



REMARKS BY

Hon. Jean Augustine, PC, CM
Fairness Commissioner

At the

IQ Congress:
Come to Stay – On the Future of Integration in
Germany

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3:30 to 5:00 p.m.

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Berlin, Germany

“Transparent, Objective, Impartial and Fair Licensing
in Regulated Professions in Ontario, Canada”

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Good afternoon. I'm delighted to be in Berlin again and very pleased to contribute to this conference about immigrant integration. This is an important topic and I appreciate the opportunity to lend my voice to the discussions.

I would like to acknowledge the good work of the "Integration through Training" Network. It is so important to support the organizations that are active in helping immigrants to settle and integrate.

I would like to offer you some context for the work we are doing in Canada. I'll speak mostly about four important principles that should underlie licensing in the professions. I'll speak about the best practices now underway and mention the challenges we face.

But first, let me offer some context.

Canada is a very large country with a population of only 34 million people. We are spread across a vast terrain, bigger than Europe.

Canada has a federal system of government with a national government, 10 provinces and three northern territories. Both English and French are official languages. There is a long-standing official policy of multiculturalism.

More and more of us are immigrants. The proportion of people born outside the country has been increasing over the years. About one person in five is born elsewhere. In 2012, Canada welcomed 258,000 new immigrants in 2012.

Canada is a very urban country. Most of us live in big cities. 70 % settle in the three major cities – Toronto, Vancouver and Montreal. In Toronto, the biggest city and the most popular destination, about one in *two* people was born outside Canada.

Where do our immigrants come from? The source countries of our population are changing. In the past, the majority of immigrants came from European countries. Now, the top ones are: the Philippines, China, India, the U.S. and Pakistan.

As a result, the face of Canada is changing as well. It's predicted that by 2031, roughly 30 % of the population will belong to a visible minority group. That's a term used to refer to people who are non-Caucasian in race and non-white in color. In Toronto, visible minorities will represent more than 60 % of the population.

I am going to focus today on Ontario, because that is the province where most immigrants go and because it's the province I know best.

Let me turn specifically to the professions.

In Canada, many professions are "self-regulated." That means that they govern, or manage, themselves. They must do this *in the public interest*, not in their own interest.

Let me give you a brief overview about the fair access to the professions ... and about my office.

In 2006, Ontario passed the Fair Access to Regulated Professions Act. This law requires regulatory bodies for certain professions to have licensing that is transparent, objective, impartial and fair. For the most part, to work in these professions, a person has to be licensed. (I'll elaborate on these four principles in just a moment.)

I credit the politicians for their foresight. As far as we know, we were the first such office in the world. The Fair Access Act passed with the support of *all* the political parties in the Ontario Legislature.

They took this step because internationally educated professionals faced unnecessary barriers. The engineer driving a cab, the teacher selling shoes, the doctor repairing bicycles ... these had become immigrant clichés.

It should not matter where a person was educated: in Ontario, in another province or elsewhere in the world. Faster, fairer access to the professions is good for individuals.

And it's essential for the economy.

In Canada, the wasted talents of immigrant professionals cost the economy as much as \$ 20 billion per year. That's about € 10 billion peryear. Many experts have talked about waste of brain-power of skilled immigrants. In particular, they say people with Indian, Caribbean, Chinese and Arab backgrounds are working in occupations far below their educational levels.

There is a human cost to this waste of talent— the ruined dreams suffered by the immigrants themselves.

My office now works with 41 regulatory bodies. They include professions in health care such as nursing and medicine. It also covers non-health fields such as accounting and engineering. Recently, trades such as electricians and plumbers, were added.

My staff and I advise the regulators and assess their licensing practices. I do not assess the credentials of individuals. And I do not advocate for them as individuals.

My role is long-term, systemic change.

Let me turn to the four principles. Regulatory bodies must have transparent, objective, impartial and fair licensing.

The fair access law does not *define* these principles. So our office *interpreted* them. Why?

The law forces regulated professions to have transparent, objective, impartial and fair licensing practices. But it doesn't explain what this means. Regulators have difficulty knowing what is expected of them. They have trouble knowing how exactly they should comply with the law.

That is why we interpreted the principles.

Let me go through two of these, transparency and objectivity, in some detail.

Transparency has three key features we want you to remember: openness, access and clarity.

A process is transparent if it is easy to see what actions are being taken to complete the process. It should be clear why these actions are taken.

- **Openness:** The regulator has measures and structures that make it easy to see how the licensing process works.
- **Access:** Licensing information is easily available.
- **Clarity:** Information about licensing is complete, accurate and easy to understand.

The information could be in a manual for staff and decision-makers. And it could be online or in information packages for the general public and applicants.

This information should be complete, up-to-date and clear for everyone ... applicants, licensing staff, decision-makers, organizations that do assessments, and the general public.

For example, the regulatory body for Teachers has information about the steps in the licensing process available for its own licensing staff and decision-makers. It also has good information for applicants and the public.

In interpreting **objectivity**, there are two key features to keep in mind when considering whether a process or decision is objective. Those key features are reliability and validity.

A process or decision is objective if it is based on formal systems. These systems have been repeatedly tested. The regulator has found them to be reliable and valid:

- **Reliability:** The criteria, training, tools and procedures deliver consistent decision outcomes. It doesn't matter who makes the decision, or when or how he or she makes the decision.
- **Validity:** The criteria, training, tools and procedures measure what they intend to measure.

My staff and I have noticed that many regulators are deficient on the principle of objectivity. Many *don't really know what it means in practice*. They *want* to be objective. So they think they *are*.

For instance, most professions rely on committees of volunteers to review applicants' academic qualifications or work experience. I am thinking of the Dietitians or the Chiropractors. These volunteers make decisions about whether someone will get a licence or not. They may be experts in their professions. But they are not necessarily experts in assessment. Many need more training to make objective decisions.

In the time I have available today, I won't go into detail about the other two principles, **impartiality** and **fairness**.

Let me just say briefly, that impartiality deals with people's behaviour and actions.

And fairness is about the substance of a decision and the process to reach it.

I want you to understand that we did not dream up these four principles. They are not the result of contemplation or of philosophical musing.

They are the result of wide discussion and consultation with people in the field of professional regulation ... academics, practitioners, applicants and policy experts.

Many regulatory bodies have been successful at implementing these principles.

My office is enthusiastic about sharing their good work. We have collected many best practices. We call it the Exemplary Practices Database. It is available on our public website, www.fairnesscommissioner.ca.

A few illustrations...

The Early Childhood Educators found an effective way to present a large amount of information about the steps in the licensing process by organizing details in *charts*.

They created charts for different types of applicants. Were you trained in Canada? Or, do you have foreign qualifications? The charts describe the sequence of steps an applicant must take. They offer quick and easy access to essential information.

They are a good example of transparency.

A second illustration of an excellent practice in the database comes from one of the regulatory bodies for Accountants. That body measures whether its assessors are well trained. To do this, a senior staff member looks at an assessor's results to find out whether that person's results differ from the statistical average.

Based on this, the regulatory body identifies whether its assessors need more training and what type of training that should be.

This is a good example of objectivity.

Here is another practical example of the principle of objectivity.

In Ontario, many regulatory bodies use *outside agencies* to assess applicants. Perhaps the outside agency is a national body or a university.

The regulatory body for the Physiotherapists monitors closely how its outside agency manages examinations. It makes sure the exam is valid and reliable. It makes sure that staff has been properly trained. It collects feedback from applicants. The regulator and the outside agency have a written agreement on the use and expectations of exam services.

These are all characteristics of an objective process.

You will find these three items, and many more, in our Database of Exemplary Practices at www.fairnesscommissioner.ca. The database was created by and for the professions in Ontario. But I believe that professions and trades in other places would find the content valuable as well.

Let me turn to the challenges in the recognition of foreign qualifications.

First, many of the problems I see are national, not provincial, in scope. That's because immigration policies are set by the Canadian government. And professional licensing is provincial.

I am working with my counterparts in other provinces to make the debate about the fair-access principles a national concern.

Second, the recognition of foreign qualifications should not only mean the recognition of foreign *credentials*. We must move beyond the recognition of degrees and other pieces of paper ... to the recognition of a person's knowledge and skills. What does an applicant *know*? And what can he or she *do*?

We call that the recognition of *competency*. Competency assessment is a difficult, expensive — and growing — field in Canada.

Third, more and more Canadians go abroad to study. They come home and face challenges getting their foreign qualifications recognized. Perhaps you, too, have similar experiences in your country....

Finally, I would like to see the professions in Ontario negotiate more international agreements with their colleagues in other countries. That's the best way to reduce the problems for people who are internationally educated. It speeds up the licensing process. So it speeds up integration.

The challenge is to make agreements with the countries that actually send immigrants to Canada ... not with the countries that *used to* send us immigrants ... the Philippines and China, rather than the UK and the US.

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Let me conclude.

We live in the world of the global professional. There is harsh competition for talented and educated people. They will go where they are welcomed and treated fairly.

A law that sets out transparent, objective, impartial and fair licensing will speed up the process of integration for everyone's benefit.

Here is my contact information for future reference.

I would be happy to answer questions and look forward to the presentations of the other two speakers.

Thank you.