

LICENSING PROCESS ADAPTS TO NEW REALITIES

The increase in applications for licensing from international engineering graduates is a reality for Canada's engineering regulators. In addition to measuring applicants' academic preparation against the Canadian standard, assessors are giving more weight to experience factors. Proving consistency and fairness to applicants from ever more diverse backgrounds has become the latest challenge for PEO.

At its simplest, the admissions process for would-be engineers in Ontario is relatively straightforward and well-defined.

Any applicant who wishes to become licensed completes a standard application form and submits the requested information to the regulator for review.

To become a licensed professional engineer in Ontario, an applicant must:

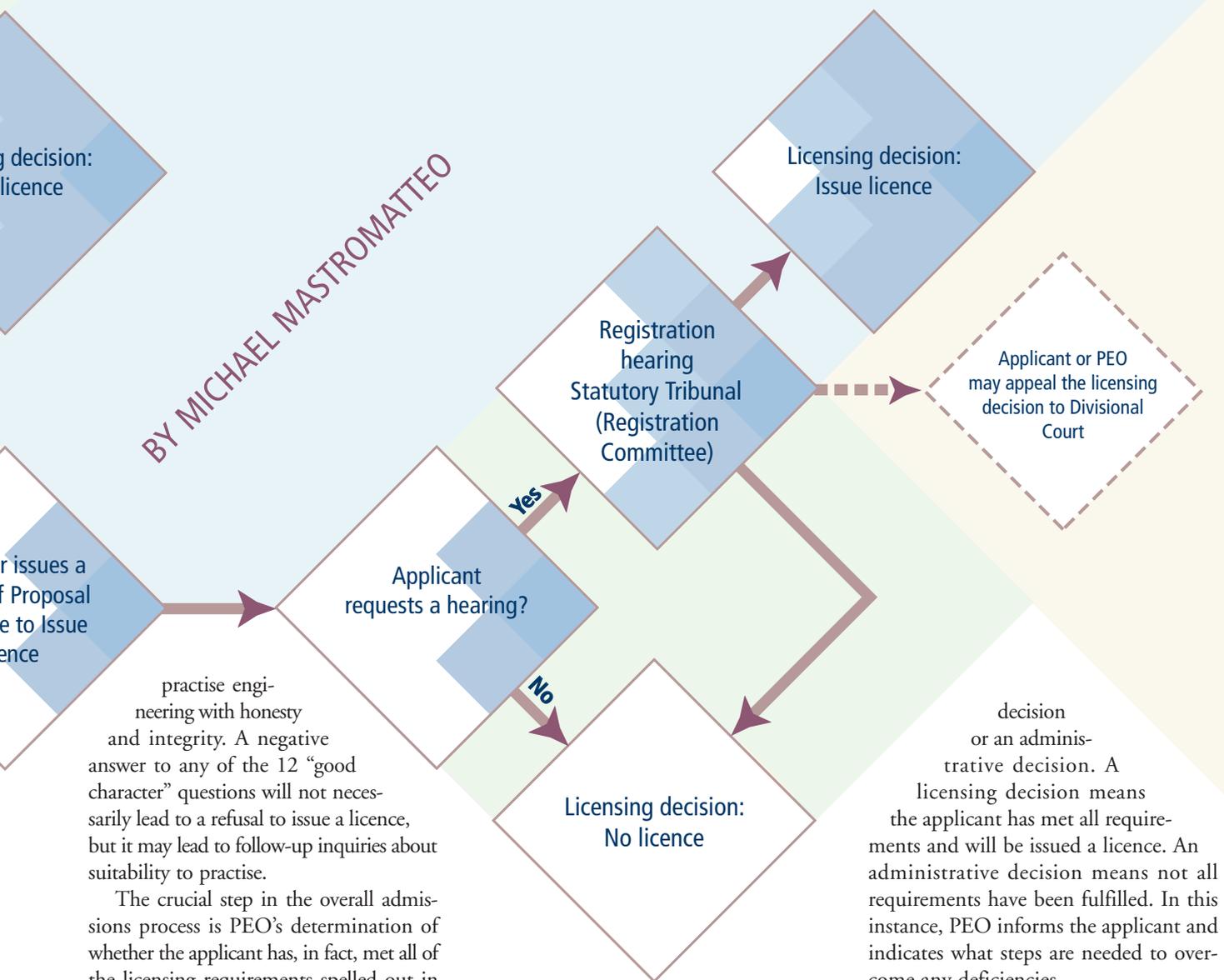
- be a Canadian citizen or have permanent resident status;
- be at least 18 years of age;
- fulfill all academic requirements;
- fulfill all experience requirements; and
- be of good character.

The application, and the process it triggers, assumes both rights and obligations on the part of each applicant. PEO assures the applicant that he or

she will be registered under practices that are fair, objective, impartial and transparent. The applicant is obliged to provide all requested information and to discuss anything else that might be relevant to the applicant's ability to practise competently and responsibly as a licensed professional.

Section 9 of PEO's licence application includes 12 questions designed to elicit information about an applicant's past conduct. This exercise is intended to enable PEO to determine whether an applicant is of good character, since section 14(2) of the *Professional Engineers Act* (PEA) allows the regulator to refuse to issue a licence where the Registrar is of the opinion upon reasonable and probable grounds that an applicant's past conduct affords grounds for the belief that the applicant will not

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practise engineering with honesty and integrity. A negative answer to any of the 12 “good character” questions will not necessarily lead to a refusal to issue a licence, but it may lead to follow-up inquiries about suitability to practise.

The crucial step in the overall admissions process is PEO’s determination of whether the applicant has, in fact, met all of the licensing requirements spelled out in the Act, Ontario Regulation 941 and PEO’s licensing policies. If there is any doubt about an applicant fully meeting the academic or experience requirements, the application goes to PEO’s Academic Requirements Committee (ARC) or its Experience Requirements Committee (ERC) for expert review by a group of engineering peers.

The academic requirements for licensing are graduation from an engineering program accredited by the Canadian Engineering Accreditation Board, or equivalent engineering education. The experience requirements are 48 months of verifiable experience that demonstrates exposure to all of the five experience criteria: application of theory; practical experience; management of engineering; communication skills; and social implications of engineering. At least 12 months of this requirement must be

derived within a Canadian jurisdiction, a condition often cited as an obstacle to international engineering graduates looking for the Ontario P.Eng.

The weighing of an applicant’s credentials by a group of peers is one of the mainstays of self-regulation and a cornerstone in the regulator’s effort to treat each application as unique. The ERC, for example, numbers as many as 140 volunteer members skilled in evaluating and appreciating the range and complexity of engineering practical experience.

Decision required

Once an applicant’s academic and experience assessments are complete, the Registrar must make either a licensing

decision or an administrative decision. A licensing decision means the applicant has met all requirements and will be issued a licence. An administrative decision means not all requirements have been fulfilled. In this instance, PEO informs the applicant and indicates what steps are needed to overcome any deficiencies.

In cases where an applicant has not met the licensing requirements, the Registrar issues a Notice of Proposal to Refuse to Issue a Licence (NOP). Applicants who receive an NOP have 30 days to request a hearing before PEO’s Registration Committee. A hearing before a panel of the Registration Committee allows applicants an additional opportunity to demonstrate compliance with the licensing requirements set out in the PEA and Regulation, and/or to seek exemption from one or more of the requirements. The committee can instruct the Registrar to issue a licence to the applicant, or it can direct the Registrar to carry out the proposal to refuse a licence. An example of a “first instance” tribunal, the committee has ultimate responsibility for licensing decisions.

The Registration Committee was created as part of major changes to the PEA in 1984, initially to hear cases where the Registrar proposed to refuse a licence based on past character issues. Since then, the PEA has been amended such that decisions of the Academic Requirements and Experience Requirements committees are no longer final and binding, so that the Registration Committee can also deal with these issues.

If the Registrar or the applicant is dissatisfied with a Registration Committee licensing decision, either party has the right to appeal the decision to the Divisional Court of Ontario.

Besides fulfilling PEO's academic and experience requirements, licence applicants must write and pass a Professional Practice Exam (PPE) that tests their knowledge of engineering law, ethics and professional practice.

Changes ongoing

In spite of the time-honoured approaches used in its licensing process, PEO is also aware of the need to constantly review and update how it does things to stay abreast of changes in societal expectations and the demographics of those seeking licensure. In the mid-1990s, for example, the high volume of applications, especially from international engineering graduates, led to slowdowns in the process, since individual assessment of applicant qualifications remained central to it. Eventually, administrative changes helped overcome the bottleneck.

Similarly, in its 1999 report, PEO's Admissions, Complaints, Discipline and Enforcement (ACDE) Task Force raised concern about what might be seen as obstacles faced by international applicants, including the lack of detailed information provided to applicants prior to their arrival in Canada and the lack of an effective appeal process where applicants' academic or experience qualifications were assessed by the ARC or ERC as not meeting the requirements for licensing.

PEO responded to the ACDE recommendations through a combination of administrative and legislative changes. By 2001, for example, PEO had redesigned its application form to be clearer, packaged the form with the relevant information, and published it on its website. Additionally, it began allowing prospective

immigrants with an interest in pursuing engineering careers in Ontario to begin the licensing process prior to their arrival, and advertised this fact to immigration officers at Canadian consultants worldwide.

The legislative changes occasioned by the ACDE report were finalized in February 2003 by amendments to the PEA and Regulation. Among them was the introduction of a new provisional licence, which not only helped applicants remain focused on the path to full licensing, but also provided prospective employers with a visible statement that a prospective employee had met all the requirements for licensing except the 12 months of Canadian experience. At the same time, public protection remained undiminished, since provisional licence holders must work under the supervision of professional engineers, who take responsibility for their work.

In announcing these changes, PEO Registrar Kim Allen, P.Eng., observed that "since PEO Council endorsed the recommendations of the ACDE task force, PEO has increased the number of P.Eng. licences granted to internationally trained graduates, about 65 per cent of whom meet PEO's academic requirements for licensure without having to write any technical exams."

Through 2004 and 2005, PEO also streamlined its ERC interview process to eliminate delays and maintain current standards in meeting the increase in applicants from abroad. Such interviews are a central feature in enabling international engineering graduates to demonstrate that they have acquired the necessary knowledge to meet the academic requirements for licensing through their engineering experience.

By 2004, licence applications from international engineering graduates had surpassed those of graduates of accredited engineering programs, and in 2005 and 2006 PEO issued licences to more international engineering graduates than it did graduates of accredited programs. Today, about one-third of the 68,000 professional engineers licensed by PEO were educated outside Canada.

License all who qualify

Yet, despite PEO's attempts to reach out to prospective engineering immigrants, many still arrive in Canada with little or no understanding of the Canadian licensing regime.

"What compounds the problem is that there are certain criteria that are used for engineers immigrating to Canada, and these criteria are not necessarily in sync with the available job opportunities or in sync with giving them a licence," says Ravi Gupta, P.Eng., the chair of the ERC. "The disconnect grows, so people come here having immigrated to Canada, and they settle predominantly in Ontario, and they come with the sense that 'we've been cleared through immigration,

so clearly there must be a lot of opportunities, including licensing possibilities,' and those hopes are somewhat shattered. So that's an added pressure or challenge for the engineering regulator." Certainly, international applicants form a valuable new pool of engineering talent, experience and expertise for Canada and for Ontario, but the challenges outlined by ERC Chair Gupta are real.

In a January 2005 presentation to Council outlining the licensing process, Michael Price, P.Eng., PEO deputy registrar of licensing and registration, spelled out the situation this way:

"[Recent improvements to the PEO licensing processes] still leave the regulator with the ongoing challenge of ensuring its processes are fair and transparent to all parties, especially as the pool of applicants is likely to grow and diversify. PEO believes the existing licensing process reflects a series of improvements based on more than 20 years of review and analysis. Any future changes, especially those involving the work of the ERC and ARC, are to be taken with a view to ensuring fairness and consistency to applicants—from all backgrounds—and to ensure that public safety continues to be paramount."