

**PRACTICES
AREN'T
PERFECT:**

**A CALL TO ACTION
FOR ALL REGULATORS
TO IMPROVE
LICENSING**

ANNUAL REPORT 2013–2014

Office of the
fairness
commissioner

Bureau du
commissaire à
l'équité



TRANSPARENT

OBJECTIVE

IMPARTIAL

FAIR

WHAT IS THE OFFICE OF THE FAIRNESS COMMISSIONER?

The Office of the Fairness Commissioner (OFC) was created by the Fair Access to Regulated Professions and Compulsory Trades Act, 2006, to ensure that everyone who is qualified to practise in a profession that is regulated in Ontario can get a licence to practise here. This need arose because some professionals, particularly those trained outside of Ontario, were encountering unnecessary obstacles.

The OFC works with the regulatory bodies that oversee the regulated professions and trades, to ensure that their licensing processes are transparent, objective, impartial and fair. Ultimately, the OFC’s goal is to ensure that anyone qualified in a regulated profession who wishes to practise in Ontario is not prevented from doing so by an unduly complex, costly or time-consuming licensing system.

TABLE OF CONTENTS

Message from the Commissioner	1
A Large Constituency: Facts and Figures	2
A Fair-Access Agenda for the Future	4
Driving Continuous Improvement	6
Progress Update	8
Positive Change	8
Need for Improvement: General Concerns	11
Need for Improvement: Profession-Specific Concerns	13
Recommendations for Government	16
Outreach	20
Ontario’s Regulatory Bodies	22
Financial Statement	24
OFC Staff	26

MESSAGE FROM THE COMMISSIONER

About the Fairness Commissioner – Hon. Jean Augustine, PC, CM

In February 2014, Jean Augustine was re-appointed for a one-year term as Ontario's Fairness Commissioner. She is the first and only person ever to hold this position, having first been named Fairness Commissioner in 2007. A Member of the Order of Canada – in recognition of her "distinguished career as an educator, politician and advocate for social justice" – her many accomplishments include being the first African-Canadian woman elected to the Parliament of Canada and then the first black woman to serve in a federal Cabinet.



Seven years ago, we were pioneers. Ontario's Office of the Fairness Commissioner (OFC) was created to examine professional licensing practices. It was the first agency of its kind in the world. As leader of this initiative, I felt a tremendous responsibility, not just to ensure that we did a good job in recommending improvements to licensing but also to spread the word about the importance of fair access to the professions.

It is with great satisfaction, then, that I see our work being emulated in other jurisdictions, across Canada and internationally. More critically, I am heartened to see fair access taken so much more seriously both here and abroad than it was when we started out.

Of course, it was not just our efforts that created this groundswell. Globalization – and with it the unprecedented mobility of labour to go where the jobs are – has intensified competition literally from around the world, as we all seek to attract the highly trained professionals who are so critical to a robust economy. But Ontario has been a fair-access trailblazer, and other jurisdictions are patterning their legislation after ours. I and my OFC colleagues continue to offer them advice based on the lessons we have learned.

Unfortunately, even though the world is paying greater attention to fair access, some regulatory bodies in Ontario are still lagging behind.

I continue to be disappointed by the failure of these regulatory bodies to address our concerns. Whether the result of negligence or stubbornness, their clinging to the status quo is unacceptable. Both the regulatory bodies and the ministries that oversee them must not let this inertia continue.

This annual report – which covers the year ending March 31, 2014 – includes a sizeable "Progress Update" section. We do not expect regulatory practices to be perfect. But we do expect regulators to continue making positive changes – and our analysis shows there is still much room for improvement. Regulators have, to reiterate the title of our 2013 report, a fair way to go.

I know it is often human nature to focus on the negative, and I suspect that many readers will zero in on the "Need for Improvement" sections of the progress update. So be it – I sincerely hope the scrutiny spurs action to fix the problems. But I also encourage readers to pay equal attention to the regulatory bodies listed under "Positive Change." These are examples of genuine efforts to improve, and reflect a strong spirit of cooperation and collaboration. These regulators deserve praise, and I do not want their contributions to be overshadowed by the few who have yet to follow my recommendations for improvement.

I take great pride in what my office has been able to accomplish, working with regulatory bodies to identify and remove unnecessary barriers in their licensing processes. Every one of those changes, however small it may seem, helps reduce costs, time and stress for applicants. Ultimately, it means more qualified professionals succeeding in Ontario – and that's good for all of us.

A stylized, handwritten signature in blue ink, consisting of a large, looped 'J' and 'A'.

Hon. Jean Augustine, PC, CM
Fairness Commissioner



A LARGE CONSTITUENCY

FACTS AND FIGURES ABOUT PROFESSIONAL LICENSING IN ONTARIO

LICENSED PROFESSIONALS in 2013:

809,055

LICENSED INTERNATIONALLY
TRAINED PROFESSIONALS in 2013:

122,373

APPLICATIONS FOR PROFESSIONAL
LICENCES received by regulatory bodies in 2013:

64,551

INTERNATIONAL APPLICATIONS
FOR PROFESSIONAL LICENCES in 2013:

14,688

India, the Philippines, the United States, China, and Iran were the top five source countries for internationally trained applicants seeking licences in Ontario in 2013.

233,858

When the Ontario College of **Trades** began to register members in 2013, many applications were from people previously licensed through the Ministry of Training, Colleges and Universities. The location of training of most tradespeople who were educated outside of Ontario or Canada is not known.

The Office of the Fairness Commissioner (OFC) now oversees the licensing practices of **42 regulatory bodies**.

- The regulatory bodies for **Kinesiologists, Trades, and Traditional Chinese Medicine Practitioners and Acupuncturists** started licensing members in 2013–14.
- The regulatory bodies for **Homeopaths, Naturopaths and Psychotherapists** have not yet begun licensing, but they are developing licensing policies. The OFC is actively working with the new bodies to ensure that right from the start they are well-positioned to comply with fair-access requirements.
- The OFC's scope now includes the **Human Resources Professionals** Association, established in 2013.





A FAIR-ACCESS AGENDA FOR THE FUTURE

In early 2013, the Office of the Fairness Commissioner (OFC) set out its agenda for the future and made 12 recommendations. The commissioner and her staff are following up by meeting with government officials, regulatory bodies and researchers to explain the OFC's expectations, and by monitoring responses.

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.





DRIVING CONTINUOUS IMPROVEMENT

In examining licensing practices, the Office of the Fairness Commissioner works closely with each regulatory body to understand the rationale behind licensing requirements – and, where necessary, to challenge the validity of keeping certain rules in place.

It is an ongoing process, underpinned by a commitment to continuous improvement.

ASSESSMENT CYCLE

A major part of the OFC's ongoing monitoring and analysis is the comprehensive assessment of each regulatory body's licensing practices every two years. The first such cycle was completed in 2012. In the 37 assessments, the OFC made 339 recommendations, and noted 304 commendable practices.

In 2013, the OFC began its second assessment cycle, to be completed by the end of 2014.

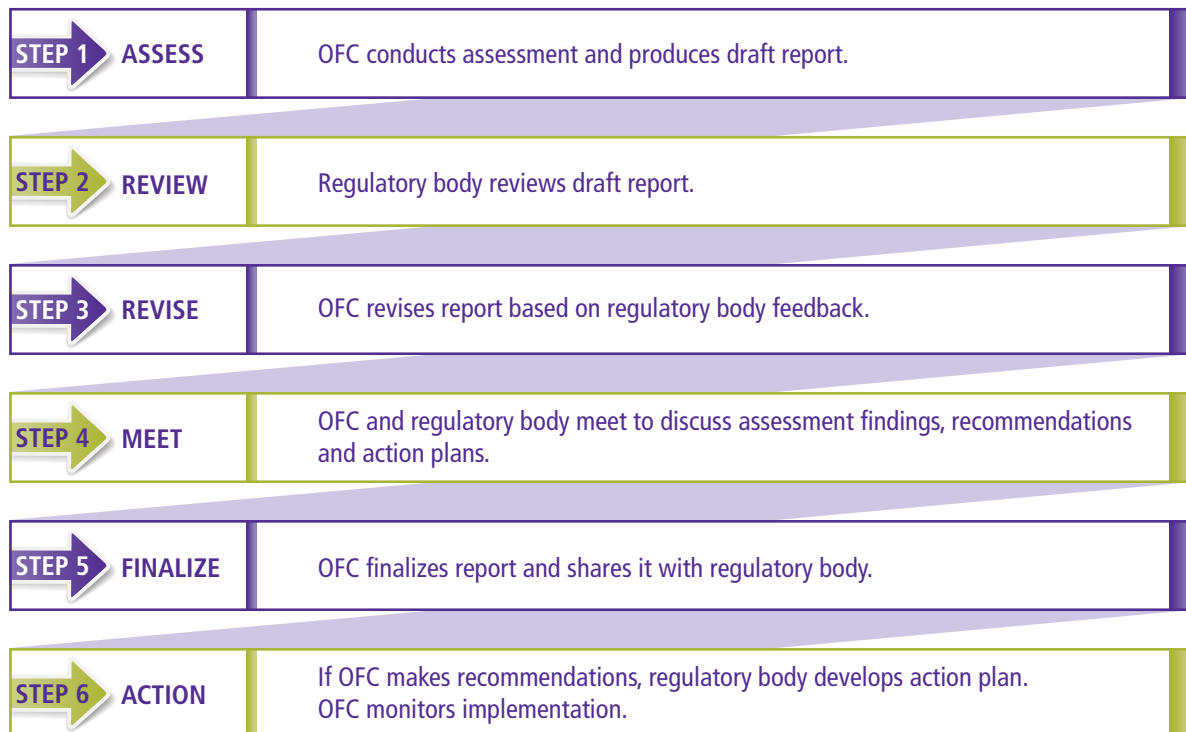
Building on its own experience from the first cycle of assessments, and with input from the regulatory bodies, the OFC updated its assessment strategy for Cycle 2. The updated strategy includes a new implementation plan, better procedures for meeting the specific and general duties in fair-access legislation, and new reporting templates.

In Cycle 2, the OFC has given regulators the option of self-assessing how well they have met the general duty under the fair-access legislation.

2013–14 ASSESSMENTS

BY THE END OF MARCH 2014, THE OFC HAD COMPLETED 18 ASSESSMENTS. THESE LED TO 96 RECOMMENDATIONS AND IDENTIFIED 99 COMMENDABLE PRACTICES.

Steps in the Assessment Process





PROGRESS UPDATE

HIGHLIGHTING REGULATORY BODIES MAKING HEADWAY AND THOSE LAGGING BEHIND

POSITIVE CHANGE

Following are examples of effective measures that Ontario regulatory bodies have taken in the past year to improve licensing.

■ REMOVING UNNECESSARY REQUIREMENTS

The Ontario Professional **Foresters** Association is eliminating a requirement for 18 months of work experience in Ontario, by developing criteria for assessing other relevant experience and for determining whether it can be applied toward Ontario competency requirements.

“Foresters are a small regulatory body with limited resources. However, they are focused on ensuring professional competence, and not on defending the way things have always been. They understand that immigrant professionals have important contributions to make to the profession and to the province. Good for them.”

Fairness Commissioner Jean Augustine, commending the Ontario Professional Foresters Association

■ STREAMLINING REGISTRATION PATHWAYS

The Ontario Association of **Architects** adopted the Broadly Experienced Foreign Architects program, which offers a streamlined registration pathway for qualified internationally trained architects. The program assesses an applicant's work experience and competencies against Canada-wide standards for practice in Canada.

■ PEER REVIEWING

In 2013, the Royal College of **Dental Surgeons** of Ontario asked to have its performance reviewed against the *Standards of Good Regulation*, developed by the United Kingdom's Professional Standards Authority. This proactive, independent assessment of how the college compares to regulators in other countries helps hold it accountable to the public.

■ COMMUNICATING EFFECTIVELY

Effective September 2015, the Government of Ontario is lengthening teacher certification programs from one year to two. Following the OFC's advice, the Ontario College of **Teachers** developed and implemented a communication plan to explain the resulting changes in its registration requirements and processes. The communication plan helps to ensure that this transition does not take applicants by surprise.

■ PERSONALLY INTERACTING WITH APPLICANTS

The Certified **General Accountants** of Ontario implemented a new telephone system that immediately directs callers to an adviser who can address their specific inquiries. This approach enables applicants to access relevant information when and how they need it.

EXEMPLARY PRACTICES DATABASE

In 2013, the OFC launched the Exemplary Practices Database – a collection of excellent licensing practices the OFC has identified in its work with Ontario regulatory bodies.

This innovative compilation is the first of its kind, and it cites more than 100 practices that can serve as both a guide for all regulatory bodies and a motivator for better licensing.

Free of charge, it is an easily accessible and searchable online tool that circulates best practices, promoting continuous improvement among regulators by enabling them to learn from each other. All of the practices in the database are both highly commendable and adaptable to other regulators.



■ SHOWING HOW DECISIONS ARE MADE

The College of **Physiotherapists** of Ontario created *A Day at the College of Physiotherapists*, a video showing some sample cases from college committees, including the registration committee. The video discusses how the cases are reviewed, and their outcomes, helping applicants and the public understand the issues involved in the decision-making process.

■ PROMOTING EQUITY AND DIVERSITY

In March 2013, the Equity and Diversity Committee of Professional **Engineers** Ontario (PEO) conducted a survey to identify the regulator's equity and diversity practices and to establish a baseline for the committee's impact. As a result of survey feedback, PEO developed an online learning module that aligns with PEO's policy and guidelines, and provides engineers with practical ways to foster equity and diversity.

■ EXPLORING ALTERNATIVE CAREERS

A growing number of internationally educated applicants do not ultimately achieve Ontario licensing in their profession. In response, some professions offer alternative career pathways to a similar or related scope of practice as a way for skilled individuals to apply their training and experience in meaningful ways. For example:

- The Ontario Association of Certified **Engineering Technicians and Technologists** has a history of registering internationally educated engineers who qualify as either an engineering technician or an engineering technologist.
- The College of **Nurses** of Ontario recognizes that while some internationally educated nurses may not qualify for licensing as a registered nurse, they may qualify as a registered practical nurse.
- In 2013, the Canadian Society for Medical Laboratory Science – the national organization overseeing the certification of medical laboratory technologists – began its “alternative careers project.”

■ RETURNING TO SELF-GOVERNANCE

The College of **Denturists** of Ontario (CDO) is no longer under government-appointed supervision. In preparation for the return to self-governance, the OFC worked closely with the supervisor to improve the CDO's understanding of fair-access law and how the law applies to its registration practices.



We live in a global economy, and skills are more mobile than at any time in history. The important factor is *what* people can do, not *where* they learned how to do it. Canadian experience should not automatically be more valued than experience gained elsewhere.



Fairness Commissioner Jean Augustine, expressing frustration at unnecessary experience requirements

ACADEMIC REQUIREMENTS STUDY

Through its work and research, the OFC has become increasingly aware that internationally educated professionals often struggle to meet the academic requirements for licensing in Ontario. The requirements can be quite rigid, and alternatives difficult to obtain, costly or unsustainable.

To deepen its understanding of these issues, the OFC conducted a study, *Academic Requirements and Acceptable Alternatives: Challenges and Opportunities for the Regulated Professions in Ontario*. This study compiled information about the academic requirements demanded by Ontario regulatory bodies, and the alternatives they are willing to consider when they judge an application.

Making 11 specific recommendations to regulatory bodies, educational institutions and government, the study concluded that there was a significant correlation between greater accessibility of acceptable alternatives and reduced disadvantage for internationally educated professionals.

NEED FOR IMPROVEMENT: GENERAL CONCERNS

In its assessments and other analyses of licensing practices, the Office of the Fairness Commissioner has encountered many broad issues affecting the regulatory and licensing environment. Following are examples of regulatory issues that have been raised by the OFC but not yet satisfactorily addressed.

■ UNJUSTIFIED DEMANDS FOR CANADIAN WORK EXPERIENCE

Several regulators require applicants to undergo a period of practical experience in Ontario or Canada, to gain exposure to local practice settings and culture. This is a significant barrier for the many internationally educated applicants who have difficulty securing a training opportunity here. The OFC has long advocated that regulators consider all of an applicant's practical experience, regardless of where it was obtained.

The Ontario Human Rights Commission launched its Policy on Removing the "Canadian Experience" Barrier on February 1, 2013. The policy encourages a flexible and individualistic approach to assessing qualifications, such as using competency-based assessment. A requirement for Canadian experience is permissible only if the regulator can demonstrate that it is necessary and relevant.

In September 2013, the OFC, in collaboration with the Ontario Human Rights Commission, briefed Ontario regulators about the policy. The OFC remains committed to advocating for alternatives to Canadian-experience requirements where possible.

■ GAPS IN BRIDGING PROGRAMS

Bridging programs depend highly on project funding from the Ministry of Citizenship and Immigration. These programs' sustainability is a continual concern, and it interferes with strategic planning that would improve the programs' quality and accessibility. Bridging spaces are often insufficient to serve the number of eligible applicants, and some professions lack bridging programs altogether. The OFC urges the Ministry of Training, Colleges and Universities and the Ministry of Citizenship and Immigration to provide ongoing funding to help alleviate current shortages.

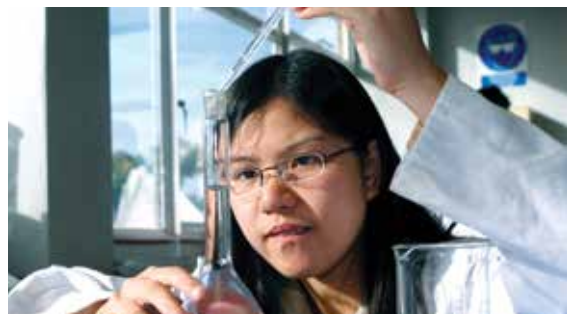
Another challenge is that bridging programs are often inflexible. For example, in some cases applicants must take specific courses to address gaps in their qualifications, but have difficulty accessing these courses without enrolling in a full program. The OFC urges a commitment to support more flexible and modular bridging programs.

■ PIECEMEAL FINANCIAL SUPPORT FROM GOVERNMENT

Compared to domestic applicants, some internationally educated applicants face extra costs for qualifications assessment, and they have limited access to financial aid for bridging programs. The Ontario Bridging Participant Assistance Program (funded by the Ministry of Citizenship and Immigration) offers some support, but it is capped far below real costs for many programs and does not address the substantial extra costs associated with qualifications assessment and exams. The OFC has suggested that the ministry consider a loan program for these costs. The federal government proposed a similar idea in 2011, but failed to deliver a sustainable program.

■ LAX CONTROL OF PRIVATE CAREER COLLEGES

Ontario has many private career colleges that offer training in regulated professions such as dental hygiene, massage therapy, paralegal practice and pharmacy technician practice. Regulators have raised concerns with the OFC about the quality of many of these programs and their inability to properly prepare students for professional practice. Internationally educated applicants are particularly vulnerable, as they may try to access these programs as a more expedient route to licensing. The OFC urges the Ministry of Training, Colleges and Universities, which approves private career colleges, to strengthen its oversight.



■ DISJOINTED POLICIES AND COMMUNICATION

There is an urgent need for policy coherence between the federal and provincial governments regarding immigration and the assessment and recognition of foreign qualifications. Far too many applicants still face confusion, duplication and miscommunication about requirements for immigration to Canada versus requirements for professional licensing.

Newcomers to Ontario require clear and up-to-date information – both before and after their arrival – to prepare them for the practical realities of professional life in Canada. Internationally trained professionals have repeatedly told the OFC that access to this information could be greatly improved.

NEED FOR IMPROVEMENT: PROFESSION-SPECIFIC CONCERNS

Following are examples of ongoing OFC concerns regarding individual regulatory bodies.

■ INACTION

Institute of Chartered Accountants of Ontario

The OFC has identified several concerns about the Institute of Chartered Accountants of Ontario (ICAO) that remain unaddressed:

- **Internationally trained applicants** – In 2013, the percentage of internationally trained applicants was lower for chartered accountants (13%) than for general accountants (40%) and management accountants (17%). The percentage of internationally trained members was also lower (5% for chartered accountants versus 11% for general accountants and 11% for management accountants). The OFC has expressed concern that no direct evidence has been provided to explain what has caused the lower representation.
- **Adherence to policies** – The ICAO has formal policies and procedures that govern its registration process. However, it is not clear to what extent the ICAO adheres to those procedures.
- **Access to records** – Information about applicants' access to their records is available, but it is scattered across the ICAO website, unspecific, and limited – leaving applicants unclear about why they may not be able to access their exam responses after submitting them.

The OFC has suggested ways to provide better information about access to records, such as adding more website links and/or organizing all the details in one section of the website. The ICAO has stated that this would be redundant and would not increase clarity or transparency. The OFC maintains that the ICAO's adhering to the status quo is unacceptable.

- **Exams** – The OFC has received complaints from individuals about the ICAO exam processes. While the ICAO has noted the OFC's concerns, it has not explained how it has addressed or may address those concerns. Nor has it provided evidence proving that the incidents were isolated and not due to systemic issues.
- **Submission of assessment action plan** – In the 2013–14 assessment, the OFC made recommendations to the ICAO for improving its registration practices. The ICAO was required to submit an action plan by a specified date, for following through on the recommendations. The ICAO did not submit its action plan by that date. The OFC is taking steps to ensure that the ICAO is accountable for responding to the recommendations.

■ COMMUNICATING EVALUATION CRITERIA FOR CANADIAN LAW COURSES ABROAD

Law Society of Upper Canada

In recent years, many internationally trained law applicants have been unable to get over the hurdles set by the National Committee on Accreditation (NCA) – the body that sets the standards for licensing in the legal profession across Canada. An increasing number of Canadians are going abroad to study law. In an effort to meet Canadian standards, some international schools offer courses in Canadian law, some of them online. But the NCA does not recognize many of these international courses, for reasons that are unclear. The NCA should have clear and transparent criteria for determining the courses it recognizes.

The OFC has pointed out that the Law Society of Upper Canada has a responsibility to ensure that its qualifications assessment agency, the NCA, clearly and transparently communicates to applicants the criteria it uses to evaluate international education.

■ POORLY IMPLEMENTED NEW RULES

College of Nurses of Ontario

On January 1, 2013, the College of Nurses of Ontario (CNO) introduced amendments to its registration regulation that disproportionately affect internationally educated nurses. The problems include:

- a very short time frame for transitioning from the old rules to the new ones
- insufficient grandparenting of applications that were already in progress when the new rules came into effect
- a lack of transparency about the licensing changes
- poor communication with applicants
- delays in processing applications

The OFC has raised these concerns with the CNO on many occasions, most recently at a special meeting in January 2014. The OFC continues to monitor these issues.



■ UNFAIR BOTTLENECK

College of Physicians and Surgeons of Ontario

For many years, immigrant doctors have felt betrayed by the disconnect between the immigration system and the licensing system. The immigration system communicates that they are wanted and needed. But the current licensing requirement for a residency position excludes most of them. The College of Physicians and Surgeons of Ontario (CPSO) should explore additional routes to licensing and help build capacity for practice-ready assessment.

One option is to consider a pilot project in settings beyond teaching hospitals. Expanding practice-ready assessment will require the CPSO to involve the Ministry of Health and Long-Term Care and other stakeholders.

The CPSO should also better inform applicants about the complexity, length and cost of the licensing process and about the steps that international medical graduates can complete before they arrive in Canada. It should inform them about non-clinical opportunities, such as research fellowships and observerships that may help them become familiar with the Ontario health-care system.

■ ONGOING LACK OF CLEAR INFORMATION AND OBJECTIVE CRITERIA

College of Psychologists of Ontario

Through two cycles of assessments, the OFC has identified the same concerns about licensing for psychologists: that is, the College of Psychologists of Ontario (CPO) must explain the rationale for all of its licensing requirements, and must assess those requirements using objective criteria directly linked to the core competencies of the profession.

To date, the CPO has not implemented these recommendations.

Further, the CPO gives preference to North American degrees over degrees from other jurisdictions, without substantively justifying this position.





RECOMMENDATIONS FOR GOVERNMENT

The Office of the Fairness Commissioner advises both regulatory bodies and the ministers that oversee them. It has raised all of the issues cited in the “Progress Update” section of this annual report (pages 8–15) with the appropriate ministers. Following are further challenges that call for direct action by the Government of Ontario.

MINISTRY OF HEALTH AND LONG-TERM CARE

■ LEVELLING THE LEGISLATIVE PLAYING FIELD FOR HEALTH AND NON-HEALTH REGULATORS

The OFC has advocated for legislative changes to the Regulated Health Professions Act that would subject health regulators to the same requirements as non-health regulators under the Fair Access to Regulated Professions and Compulsory Trades Act. The OFC has identified four main discrepancies:

- Non-health regulators must produce and make publicly available three types of reports: Entry-to-Practice Review Reports, Audit Reports, and Fair Registration Practices Reports. Health regulators must produce all three of these reports, but are not required to make Entry-to-Practice Review Reports publicly available. All regulators are mandated to regulate in the public interest and are accountable to the public. Therefore, there is no rational basis for this discrepancy in public reporting and transparency requirements.

In 2011, all health regulators submitted an Entry-to-Practice Review Report to the OFC. The OFC explicitly asked each regulator to post the report on its website. To date, few have done so voluntarily. This suggests that regulators will not report publicly unless they are legally mandated to do so.

- Non-health regulators must provide applicants with timely registration decisions. No such requirement exists for health regulators. Timeliness is an issue affecting all applicants equally, regardless of profession. There is no valid basis for different treatment.
- Non-health regulators must let applicants access their registration records. No such requirement exists for health regulators. It can be costly and time-consuming for applicants to get the documentation necessary to support their registration application, especially if originals or notarized copies are needed and if documents must be translated. Applicants may also need to submit their documentation to more than one body for assessment. For these reasons, it is important that regulators give applicants access to this documentation upon request. This principle should apply to health and non-health regulators.
- The Fairness Commissioner has authority to issue compliance orders to non-health regulators regarding specific legislative duties and required reports. This authority does not extend to health regulators, hindering the commissioner's authority to hold health regulators directly accountable. There is no rational justification for the discrepancy.

Although the Government of Ontario has committed itself to addressing some of these discrepancies, the changes are not in place. The OFC will continue to advocate for equal legislative treatment for all regulators in order to improve fair access for all applicants, regardless of profession or trade.

■ INEQUITABLE ACCESS TO MEDICAL RESIDENCY

Internationally trained medical graduates ("international medical graduates," or IMGs) have long struggled to access residency training – a requirement for licensing. In 2004, Ontario increased the number of residency placements reserved for IMGs from 90 to 200. However, since then, an increasingly disproportionate number of these placements have been granted to Canadians who study medicine abroad and return to Ontario for their post-graduate training. This continues to create an unfair disadvantage for IMGs who are not familiar with the Ontario health-care system.

The Ministry of Health and Long-Term Care is not increasing residency placements at this time. It says that expansion of post-graduate training is based on future needs and that Ontario now has a stable supply of physicians. Nonetheless, many experienced IMGs have already immigrated to Ontario because of previously identified needs for physicians. These immigrants are struggling to become licensed because of the residency bottleneck.

For years, the OFC has advocated for additional residency placements for IMGs. The OFC also urges the expanding of opportunities for practice-ready assessment to ease licensing for qualified IMGs.

■ FILLING COUNCIL VACANCIES PROMPTLY

Because of unfilled vacancies on its governing council, the College of **Dental Technologists** of Ontario was unable to convene due to lack of quorum. The OFC urged the Minister of Health and Long-Term Care to rectify this problem. The minister appointed new council members, enabling the college to move forward with its licensing policies. The OFC recommends that all ministries monitor regulators' councils to ensure that they can function properly.

■ PROVIDING EFFECTIVE GUIDANCE AND OVERSIGHT FOR HEALTH REGULATORS EXPERIENCING CHALLENGES

As noted earlier, **Physicians and Surgeons** need to address inequitable access, **Nurses** have encountered problems with licensing amendments, and **Psychologists** have yet to address concerns about objective criteria. In addition, **Massage Therapists** and **Respiratory Therapists** are having difficulty sustaining alternative methods of assessment and alternative pathways for internationally educated applicants.

In November 2012, the College of **Respiratory Therapists** of Ontario (CRO) began evaluating its assessment mechanisms to determine whether they meet internationally educated applicants' needs. All assessment of internationally educated applicants was suspended at that time and remains on hold until the CRO is ready to implement its new assessment mechanisms later in 2014. The CRO has also suspended licensing of internationally educated applicants.

The OFC urges the Ministry of Health and Long-Term Care to:

- increase guidance, monitoring and oversight of health regulators during times of challenge and transition
- help small regulators obtain financial resources from other ministries and the federal government, to help in areas such as sustaining competency assessment and bridging opportunities for internationally trained applicants
- continue to consult with the OFC and other relevant stakeholders regarding proposed registration regulations and amendments, and advocate that other ministries do the same

■ PUBLICLY POSTING REPORTS

The OFC has advised the Minister of Health and Long-Term Care that any new regulation affecting the posting of information by health regulators on their websites must cover all reports submitted to the OFC. Most health regulators will not post these reports unless they are required to.

■ MEETING WITH THE MINISTER

In six years, the minister has met with the Fairness Commissioner only twice. Without frank and open discussions with the minister about fair-access issues, the OFC has limited ability to address challenges facing internationally trained health professionals. While communication with ministry staff has been very good, some of the issues require the minister's direct attention.

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

■ FURTHER INTEGRATING BRIDGING INTO THE CORE MANDATE OF COLLEGES AND UNIVERSITIES

Bridging programs depend highly on project funding from the Ministry of Citizenship and Immigration. Concern about the sustainability of these programs prevents the strategic planning that is needed to build the programs' quality and effectiveness.

Ongoing support from the Ministry of Training, Colleges and Universities – for bridging as part of the core mandate of professional programs in post-secondary institutions – would go a long way toward ensuring stable and accessible bridging programs.

■ SUPPORTING ACCESS TO MODULAR LEARNING AND INDIVIDUAL COURSES

In some cases, applicants are told that they need specific courses but cannot access them unless they enrol in a full program. The Ministry of Training, Colleges and Universities should encourage greater flexibility in the post-secondary education system and promote modular learning opportunities.

MINISTRY OF THE ATTORNEY GENERAL

■ EFFECTIVE OVERSIGHT OF REGULATORY BODIES

Architects and **Chartered Accountants** need encouragement to write and implement action plans to improve their licensing practices.

■ WRITING FAIRNESS INTO REGISTRATION REGULATIONS

Periodically, regulatory bodies put forward new regulations or amendments to existing ones, requiring approval from the Ministry of the Attorney General. In each case, the ministry should seek the views of the OFC to ensure that fair-access perspectives are included.

■ EFFECTIVE CONSULTATION ABOUT THE UNIFICATION OF ACCOUNTING BODIES

Ontario's three accounting bodies have signed a Memorandum of Understanding to unify the accounting profession, under the designation "chartered professional accountants." Over the last two years, stakeholders have expressed concerns to the OFC about potential licensing problems this unification might cause. For example, they are concerned that the Accounting Professions Act, 2010, may be amended in a way that works against internationally educated accountants. It is important that the Ministry of the Attorney General consult stakeholders when developing new legislation, so that it both protects the public and allows internationally trained accountants to work to their full potential. The OFC expects to be consulted on the legislation.

This is a complex process, and the OFC will be monitoring it closely to ensure that:

- when provincial legislation is introduced to establish the Chartered Professional Accountants of Ontario as a regulator, the legislation does not reduce access to the profession
- the process recognizes what current students have achieved through their work in the three existing accounting professions, and makes the transition seamless for them
- the new body respects existing mutual recognition agreements with other jurisdictions

MINISTRY OF CITIZENSHIP AND IMMIGRATION

■ TIMELY APPROVAL OF REGULATORY AMENDMENTS

Lengthy delays in the approval of regulation changes are common, and some amendments take as long as three years to finalize. These amendments are often the only route to removing or reducing needlessly difficult registration requirements. The Ministry of Citizenship and Immigration – which is responsible for the OFC – needs to actively encourage other ministries to make these changes more quickly.



OUTREACH

The Fairness Commissioner and OFC staff are often invited to speak to and meet with stakeholders throughout Ontario, across Canada, and internationally, to discuss the OFC's work.

2013–14 HIGHLIGHTS

Following are events where the OFC made presentations or led workshops.

- Diversity, Equity and Inclusivity Symposium (*Richmond Hill, April 2013*)
- Learning Day of the Ontario Regulators for Access Consortium (*Toronto, April 2013*)
- Briefing of Toronto Mayor on the OFC's role (*Toronto, April 2013*)

SHARING OUR KNOWLEDGE

To raise awareness of the importance of fair access to the professions, and to share the vital lessons learned over the years, the OFC has participated in many conferences and met with many decision-makers and opinion leaders. Many jurisdictions have patterned their fair-access legislation after Ontario's.

Fairness Commissioner Jean Augustine regularly speaks with her counterparts from Nova Scotia, Manitoba and Quebec. In January 2014, they met for a full-day meeting to exchange information, discuss mutual concerns, identify emerging issues, and consider the national implications of fair-access implementation.

- Announcement of the launch of the OFC's Exemplary Practices Database (*Toronto, June 2013*)
- Northumberland County Immigration Forum (*Cobourg, June 2013*)
- Bridge training program for internationally trained psychologists (*Toronto, June 2013*)
- International Metropolis Conference (*Tampere, Finland, September 2013*)
- Briefing of Ontario regulatory bodies on removing the "Canadian Experience" barrier (*Toronto, September 2013*)
- Ontario Council of Agencies Serving Immigrants (OCASI) 35th Anniversary (*Toronto, October 2013*)
- Association of Municipalities of Ontario Conference (*Oshawa, October 2013*)
- Canadian Regulators Conference (*Toronto, October 2013*)
- National Forum on Administrative Law and Practice (*Toronto, October 2013*)
- Partnership Council on Immigrant Integration Conference (*Peterborough, November 2013*)
- Governance of Professional and Trade Associations Conference (*Toronto, December 2013*)
- Conference Board of Canada – Leaders' Roundtable on Immigration meetings (*Sydney, Australia, January 2014*)
- International congress of the "Integration Through Training" Network (*Berlin, Germany, February 2014*)
- Hamilton Centre for Civic Inclusion Conference (*Hamilton, March 2014*)
- National Metropolis Conference (*Gatineau, March 2014*)
- Metropolitan Action Committee on Violence Against Women and Children – Annual Workplace and Organizational Inclusion Conference (*Toronto, March 2014*)



Fairness Commissioner Jean Augustine at the international congress of the "Integration Through Training" Network, Berlin, Germany

Photo credit: Peter Himself



ONTARIO'S REGULATORY BODIES

The Office of the Fairness Commissioner reports directly to the Ontario Minister of Citizenship and Immigration, to provide updates on fair access across the province's licensing system.

The commissioner advises the eight ministers responsible for regulated professions and trades, to draw attention to problems and progress in the regulatory bodies they oversee.

REGULATORY BODIES AND RESPONSIBLE MINISTRIES

MINISTRY OF AGRICULTURE AND FOOD

College of **Veterinarians** of Ontario

MINISTRY OF THE ATTORNEY GENERAL

Ontario Association of **Architects**

Institute of **Chartered Accountants** of Ontario

Professional **Engineers** Ontario

Certified **General Accountants** of Ontario

Law Society of Upper Canada

Certified **Management Accountants** of Ontario

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

Ontario College of **Social Workers and Social Service Workers**

MINISTRY OF EDUCATION

College of **Early Childhood Educators**

Ontario College of **Teachers**

MINISTRY OF HEALTH AND LONG-TERM CARE

College of **Audiologists and Speech-Language**

Pathologists of Ontario

College of **Chiroprapodists** of Ontario

College of **Chiropractors** of Ontario

College of **Dental Hygienists** of Ontario

Royal College of **Dental Surgeons** of Ontario

College of **Dental Technologists** of Ontario

College of **Denturists** of Ontario

College of **Dietitians** of Ontario
 College of **Homeopaths** of Ontario
 College of **Kinesiologists** 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 **Naturopaths** of Ontario
 College of **Nurses** of Ontario
 College of **Occupational Therapists** of Ontario
 College of **Opticians** of Ontario
 College of **Optometrists** of Ontario
 Ontario College of **Pharmacists**
 College of **Physicians and Surgeons** of Ontario
 College of **Physiotherapists** of Ontario
 College of **Psychologists** of Ontario
 College of Registered **Psychotherapists** of Ontario
 College of **Respiratory Therapists** of Ontario
 College of **Traditional Chinese Medicine Practitioners**
and Acupuncturists of Ontario

MINISTRY OF NATURAL RESOURCES

Ontario Professional **Foresters** Association
 Association of Ontario **Land Surveyors**

MINISTRY OF NORTHERN DEVELOPMENT AND MINES

Association of Professional **Geoscientists** of Ontario

NO MINISTRY

Ontario Association of Certified **Engineering**
Technicians and Technologists
Human Resources Professionals Association

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

Ontario College of **Trades** (Compulsory Trades)

Construction

- Electricians – Construction and Maintenance
- Electricians – Domestic and Rural
- Hoisting Engineers – Mobile Crane Operator 1
- Hoisting Engineers – Mobile Crane Operator 2
- Hoisting Engineers – Tower Crane Operator
- Plumbers
- Refrigeration and Air Conditioning Systems Mechanics
- Residential (Low Rise) Sheet Metal Installers
- Residential Air Conditioning Systems Mechanics
- Sheet Metal Workers
- Steamfitters

Motive Power

- Alignment and Brakes Technicians
- Auto Body and Collision Damage Repairers
- Auto Body Repairers
- Automotive Electronic Accessory Technicians
- Automotive Service Technicians
- Fuel and Electrical Systems Technicians
- Motorcycle Technicians
- Transmission Technicians
- Truck and Coach Technicians
- Truck-Trailer Service Technicians

Service

- Hairstylists

HUMAN RESOURCES PROFESSIONALS

In November 2013, the Government of Ontario passed the Registered Human Resources Professionals Act. The act created a new regulatory body: the Human Resources Professionals Association. The OFC immediately began working with this new body.



FINANCIAL STATEMENT

STATEMENT OF REVENUES AND EXPENSES YEAR ENDED MARCH 31, 2014

	2014	2013
Revenues		
Ministry of Citizenship and Immigration	\$ 1,749,962	\$ 1,762,400
Interest income	6,502	4,731
	1,756,464	1,767,131
Expenses		
Salaries, wages and benefits	1,225,262	1,269,870
Services	295,387	283,515
Office administration	147,828	128,571
Transportation and communications	50,961	46,995
	1,719,438	1,728,951
Excess of revenues over expenses before amortization	37,026	38,180
Amortization of capital assets	34,206	36,055
Excess of revenues over expenses for the year	\$ 2,820	\$ 2,125



NOTES TO FINANCIAL STATEMENT

1. Significant accounting policies

Significant accounting policies followed in the preparation of this financial statement are:

a) Revenues

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

b) Measurement uncertainty

The presentation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of revenues and expenditures during the reported period. Actual amounts could differ from these estimates.

Full audited financial statements are available on the OFC website or by contacting the OFC.



OFC STAFF

(in alphabetical order)

Jean Augustine | Janelle Benjamin | David Cavaco | Tanya Chute Molina | Larry Colle | Frann Harris | Florine Ip |
Nuzhat Jafri | Jennifer Louis | Angelika Neuenhofen | Mabel Opoku | Heather Robbins-Ballard | Beatrice Schriever |
Sharon Vanin | Jessica Walters

transparency

A process is transparent if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions. In the regulatory context, transparency of the registration process encompasses the following:

- Openness: having measures and structures in place that make it easy to see how the registration process operates
- Access: making registration information easily available
- Clarity: ensuring that information used to communicate about registration is complete, accurate and easy to understand

objectivity

A process or decision is objective if it is based on formal systems, such as criteria, tools, and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable. In the regulatory context, objectivity of systems encompasses the following:

- Reliability: ensuring that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made, and in whatever context the decision is made
- Validity: ensuring that the criteria, training, tools and procedures measure what they intend to

impartiality

A process or decision is impartial if the position from which it is undertaken is neutral. Neutrality occurs when actions or behaviours that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases. In the regulatory context, impartiality encompasses the following:

- Identification: having systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions, and lack of understanding of issues related to diversity)
- Strategies: having systems to address bias and enable neutrality during the assessment and decision-making process (for example, training policies that address conflict of interest, procedures to follow if bias is identified, and using group deliberation and consensus strategies to come to decisions)

fairness

A process or decision is considered fair in the regulatory context when all of the following are demonstrated:

- Substantive fairness: ensuring the fairness of the decision itself. The decision itself must be fair, and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.
- Procedural fairness: ensuring the fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that individuals have equal opportunity to participate in the registration process and demonstrate their ability to practise.
- Relational fairness: ensuring that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.



Office of the 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 and Compulsory Trades Act, 2006. Its mandate is to ensure that certain regulated professions and trades have registration practices that are transparent, objective, impartial and fair.

Ce document est également disponible en français.

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