policy Roundtable Mobilizing Professions and Trades

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In The Public Interest: Immigrant Access to Regulated Professions in Today's Ontario

Executive Summary

This policy paper summarizes the findings of a nine month participatory research study of the Policy Roundtable Mobilizing Professions and Trades (PROMPT). The paper outlines the urgency for making changes in how we regulate professions in Ontario. While the paper does consider the concept of regulation broadly, the primary focus is on the registration component of the regulatory process (i.e., gaining access to regulated professions). The study adds the perspective of internationally educated professionals (IEPs) to the growing discussion in Ontario about access to professions and trades. The intent is to move towards a system of registration that equitably regulates professions in the interest of today's public.

Societal context

Ontario has experienced three related shifts that point to the need to look at how professions are regulated and how people have access to them. The first shift deals with changing demographics, the second with evolving legal and human rights frameworks. The third shift flows from the previous two and deals with the growing momentum towards promoting access to professions and trades for internationally educated professionals. Despite this growing momentum barriers remain for internationally educated professionals wanting to practice in their fields of expertise. The problem may even be getting worse. This research study is therefore timely as it addresses how the regulation of professions should evolve in light of a society that has, and needs, internationally educated professionals but is not able to fully utilize their skills.

Occupational regulation in Ontario

Historically professional regulation has always adapted to a changing society. Professional and regulatory bodies were first introduced in Canada for the dual purposes of protecting the professional status of practitioners, as well as protecting the public's interest and safety. Today there are 38 diverse occupational regulatory bodies in Ontario. Current accountability mechanisms are limited. In general terms, by virtue of the fact that occupational regulatory bodies are created and given their mandates by public statute, they are responsible to the Government of Ontario, which is in turn accountable to the public.

Barriers from an immigrant perspective

Over the past two decades there has been growing awareness of barriers preventing immigrants from gaining access to their preferred profession. There is a mounting body of systematic research supporting anecdotal evidence increasingly found in the media. Barriers can be grouped into two main categories: 1) individual-level barriers that suggest a problem that immigrants must overcome, and 2) system-level barriers (or systemic barriers) that suggest a problem that the regulatory system must overcome. While addressing individual-level barriers is an important task, the focus of this paper is to highlight systemic barriers and to offer suggestions that would address these types of barriers. It is PROMPT's concern that what promising registration practices exist are voluntary, tend to be ad hoc, have little formal program evaluation and, for the most part, do not address systemic barriers.

Critical issues facing professional regulation

In addition to barriers, the research gave insights into how people are identifying the critical issues facing professional regulation in Ontario today. Six critical issues were identified: 1) lack of clarity and consistency in legislation, 2) lack of public accountability, 3) lack of coordination and coherence on access policy and foreign credential assessment, 4) lack of government leadership, 5) competing interests within regulation and 6) unclear assumptions underlying the registration process. One of the underlying concerns is that internationally educated professionals are experiencing systemic discrimination in becoming licensed, contrary to Charter and Human Rights Codes.

Responses to the issue in other jurisdictions

Ontario is not alone in attempting to respond to internationally educated professionals. The policy paper highlights certain professional registration processes in other jurisdictions, including two cross-jurisdiction examples, uni-jurisdictional international examples, and provincial examples. This list is far from exhaustive, but does give a sense of how others have promoted access to regulated professions.

PROMPT Recommendations for Enhanced Accountability in the Registration Process

Overarching principles and values

There still is no clear consensus on what the future of the regulatory process in Ontario should look like. However, research findings show that consensus is beginning to emerge on the principles and values that should guide this process. Principles include a recognition that professions should be regulated in the public interest (defined as “registration processes that license all qualified and competent professional applicants and ensure the safety, health and welfare of the public”), should ensure public accountability (defined as “ensuring and being seen to ensure—demonstrate publicly—that registration is carried out in the public interest”), and be equitable (defined as “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”). Guiding Values include: relevancy, consistency, transparency, timeliness, affordability, accessibility, respect, and defensibility.

PROMPT Recommendation to Create Overarching Principles and Values

- 1. Registration processes within regulated professions are guided by the overarching principles of being equitable, accountable and in the public interest. Registration processes are guided by the values of relevancy, consistency, transparency, timeliness, affordability, accessibility, respect and defensibility.**

Accountability mechanisms

The policy paper proposes structures that could be set in place in order to ensure that the registration process is carried out in a way that is consistent with the Principles and Values outlined above. The assumption is that the principles and values not only need to be implemented, but be publicly demonstrated. After reviewing the suggestions and feedback from research participants, the study's working group and research team organized the most promising ideas into Recommendations for Enhanced Accountability Mechanisms. These mechanisms are proposed for consideration and future discussion among all regulatory stakeholders. The expectation is that the provincial government will take a central role in facilitating the implementation of the proposed mechanisms.

PROMPT Recommendations to Enhance Existing Accountability Mechanisms

- 1. Occupational regulatory bodies are required by legislation to undertake regulatory audits (both outcome and process) that result in equity action plans. Annual equity reports are provided to the public.**
- 2. Strategies to strengthen the public nature of accountability through regulatory councils are required.**
- 3. A centralized secretariat for the regulated professions is created to enhance accountability and to provide a vehicle for cross jurisdictional collaboration.**
- 4. Arms-length appeal processes are required for each profession or across sectors.**

Action and next steps

Action is needed now to enhance the accountability mechanisms within the registration process. A change is urgently needed because society has, and continues to change. Today regulating in the public interest includes the notion of ensuring and demonstrating that all qualified and competent internationally educated professionals are licensed to practice. While there might be emerging agreement on principles and values, there is not yet agreement on how to implement these values, nor on how to ensure their accountability. PROMPT is presenting a blueprint for change and calls upon the provincial government to take the primary leadership in moving these ideas into action. Strong government leadership, in collaboration with all stakeholders – with internationally educated professionals playing a central role - is essential in addressing this critical challenge.