

Fairness Commissioner's Report

by Richard Steinecke
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Earlier this month the Ontario Office of the Fairness Commissioner (OFC) issued a report of her assessment of the registration practices of Ontario's professional regulators. The report, entitled: "A Fair Way to Go", provides the OFC's assessment of the state of mobility for internationally trained professionals in Ontario after the OFC's first five years of operation.

The report provides an interesting perspective not only on mobility, but also on how the OFC will be implementing its mandate over the next five years.

Good news, from the regulator's perspective includes the following:

1. Progress has been made. Perhaps most significantly, internationally trained members have increased their representation in Ontario's regulated professions from 14% to 16%. However, that is still below their representation among the working age population (19%) and fails to recognize that not all internationally trained professionals who are registered are working to their full potential. The OFC also commented on a number of constructive changes made by regulators, including reduced Canadian-experience requirements, alternative paths to licensing and a reduced length in the licensing process for many.

2. Recognition of broader social context. The OFC plainly states that the challenges for internationally trained professionals cannot be solved by the OFC and regulators alone. She singles out the need for both the provincial and the federal governments to address the issue systemically, and in a coordinated fashion. She is critical of some federal immigration policies that duplicate the assessment of qualifications and delay the process. She also advocates for the provincial government to coherently

support mobility through its skilled immigration policies, more accessible educational programs, more training spaces (e.g., for international medical graduates), increased language training and bridging programs.

3. Continuous quality improvement approach. The OFC remains committed to taking a CQI approach to facilitating change amongst regulators. While that CQI approach still pressures regulators (the publication of this "report card" with discussion of individual regulators being but one example), it is still an improvement over the audit approach initially adopted by the OFC. The OFC goes so far as to reject the utility of a compliant / noncompliant approach to working with regulators.

The report also identifies areas in which the OFC will be urging regulators to do more. Key areas of focus will be on the following:

1. Canadian experience requirements. The OFC feels that these requirements are a barrier to international applicants and are difficult to justify.

2. Accessible information. Information about the registration process for international applicants needs to be comprehensive and easy to understand. The OFC has gone so far as to ask regulators to state on their own website details of the processes used by third parties involved in the registration process (e.g., examiners, assessors of qualifications), rather than simply direct applicants to those organizations. The OFC makes a good point, however, when it states that many difficulties could be avoided if international applicants had a realistic understanding of their chances of obtaining registration before they applied.

3. Shortening the process. The OFC is quite concerned about the length of the process for international applicants, arguing that the longer applicants are outside of the profession, the less likely it is that they will ever enter it.

4. Expanded training for decision makers. The training should not only cover anti-discrimination and cultural diversity, but should also include specific training in the skill of objectively and validly assessing qualifications.

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5. Flexible registration pathways. In particular this applies to an alternative to providing difficult (or impossible) to obtain documents. However, this emphasis also includes fostering bridging programs and obtaining certain experience requirements after registration.

6. Pursue Mutual Recognition Agreements. The OFC is concerned that such agreements tend to be limited to English speaking commonwealth countries. The focus should shift to countries that provide the most actual or prospective applicants to the regulator.

The OFC points out that the economic health of the province depends upon its success in efficiently integrating internationally trained professionals into the labour force.

The OFC's report can be found at:
www.fairnesscommissioner.ca

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