

2007–2008 | annual report

Office of the
fairness
commissioner

Bureau du
commissaire à
l'équité





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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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letter of transmittal

May 23, 2008

The Honourable Michael Chan
Minister of Citizenship and Immigration
400 University Ave, 6th Floor
Toronto ON M7A 2R9

Dear Minister,

| In accordance with Section 15(1) of the Fair Access to Regulated Professions Act, 2006, I am pleased to present the first Annual Report (2007–2008) of the Office of the Fairness Commissioner for submission to the Legislative Assembly of Ontario. |

Sincerely,



Hon. Jean Augustine, PC
Fairness Commissioner



message from the fairness commissioner

| I am proud to offer this report on the accomplishments of the first year of the Office of the Fairness Commissioner. |
| This office was established by the Fair Access to Regulated Professions Act, 2006, which received all-party support. As the first office of its kind in Canada, it is breaking new ground. |
| Our mandate is to ensure that 35 regulated professions in Ontario have registration practices that are transparent, objective, impartial and fair. Everyone — whether educated here, in another province or elsewhere around the globe — deserves fair treatment when applying to become a member of one of Ontario's regulated professions. |
| I am pleased to say that the professions are making progress towards the fulfilment of their obligations under the act. |
| Improving access to the professions is not only important because it addresses issues of fairness. It will also give Ontario's economy a boost as more highly skilled professionals work at their full potential, enhancing the province's productivity and giving it a competitive edge. |
| I encourage you to read this, our first annual report, and to contact us with your comments. |

Hon. Jean Augustine, PC
Fairness Commissioner



| The Office of the Fairness Commissioner (OFC) opened on April 2, 2007. |

| The OFC is a “regulatory agency” of the Ontario Ministry of Citizenship and Immigration, established under the Fair Access to Regulated Professions Act, 2006. It operates at arm’s length from the government, and its staff are not civil servants. It also operates independently of the regulated professions whose registration practices it reviews. |

| Our first year of operation was exciting and ambitious, as we:

- met with the registrars of all the regulated professions
- conducted studies of 34 of the 35 regulated professions
- consulted with the professions’ regulatory bodies
- briefed “third-party” agencies that assess the qualifications of those applying for registration in Ontario’s regulated professions |

| Our approach has been to conduct solid research of our own, building on existing work in the field and consulting with stakeholders. The feedback we have received on our work to date has been valuable, and we are confident that we have built a strong foundation for our second year. |

| Early in our 2008–2009 fiscal year we will:

- release our guidelines for the fair registration practices reports the regulated professions must provide
- release our framework for the required audits of the professions’ registration practices
- issue notifications of the first round of audits
- publish a study of the practices of the qualification assessment agencies |

| We look forward to a productive second year. |

Nuzhat Jafri

Executive Director

message from the
executive director



| Ontario needs newcomers. With a workforce of approximately 17 million people, Canada increasingly relies on newcomers to support and contribute to its economic vitality. In 2006, Canada welcomed 251,694 immigrants. Of these 125,914 — more than half — settled in Ontario, making this province one of the most multicultural societies on earth. |

| People come to Ontario for many reasons. Whether they come to join their families, to seek refuge or to improve their economic prospects, immigrants bring a desire to work and to become productive members of our society. Unfortunately, many skilled immigrants encounter barriers when they attempt to register in their professions. |

| The establishment of the Office of the Fairness Commissioner (OFC) represents a watershed in monitoring and improving the processes whereby Canadian and internationally trained professionals can obtain registration in, and thereby work legally at, their profession in Ontario. |

| The OFC is responsible for assessing the registration practices of 35 regulated professions. Its mandate is to make sure that these practices are transparent, objective, impartial and fair to anyone applying to practise his or her profession in Ontario. |

| Under the Fair Access to Regulated Professions Act, 2006 (FARPA), the OFC requires the bodies that regulate the professions, sometimes called colleges, to review their own registration practices, to submit reports about them and to undergo compliance audits. The audits, which will begin in 2008, will allow the office to ensure that the regulated professions are meeting the fair registration requirements set out in FARPA and in the Health Professions Procedural Code (Schedule 2 of the Regulated Health Professions Act, 1991) — whichever one applies to their profession. |

our common goal



the need for action

| Global competition for skilled professionals is intense. In Ontario, over the past two decades, the government, regulated professions, post-secondary institutions, community organizations and others have collaborated on efforts to identify and remove barriers that could slow or restrict registration in the province's regulated professions.

- In 1989, the Task Force on Access to the Professions and Trades in Ontario looked into the requirements for entry into Ontario's professions, occupation by occupation. It found that few professions were free of discriminatory practices, and that broad, structural solutions were needed to remove systemic barriers. In its report, the task force pointed out that, in coming years, immigrants would be increasingly important to the health of the province's economy.
- In 2004, the provincial government commissioned George M. Thomson to review the appeal processes of Ontario's regulated professions. His 2005 report, *Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions*, recommended that there be a more thorough appeals process and that a fair registration practices code be set out in law.

| It is always nice when work that you do results in new government policies and new legislation. Even more satisfying is the opportunity to meet with a dedicated, creative group of persons who are committed to making the principles contained in the legislation a practical reality for those the new program is intended to serve. Without that, new policies and law mean very little.

– George Thomson – Letter to the Fairness Commissioner |

| Global competition for skilled professionals is intense. |

- In 2005, the Ministry of Citizenship and Immigration held discussions with affected professional associations, regulatory bodies and community groups.
- In June 2006, the government introduced the Fair Access to Regulated Professions Act, 2006 (FARPA). Through this statute, for the first time in the history of the regulated professions in Ontario, an oversight process would ensure that registration practices would be “transparent, objective, impartial and fair” and that responses to individuals would be timely. The act received the support of all parties in the legislature.
- On March 1, 2007, the act came into effect. |

| FARPA has three main parts:

1. It sets out the Fair Registration Practices Code.
2. It establishes the Office of the Fairness Commissioner (OFC).
3. It creates a resource centre for internationally trained individuals, called Global Experience Ontario. |

| FARPA also amended the Health Professions Procedural Code, set out in Schedule 2 of the Regulated Health Professions Act, 1991. The code now requires that registration practices in the health professions also be “transparent, objective, impartial and fair.” (See Appendix 1 for a list of the regulated professions covered by these two statutes.) |

| The work of the OFC builds on the activities of the last 20 years. The office is taking action to ensure that Ontario’s regulated professions have fair registration practices. |





the OFC's mandate

| On March 21, 2007, Honourable Jean Augustine, PC, was appointed Ontario's first Fairness Commissioner. The OFC, which opened its doors on April 2, 2007, is the first agency of its kind in Canada. In accordance with Management Board of Cabinet's "Agency Establishment & Accountability Directive," the OFC is designated an arm's-length regulatory agency without a governing board. |

| The OFC's mandate is set out in the Fair Access to Regulated Professions Act, 2006 (FARPA), and in amendments to the Health Professions Procedural Code (HPPC) (Schedule 2 of the Regulated Health Professions Act, 1991). The OFC's specific responsibilities are to:

- assess the registration practices of Ontario's regulated professions
- monitor third-party agencies that regulated professions rely on for assessment of applicants' qualifications
- set out guidelines for the content and form of the regulatory bodies' yearly reports to the OFC
- consult with the regulated professions about the scope, timing and cost of the audits required by the act
- specify the criteria and standards for these audits

| The Fairness Commissioner's mandate to ensure fair, open and transparent registration practices for self-regulated Ontario professions is a moral and economic necessity for the province.... Our work with the [commissioner's office] has been thought-provoking and is contributing to the progress the college has been making with respect to its work with internationally educated teachers.

– Brian P. McGowan – Registrar and Chief Executive Officer – Ontario College of Teachers |

- receive and review the audit reports
- investigate systemic problems with registration practices
- issue compliance orders, where necessary, to the non-health professions
- advise the Minister of Citizenship and Immigration about the OFC's work
- provide advice and recommendations to the Minister of Health and Long-Term Care, including where the OFC has determined that a regulated health profession has failed to comply with the fair registration requirements set out in the HPPC
- advise other government ministries about issues related to the registration practices of the regulated professions that fall under their respective jurisdictions
- advise the regulated professions about their registration practices with respect to the requirements of FARPA and the HPPC
- advise qualification-assessment agencies, colleges and universities, community agencies and other organizations with a stake in the registration practices of the regulated professions about matters related to FARPA and the HPPC |

| The OFC has no mandate to advocate for or to intervene on behalf of individuals, or to assess credentials. Its mandate is to work with the regulated professions to make sure that everyone who applies to register with them receives fair treatment. |

| CAPE feels that registration practices that are transparent, objective, impartial and fair will inspire all parties to meet our government's commitment to integrating skilled newcomers. This will create the highly educated workforce that will ensure "Ontario is a destination of choice for global investment."

– Gurmeet Bambrab – Chief Operating Officer – CAPE Council for Access to the Profession of Engineering |





the stakeholders

| The OFC works with a variety of organizations that have a stake in ensuring that people, regardless of where they were trained, receive fair treatment when they apply to register in a profession in Ontario. The organizations include the regulated professions themselves, agencies that assess professional qualifications, provincial government ministries, educational institutions, community agencies, such as those that serve immigrants, and professional associations. |

INTERNATIONALLY TRAINED PROFESSIONALS

| In 2004 to 2006, almost 32,000 immigrants to Ontario aged 18 to 64 indicated that they intended to work in a regulated profession or trade in the province. Many were new graduates seeking, for the first time, full-time employment in their area of expertise. Others had established their careers over years of dedicated work. Whatever their reasons for immigrating, these people hoped to use their experience, skills and expert knowledge to succeed in and to make a productive contribution to Ontario society. |

| The OFC stands as proof that this government is serious about the *successful* integration of newcomers in all communities of Ontario. In London, we're working with the awareness that the OFC is collaborating with the regulators while we work with newcomers seeking licensure. This will affect lives, impact employers and benefit communities!

– Kate Kennedy – Project Manager – Access Centre for Regulated Employment, London |

| I would like to assure [the College of Veterinarians of Ontario, the Ontario Veterinary Medical Association], governments of Ontario and Canada and also the public of Canada that we internationally trained veterinarians will utilize our knowledge, expertise and experience that we brought from our native countries, and also the knowledge and training we got through [the Veterinary Skills, Training and Enhancement Program] for the well-being and proper care of pets and livestock here in Canada, and around the world.

— Dr. Rashid H. Pirzada — *Excerpt of valedictorian speech, Veterinary Skills, Training and Enhancement Program, College of Veterinarians of Ontario's Update, March 2008* |

REGULATED PROFESSIONS

| A regulated profession is responsible for governing, through its regulatory body, the professional conduct of its members so that the public interest is served. All 35 regulated professions are required by law to set standards of practice and competence for entry into their profession. Applicants must meet these standards in order to register or receive a licence to practise — that is, to legally work in these professions. |

AGENCIES THAT ASSESS QUALIFICATIONS

| Agencies that assess the qualifications of internationally trained professionals (often called qualification-assessment agencies or “third parties”) play a key role in the registration process. They provide degree-equivalency assessments, occupation-specific credential assessments and competency and prior learning assessments, and conduct examinations. Because regulatory bodies rely on these assessments to make registration decisions, the agencies’ work affects individuals’ access to the regulated professions. |

PROVINCIAL GOVERNMENT MINISTRIES

| Ontario’s regulated professions fall under the jurisdiction of eight separate ministries. The majority — 21 — are under the Ministry of Health and Long-Term Care. Six fall under the Ministry of the Attorney General, two under the Ministry of Natural Resources and one each under the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Children and Youth Services, the Ministry of Community and Social Services, the Ministry of Education and the Ministry of Northern Development and Mines. The Ontario Association of Certified Engineering Technicians and Technologists does not fall under the purview of a provincial ministry, although it is a regulated profession. (Appendix 2 lists the regulated professions by ministry.) |

| These ministries, each with separate mandates, budget constraints and political pressures, manage crucial aspects of the regulatory process, including policy development and the approval of regulations related to registration in the professions under their jurisdiction. The OFC is required to advise the ministries on issues related to the improvement of the professional registration practices of the regulating bodies under their jurisdiction. |

| Everyone in the province has a stake in ensuring that internationally trained professionals who want to practise here have fair access to registration in their chosen field. |

COLLEGES AND UNIVERSITIES

| Ontario's post-secondary institutions offer academic programs that applicants often need to complete to satisfy the requirements for registration in their chosen profession. The programs they offer and the accessibility of these programs affect applicants' ability to obtain registration. |

| Colleges and institutes of technology are helping newcomers upgrade their skills and make smooth transitions to the workplace. But an enabling environment is essential for this to be truly effective. Fair registration in the professions is a key element in creating that environment.

– Katrina Murray – Project Director – Canadian Immigration Integration Project – Association of Canadian Community Colleges |

COMMUNITY AGENCIES AND PROFESSIONAL ASSOCIATIONS

| In many instances, community agencies are the main contact point and source of assistance for internationally trained applicants for registration in the regulated professions. They, as well as professional associations, can offer a variety of perspectives on the fairness of registration practices, the barriers applicants encounter and the effect on applicants of practices that are not transparent, objective, impartial or fair. They offer a valuable pragmatic view of licensure and of the labour market for professionals. |

ALL ONTARIANS

| Achieving transparent, objective, impartial and fair registration practices will benefit all Ontarians. Everyone in the province has a stake in ensuring that internationally trained professionals who want to practise here have fair access to registration in their chosen field: when these professionals are allowed to contribute to their full potential, all Ontarians will be better served. |





the year in review

| When the OFC opened its doors, it had to address two parallel priorities. The first, to create a new kind of organization from the ground up, was challenging, but it was accomplished efficiently. The second priority was to begin the core work of the OFC's mandate, as described below. |

2007 STUDY OF REGISTRATION PRACTICES

| The OFC's first task was to review earlier efforts to assess and improve the registration practices of Ontario's regulated professions, and to plan its future work. In fall 2007, the OFC undertook a study of the registration practices of Ontario's regulated professions to acquire an understanding of each profession's existing practices and to establish baseline data that would enable the OFC to measure progress as it carries out its mandate. |

| Information for the study was gathered from:

- face-to-face meetings with the registration staff of the regulatory bodies
- documentation provided by the regulatory bodies

| We believe these initiatives provide further support to initiatives within our profession, both nationally and internationally, to attract and certify new members and to advance our profession towards national and global common standards.

– S. James Statham – Executive Director – Ontario Association of Land Surveyors |

- relevant websites
- “career maps” for the professions that are posted on the Ministry of Citizenship and Immigration’s website (where available) |

| The face-to-face meetings yielded the following basic information about each regulated profession:

- its requirements for registration, licensure and/or certification
- the components of its registration practices
- recent developments in the profession
- job prospects in the profession
- staffing for the registration process
- the handling of complaints
- the role of third parties
- fees |

| Each regulated profession also provided registration information and statistics for 2005, 2006 and 2007, on a standardized spreadsheet designed by the OFC. |

| OFC policy staff synthesized the information gathered for each profession, validated its findings with the regulatory body involved and compiled a study of registration practices for each regulated profession, summarizing the profession’s registration practices as of December 31, 2007. An analysis and summary of the findings for all of the regulated professions will be available in the OFC’s report, *Ontario’s Regulated Professions: Report on the 2007 Study of Registration Practices*, which will be published and posted on the OFC’s website in spring 2008. Findings about the individual professions will be posted on the OFC’s website as well. |

| We appreciate the commitment this government has shown on the important front of ensuring immigrants’ success.

– Anne L. Coghlan – Executive Director – College of Nurses of Ontario |

WORKING TOGETHER

| From its inception, the OFC was committed to establishing good working relationships with the regulated professions. To this end, the commissioner held introductory meetings with the registrars and key staff of each of the 35 regulated professions under its purview. At each meeting, the commissioner explained the OFC’s mandate and invited representatives of the regulatory bodies to outline any concerns they might have. |

| Qualification-assessment agencies perform an important and sometimes decisive role in registration practices. In February 2008, staff of these agencies were invited by the OFC to two briefing sessions to familiarize them with the OFC’s mandate and its plans for working with them and with the regulated professions. |

| Other key players in the registration process include professional associations, colleges and universities and community agencies. Briefing sessions for representatives of these groups are set for April 2008. |

| In December 2007, the OFC held its first open house. This event was marked by a significant milestone — the release of two consultation papers, one on reporting by and one on audits of the self-regulating professions — and offered OFC staff and representatives of the regulated professions, ministry officials and other stakeholders an opportunity to talk informally. |

| The office continuously nurtures its relationships with stakeholders. The commissioner has made over 50 presentations to the professions and other stakeholders. Meetings have also been held with senior officials and policy staff of the Ministry of Health and Long-Term Care and community agencies that serve internationally educated professionals. |

CONSULTING WITH THE PROFESSIONS

| All the regulated professions must submit to the commissioner an annual fair registration practices report describing their progress in meeting the fair registration requirements set out in the Fair Access to Regulated Professions Act, 2006 (FARPA) and the Health Professions Procedural Code (HPPC). The OFC is mandated to specify the form, content and timing of these reports. |

| In addition, the regulated professions are required to undergo periodic independent compliance audits of their registration practices, and the auditors, who will be hired by the professions, must submit reports of the audits to the OFC. These audits, which will begin in fall 2008, will allow the OFC to ensure that regulated professions are meeting the fair registration requirements set out in FARPA and the HPPC. At the same time, the audits will help the regulated professions identify practices that may require revision or modification. They may also reveal “best practices” that could be shared with all the regulated professions. |

| The OFC is required to consult with the regulated professions on the scope, timing and cost of these audits. |

| To solicit comments and suggestions from the regulated professions about the reporting and auditing requirements, in December 2007 the OFC released two consultation documents — *Draft Guidelines for Fair Registration Practices Reports* and *Proposals for Audits of Registration Practices*. Three day-long consultation sessions were held in January 2008 to provide the professions with a further opportunity to comment on the documents. Fifty-eight representatives of the professions’ regulatory bodies attended these sessions. |

| The resulting feedback was compiled for incorporation into the final guideline documents, the *Guidelines for Fair Registration Practices Reports* and *Framework for Audits of Registration Practices*, which will be published in spring 2008. |

| We appreciate the dialogue and update on your plans to roll out the initiative to meet the requirements of the Fair Access to Regulated Professions Act, 2006.

— William N. Malpass – Interim CEO – Certified General Accountants of Ontario |

| A preliminary analysis of the feedback indicated that, *for reporting*, the regulated professions:

- want more guidance from the OFC on the content of the report
- ask the OFC to be cognizant of the large differences among the regulated professions and their practices
- ask for an electronic template to facilitate and streamline the reporting process

and that, *for audits*, they:

- ask that the roster of auditors be broadly defined
- ask that the scope of the audits relate to FARPA or to the HPPC, whichever is applicable to the profession being audited
- appreciate the OFC's offer of more than one option for the timing of the audits
- feel that 90 days' notice of an audit is too short, and suggest that one year would be more appropriate |

| Our mission is to protect the public interest, and I think that working together to ensure fair registration and licensing will help accomplish this.

– Jan Robinson – Registrar and Chief Executive Officer – College of Physiotherapists |





initial observations

| Although the regulated professions have similar mandates for registering qualified applicants, their practices vary considerably. |

| The professions also vary in the size of their membership, staffing and infrastructure. Some are long-standing, having been established in the 1920s; others were created more recently. Many are rethinking the scope of their practice and the requirements for membership, in light of emerging needs and technological changes. |

| Early analyses of their registration practices reveal that all the regulated professions are moving towards transparent, objective, impartial and fair registration practices. For example, the College of Physiotherapists of Ontario has undertaken a registration practices self-audit based on ISO 17024, *General Requirements for Bodies Operating Certification Schemes for Persons*, which allows for an ongoing, prescheduled review of its entry-to-practice system to ensure transparency and fairness; the Ontario College of Teachers is undertaking a comprehensive review of its registration practices that gathers input from diverse stakeholders. |

| The 10 professions with the highest proportion of internationally trained members are:

- pharmacists (35%)
- architects (27%)
- physicians and surgeons (27%)
- dental surgeons (26%)
- dental technologists (24%)
- engineers (24%)

- chiropodists (23%)
- midwives (22%)
- optometrists (20%)
- engineering technicians and technologists (19%) and geoscientists (19%) |

| (Appendix 3 shows the proportion of internationally trained members in each profession.) |

| Early analyses of their registration practices reveal that all the regulated professions are moving towards transparent, objective, impartial and fair registration practices. |

| The OFC's analysis has also identified issues that go beyond the responsibilities of the regulatory bodies — for example, issues related to the availability of and access to residency spaces for physicians, occupation-specific language training and academic programs, the cost of bridging programs, and employment opportunities after a certificate or licence has been obtained. |

| An emerging issue raised by the professions is a trend of new graduates going overseas to complete their training requirements with the intention of returning to Canada to work in their profession. Apparently, many of these people believe that they will not face the same registration requirements as other internationally educated applicants, or even that they will be placed at the head of the queue — assumptions that have no basis. |

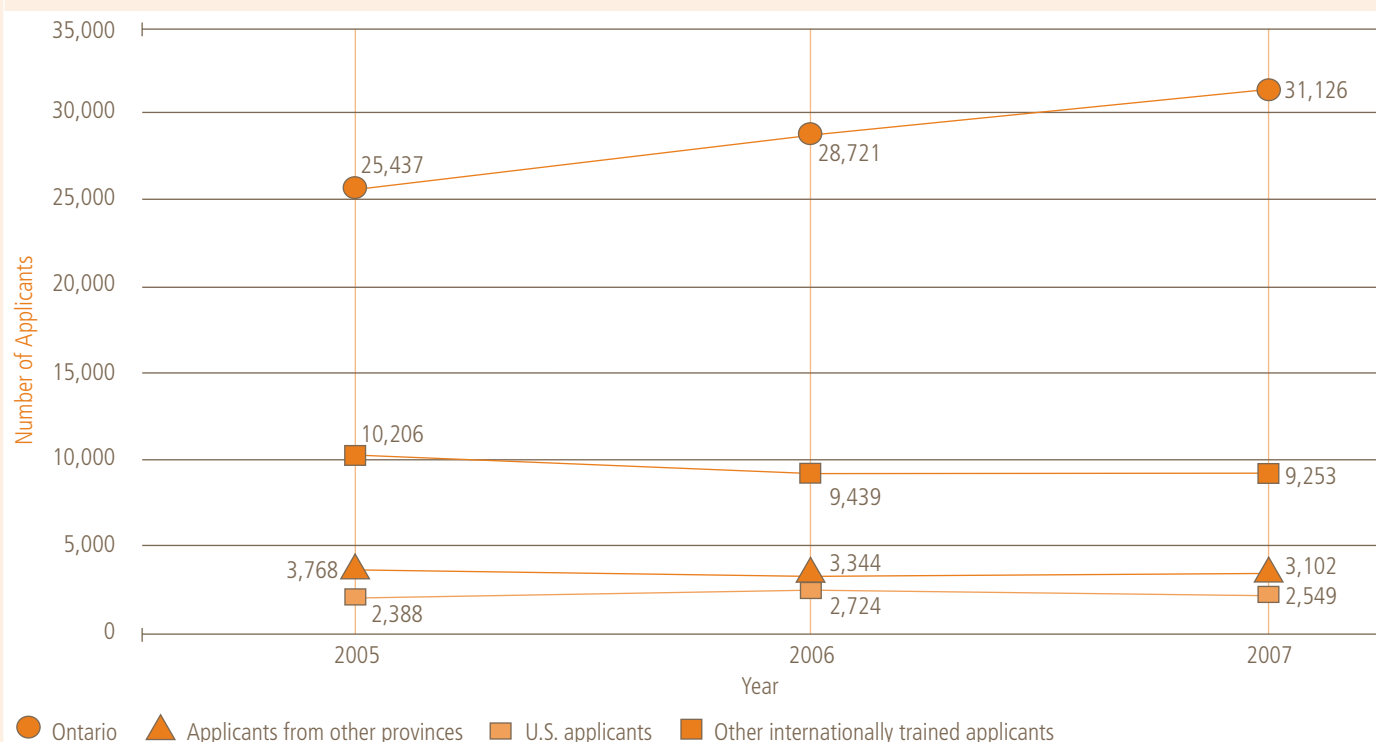
| Following are some of the OFC's general observations about the regulated professions' registration practices and some of its observations about specific registration issues, based on the information gathered to date. |

| Over the last three years there has been a decline in the number of internationally trained individuals applying for registration. |

GENERAL

- On average, over the last three years there has been a decline in the number of internationally trained individuals applying for registration (see the figure on page 20). From 2005 to 2007, the overall number of new applicants to Ontario's regulated professions has steadily increased, from 42,005 in 2005 to 44,414 in 2006 and 47,068 in 2007. However, over the same period, there was an overall decline in the number of applications from internationally trained individuals, including those trained in the United States. The OFC intends to analyse this issue further.
- Labour market conditions for the professions vary greatly, with some professions concerned about an ageing membership and insufficient enrolment in academic programs to replenish the supply, and others reporting an oversupply of members who cannot find work in their profession.
- Several professions indicated that registration in their profession does not always translate into employment for the internationally trained individual. If Ontario is to retain these highly skilled people, it may need to target employers, educating them about the importance of highly skilled people to the province's future economy.

New Applicants to Ontario's Regulated Professions by Year, 2005–2007¹



¹ The numbers in this figure do not include applicants the location of whose training is unknown.

- Some regulated professions require applicants to have prior “Canadian experience” as a qualification for registration. This can mean experience in Canada or experience working abroad under the supervision of someone who is registered in the profession in Ontario. The requirement can be challenging for internationally trained professionals: it is difficult for them to find work without Canadian experience, yet they require Canadian experience to complete the registration process.
- Fast-track programs offered by private educational institutions to help applicants qualify for a regulated profession may not meet the requirements of the profession. If students do not understand these limitations when they enrol in the programs, they may have to spend additional time and resources to meet the profession’s requirements.
- Health regulators reported that a lack of residency spaces for doctors and available space in other qualifying programs can pose barriers to registration. The organizations that apportion spaces may have to make difficult decisions related to the number that go to domestic and the number that go to international candidates, in order to ensure that qualified internationally trained professionals stay in Ontario.
- Bridging programs, which help internationally trained professionals close gaps in their academic and work experience, have proved helpful to many professions. These programs vary in scope. Some are offered in partnership with regulated professions (not all professions participate) and post-secondary institutions or community agencies. They receive start-up funding from the Ontario Ministry of Citizenship and Immigration and, in some instances, the federal government, but are expected to become self-sustaining. However, very

few of the programs have achieved this status. As a result, those offering the programs may have to cover the costs themselves, which means that they would likely have to pass the costs on to students, and they are concerned about their ability to sustain their programs over the long term.

| With access to a bridging program for internationally prepared midwives, Ontario's midwifery community has been the beneficiary of increased diversity, and its ability to meet language and cultural needs of pregnant women ... has been enhanced. ... IMPP graduates employed in Ontario now represent 28 different countries and comprise 25 per cent of full-time practising midwives in Ontario.

– Holliday Tyson – Program Director – International Midwifery Pre-Registration Program – Ryerson University |

INFORMATION ABOUT REGISTRATION REQUIREMENTS

- Regulated professions' websites have become important vehicles for providing registration and licensing information. Ease of navigation on the sites runs the gamut from user-friendly and intuitive to complicated and confusing. Many sites provide easy access to the profession's registration requirements, as well as "career maps" and fact sheets; others require the user to navigate through many layers and links to locate basic registration information. If these sites are to be potential registrants' first point of contact with the profession's requirements, they need to provide clear information and a step-by-step path through the registration process.

TIMELY COMMUNICATION OF DECISIONS AND REASONS

- Regulated professions are required to provide applicants with registration, review and appeal decisions in writing, within a reasonable time. The professions reported that, once an applicant has submitted all the required documents and information, it can take two weeks to six months to complete the registration process, depending on the profession.
- Some of the professions are providing more of these services online.

REVIEW AND APPEAL PROCESSES

- Under the Health Professions Procedural Code (HPPC), the health professions have a standard internal review and appeals process. Each college (regulatory body) is required to have a registration committee that reviews decisions of the registrar that are unfavourable to applicants, and appeals can be made to the Health Professions Appeal and Review Board. The colleges are also required to inform applicants about the internal review and appeals processes once a negative registration decision has been rendered.
- Most non-health-profession regulatory bodies handle reviews internally, through their registrar and a registration committee. Some also have an appeal committee or similar body in place. In some instances where decisions are based on third-party assessments, the regulatory body requires the applicant to deal directly with the assessment agency.
- All registered professions reported that the relationship of the review/appeal bodies to the assessment and decision-making bodies in the registration process is an arm's-length one.

| As the regulatory body of the dental profession, RCDSO is proud to have been an early supporter of this government's efforts in building confidence in the fairness of licensing practices.

– *Irwin W. Fefergrad – Registrar – Royal College of Dental Surgeons of Ontario* |

DOCUMENTATION OF QUALIFICATIONS

- The amount of readily available information about the documentation applicants are required to submit to prove that they are qualified for registration varies among the regulated professions. Clear and accessible information about the documentation that applicants need to submit with their applications, including acceptable alternatives for documents that are unavailable or may have been destroyed (for example, as a result of violent conflicts in the applicant's home country), will help applicants prepare complete application packages.
- A number of regulated professions said that they have rarely, or never, faced a situation where alternatives to their specified qualification documentation were necessary, and they have no policy on the subject. Other regulated professions reported having provisions for situations when an applicant cannot obtain his or her original documents or the documents have been destroyed.

| This is exactly what we have been expecting, a fair access to professions [for] all professionals As a community with a high proportion of internationally trained professionals, we have first-hand knowledge of how hard it is for an immigrant to practice his/her profession ... in Canada. The ... legislation and the [Office of the] Fairness Commissioner will surely help open the door for many of our community members.

– *Howard Shen – President – Chinese Professionals Association of Canada* |

ASSESSMENT OF QUALIFICATIONS

- A majority of regulated professions use third-party agencies to assess the credentials of applicants applying for licences, particularly internationally trained applicants. The third-party assessments are generally based on a determination of academic equivalencies¹; however, experience and competencies may also be assessed.
- In some cases, a regulatory body will rely completely on a third-party agency to assess an applicant's credentials. In these cases, the regulatory body only sees the applicant if he or she receives a positive assessment from the third party. In effect, the regulatory body hands over responsibility for the accuracy of the assessments to the agency. The only recourse an applicant who receives an unfavourable assessment has is to deal with the third party directly.

Under the Fair Access to Regulated Professions Act, 2006 (FARPA) and the HPPC, the regulated professions are now required to ensure that the assessment practices of third-party agencies are transparent, objective, impartial and fair. Also, the OFC is required to monitor the third parties to ensure that their assessments are based on the regulatory bodies' obligations for compliance with the legislation.

¹ That is, the comparability of the applicant's education in the professional discipline with that obtained by a Canadian-educated applicant studying the same discipline.

- More professions are moving to a competency-based framework for assessing professional qualifications. It is critical that the professions using this approach provide applicants with a clear definition of the competencies required and a clear explanation of the assessment methodologies used.
- The types of qualifying exams required by the professions vary. Regulatory bodies administer exams themselves or use third parties to administer them. They report that internationally trained applicants have difficulty with certain formats, particularly multiple-choice questions.
- Language requirements vary among the professions; however, the majority do not require applicants to prove written or spoken proficiency in English or French. They ask that the applicant be “reasonably fluent” or be able to “communicate effectively” in the language. Reasonable fluency is not defined. Most regulatory bodies assume language proficiency if the applicant is able to successfully navigate the registration process, including interviews, exams and so on. Some, however, require applicants who come from a country where English or French is not an official language to take an English or French proficiency test.
- Some regulatory bodies have devised assessment processes that ensure that there can be no biases based on the applicant’s country of origin, race, ethnicity, name or any other identifying feature. These processes involve assigning a number to the applicant throughout the assessment process, including any examinations or practical evaluations.

| The regulated professions are now required to ensure that the assessment practices of third-party agencies are transparent, objective, impartial and fair. |

TRAINING IN ASSESSMENT, REVIEW AND APPEAL PROCESSES

- Regulatory bodies that conduct internal qualification assessments, reviews and appeals are required to ensure that the staff involved are properly trained. All the professions indicated that they provide some level of training or orientation to individuals involved in the review and appeal processes before these individuals can act as reviewers or decision makers.

APPLICANTS’ ACCESS TO RECORDS

- All the regulated professions indicated that applicants have access to all the records related to their application process. The exception is personal references received as part of the process. (Both FARPA and the HPPC specify limitations for access to records, particularly in areas related to protection of privacy.)





the way forward

| The OFC has spent its first year developing a solid foundation by gathering vital information and establishing consultative relationships with stakeholders. In its second year, building on this foundation, the office will be able to more thoroughly examine trends, issues and practices throughout the professions, offer insightful suggestions for improvements and highlight good practices. |

| The OFC has an ambitious agenda for 2008–2009, with several key products slated for delivery early in the fiscal year.

- The OFC's *Guidelines for Fair Registration Practices Reports* will specify the form, content and timing of regulated professions' yearly reports. An online reporting template will be provided to the professions. The OFC anticipates that the application will be launched in time for the regulatory bodies to use it to file their 2008 reports early in 2009.
- A study of the practices of qualification-assessment agencies will complement *Ontario's Regulated Professions: Report on the 2007 Study of Registration Practices*. The new study will be based on the results of an online questionnaire to be administered in the spring of 2008.
- The OFC's *Framework for Audits of Registration Practices* will be issued to provide the professions with the eligibility criteria for the roster of auditors, guidance on audit criteria and standards, and information about the scope of audits and timelines.

| The OFC will seek to bring stakeholders together more often, to listen to one another, share ideas and mutual concerns and devise solutions that will work for everyone involved. |

- The OFC will issue notifications of the first round of audits. To date, eight regulated professions have agreed to undergo these audits, and they will be audited by the end of the 2008–2009 fiscal year. |

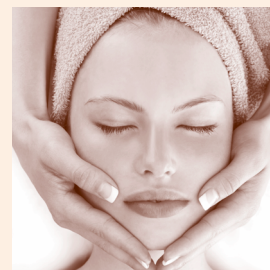
| Longer-term activities include the following:

- OFC staff will review the fair registration practices and audit reports submitted, and assess the level of regulated professions' compliance with the registration requirements set out in the Fair Access to Regulated Professions Act, 2006 (FARPA) and the Health Professions Procedural Code (HPPC). The reports will enable the OFC to continue its work with the regulated professions and stakeholders, provide them with regular advice on compliance and fulfil its reporting responsibilities to the Ministry of Citizenship and Immigration and other ministries with jurisdiction over individual professions.
- The office will continue to refine existing tools and develop new ones to facilitate improvements in registration practices towards full compliance. Examples include guidelines and standards for the review of registration practices; examples of transparent, objective, impartial and fair assessment practices; online data collection; and online reporting tools.
- The OFC will also share information and lessons learned with key stakeholders as implementation of the legislation moves forward, holding seminars and workshops to support the regulated professions in achieving compliance.
- The OFC is working closely with the new transitional council of the Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, which is in the process of becoming a regulated profession. Four other new regulatory bodies are also coming on stream: the College of Kinesiologists of Ontario, the College of Naturopaths of Ontario, the College of Homeopaths of Ontario and the College of Psychotherapists and Registered Mental Health Therapists of Ontario. OFC staff will work proactively with these new colleges to ensure that they plan for and implement transparent, objective, impartial and fair registration practices. |

| The organizations that have a stake in ensuring that registration practices are transparent, objective, impartial and fair — both within individual regulated professions and across the professions — seldom come together to share issues and concerns. Yet all of them are working towards the same goal. In the coming months, the OFC will seek to bring stakeholders together more often, to listen to one another, share ideas and mutual concerns and devise solutions that will work for everyone involved. |

| I applaud the collaborative process you are using and encourage you to stay the course, for the higher good of all.

– *Laura Sheehan – Director of Registration and Certification – Association of Early Childhood Educators of Ontario* |



financial statements



Clarkson Rouble LLP
Chartered Accountants

Auditors' Report

To the Fairness Commissioner

| We have audited the balance sheet of the **Office of the Fairness Commissioner** as at **March 31, 2008** and the statements of operations and operating surplus and cash flows for the year then ended. These financial statements are the responsibility of the Office's management. Our responsibility is to express an opinion on these financial statements based on our audit. |

| We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. |

| In our opinion, these financial statements present fairly, in all material respects, the financial position of the Office as at **March 31, 2008** and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles. |

Clarkson Rouble LLP

Mississauga, Ontario
April 8, 2008

Clarkson Rouble LLP
Chartered Accountants
Licensed Public Accountants

| balance sheet

As at March 31

	2008
Assets	
Current	
Cash	\$ 28,520
Short term investments	102,497
Accounts receivable	464
Prepaid expenses	636
	132,117
Capital assets (Note 3)	32,911
	\$ 165,028
Liabilities	
Current	
Accounts payable and accrued liabilities	\$ 56,162
Surplus	
Operating	108,866
	\$ 165,028

On behalf of the Office:



Commissioner

| statement of operations and operating surplus

Year Ended March 31

	2008
Revenues	
Ministry of Citizenship and Immigration	\$ 1,189,900
Interest income	9,791
	1,199,691
Expenses	
Salaries, wages and benefits	618,808
Services	283,196
Office administration	134,817
Transportation and communications	43,205
Amortization	10,799
	1,090,825
Excess of revenues over expenses	108,866
Operating surplus, beginning of year	—
Operating surplus, end of year	\$ 108,866

| statement of cash flows

Year Ended March 31

	2008
Operating activities	
Excess of revenues over expenses for the year	\$ 108,866
Items not requiring an outlay of cash	
Amortization	10,799
	119,665
Net change in working capital items	
Operating working capital	
Accounts receivable	(464)
Prepaid expenses	(636)
Accounts payable and accrued liabilities	56,162
Increase from operating activities	174,727
Investing activity	
Purchase of capital assets	(43,710)
Increase in cash	131,017
Cash, beginning of year	—
Cash, end of year	\$ 131,017
Represented by:	
Cash	\$ 28,520
Short-term investments	102,497
	\$ 131,017

| notes to financial statements

March 31, 2008

1. Purpose of the Office

The Office of the Fairness Commissioner is responsible for assessing the registration practices of certain regulated professions. Its purpose is to make sure these practices are transparent, objective, impartial and fair for anyone applying to practice his or her profession in Ontario.

2. Significant accounting policies

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles. Significant accounting policies followed in the preparation of these financial statements are:

a) Cash and short term investments

Cash and short term investments consist of cash on hand, current bank accounts, and short-term investments, with redemptions within 90 days of the year end.

b) Capital assets

Capital assets are recorded at cost less accumulated amortization. Amortization is calculated on a straight-line basis over the estimated useful lives of the assets, as follows:

Furniture and fixtures 5 years

Computer equipment 3 years

c) Revenues

Funds provided by the Ministry of Citizenship and Immigration are recognized in the year in which they are received.

d) Management estimates

The presentation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amount of assets and liabilities as at the date of the financial statements and the reported amounts of revenues and expenditures during the reported period. Actual amounts could differ from these estimates.

3. Capital assets

Capital assets consists of the following:

	2008		
	Cost	Accumulated Amortization	Net Book Value
Furniture and fixtures	\$ 28,277	\$ 5,655	\$ 22,622
Computer equipment	15,433	5,144	10,289
	\$ 43,710	\$ 10,799	\$ 32,911

4. Financial instruments

The organization has evaluated the fair value of its financial instruments based on the current interest rate environment, market values and the actual prices of financial instruments with similar terms. The carrying value of financial instruments is considered to approximate fair value.

appendix 1: list of regulated professions

Association of Ontario Land Surveyors	College of Opticians of Ontario
Association of Professional Engineers of Ontario	College of Optometrists of Ontario
Association of Professional Geoscientists of Ontario	College of Pharmacists of Ontario
Certified General Accountants Association of Ontario	College of Physicians and Surgeons of Ontario
College of Audiologists and Speech-Language Pathologists of Ontario	College of Physiotherapists of Ontario
College of Chiropodists of Ontario	College of Psychologists of Ontario
College of Chiropractors of Ontario	College of Respiratory Therapists of Ontario
College of Dental Hygienists of Ontario	College of Veterinarians of Ontario
College of Dental Technologists of Ontario	Institute of Chartered Accountants of Ontario
College of Denturists of Ontario	Law Society of Upper Canada
College of Dietitians of Ontario	Ontario Association of Architects
College of Early Childhood Educators ²	Ontario Association of Certified Engineering Technicians and Technologists
College of Massage Therapists of Ontario	Ontario College of Social Workers and Social Service Workers
College of Medical Laboratory Technologists of Ontario	Ontario College of Teachers
College of Medical Radiation Technologists of Ontario	Ontario Professional Foresters Association
College of Midwives of Ontario	Royal College of Dental Surgeons of Ontario
College of Nurses of Ontario	Society of Management Accountants of Ontario
College of Occupational Therapists of Ontario	

² The OFC's responsibilities under the Fair Access to Regulated Professions Act, 2006 include the College of Early Childhood Educators. Because the college does not yet exist, the OFC is now working with the transitional council of the corresponding professional association, the Association of Early Childhood Educators Ontario.

appendix 2: list of regulated professions by ministry

| **Ministry of Agriculture, Food and Rural Affairs**

College of Veterinarians of Ontario |

| **Ministry of the Attorney General**

Association of Professional Engineers of Ontario
Certified General Accountants Association of Ontario
Institute of Chartered Accountants of Ontario
Law Society of Upper Canada
Ontario Association of Architects
Society of Management Accountants of Ontario |

| **Ministry of Children and Youth Services**

College of Early Childhood Educators³ |

| **Ministry of Community and Social Services**

Ontario College of Social Workers and Social Service Workers |

| **Ministry of Education**

Ontario College of Teachers |

| **Ministry of Health and Long Term Care**

College of Audiologists and Speech-Language Pathologists of Ontario
College of Chiropractors of Ontario
College of Chiropractors of Ontario
College of Dental Hygienists of Ontario

College of Dental Technologists of Ontario
College of Denturists of Ontario
College of Dietitians of Ontario
College of Massage Therapists of Ontario
College of Medical Laboratory Technologists of Ontario
College of Medical Radiation Technologists of Ontario
College of Midwives of Ontario
College of Nurses of Ontario
College of Occupational Therapists of Ontario
College of Opticians of Ontario
College of Optometrists of Ontario
College of Pharmacists of Ontario
College of Physicians and Surgeons of Ontario
College of Physiotherapists of Ontario
College of Psychologists of Ontario
College of Respiratory Therapists of Ontario
Royal College of Dental Surgeons of Ontario |

| **Ministry of Natural Resources**

Association of Ontario Land Surveyors
Ontario Professional Foresters Association |

| **Ministry of Northern Development and Mines**

Association of Professional Geoscientists of Ontario |

| The Ontario Association of Certified Engineering Technicians and Technologists is not under the purview of any ministry. |

³ The OFC's responsibilities under the Fair Access to Regulated Professions Act, 2006 include the College of Early Childhood Educators. Because the college does not yet exist, the OFC is now working with the transitional council of the corresponding professional association, the Association of Early Childhood Educators Ontario.

appendix 3: statistical snapshot of the regulated professions

| As of 2007, Ontario's regulated professions had approximately 680,000 members. Not all professions keep track of where their members were originally trained, but of those that do, the percentage of their membership that was internationally trained varies widely, from one per cent to 35 per cent (see the table on page 33). |

Number of Members in Ontario's Regulated Professions, 2007, and Where They Received Their Training

Profession	Ontario	Other Provinces	International	Unknown	TOTAL	Proportion of International Members
Architects	1,392	477	677		2,546	27%
Audiologists and Speech Language Pathologists	N/A	N/A	N/A		3,087	N/A
Chartered Accountants	27,930	3,133	1,593		32,656	5%
Chiropodists	389		113		502	23%
Chiropractors	3,696	N/A	N/A		3,696	N/A
Dental Hygienists	8,499	368	781		9,648	8%
Dental Surgeons	4,958	980	2,122		8,060	26%
Dental Technologists ¹	173	1	55		229	24%
Denturists	500	4	14		518	3%
Dietitians	1,954	687	161		2,802	6%
Engineering Technicians and Techologists	11,077	546	2,675		14,298	19%
Engineers ²	41,663	9,666	16,931		70,265	24%
Foresters ³	573	104	8		685	1%
General Accountants ^{4,5}	346	14,936	1,417	1,432	18,131	8%
Geoscientists ⁶	847	251	260		1,358	19%
Land Surveyors ⁷	N/A	N/A	N/A		645	N/A
Lawyers ⁷	N/A	N/A	N/A		38,500	N/A
Management Accountants	14,141	1,326	1,333		16,800	8%
Massage Therapists	7,577	24	43		7,644	1%
Medical Laboratory Technologists ⁸	N/A	N/A	N/A		N/A	N/A
Medical Radiation Technologists	5,937	360	463		6,760	7%
Midwives	310	7	89		406	22%
Nurses	127,794	3,931	15,546		147,271	11%
Occupational Therapists	3,468	442	443		4,353	10%
Opticians	2,505	129	25		2,659	1%
Optometrists	1,204	51	314		1,569	20%
Pharmacists	5,318	1,824	3,907		11,049	35%
Physicians and Surgeons	18,079	6,126	8,969		33,174	27%
Physiotherapists	4,457	761	1,127		6,345	18%
Psychologists	1,998	322	480		2,800	17%
Respiratory Therapists	2,247	186	76		2,509	3%
Social Workers and Social Service Workers	9,967	941	1,129		12,037	9%
Teachers ⁹	70,712	4,593	20,297	117,140	212,739	10%
Veterinarians	2,965	325	538		3,828	14%
Total	382,676	52,501	81,586		679,569	

N/A = not available

¹ Data available for all categories are incomplete.

² Total includes members who did not provide academic documents to the profession or for whom the profession's database did not have academic information.

³ Total does not include provisional, honorary, student, non-resident or resigned members.

⁴ The profession's data collection procedures only started to distinguish between Ontario and other Canadian provinces on June 1, 2007.

⁵ The profession does not differentiate U.S.-trained members from other internationally trained members. Its records also include 1,432 members, the location of whose training is unknown.

⁶ Includes 9 members whose registration status is "limited" and 14 whose status is "temporary."

⁷ These two professions do not retain data on where their members were trained.

⁸ Because the profession only began tracking data on where members were trained in 2005, its figures are not included in this table.

⁹ The profession's data include 171,140 members, the location of whose training is unknown.

