

PEO licensing process bearing up well under scrutiny

Recent fair access legislation is putting Ontario's senior regulated professions to the test. Yet despite the oft-repeated scenario of internationally trained engineers suffering under artificial barriers to employment, PEO appears to be at the forefront in maintaining standards while bringing flexibility to its licensing process.

BY MICHAEL MASTROMATTEO

PEO appears to be earning some goodwill in its efforts to show it's sensitive to concerns about who becomes licensed to practise professional engineering.

Starting with PEO's early involvement with organizations seeking to integrate new Canadians into the Ontario labour force, and including the top marks it received in the Ontario education ministry's 2004 "Regulators' Report Card," engineers show well among the senior professions when licensing issues are discussed. More recently, Ontario Immigration Minister Michael Colle saluted PEO for its involvement in a new joint program with Ryerson University, which will lighten the exam load for international engineering graduates (IEGs) on the path to licensure.

But are receiving a minister's praise and earning high grades in government report card exercises enough, especially as more public attention is paid to the difficulties faced by highly educated new Canadians entering the regulated professions? Consider such emotion-laden phrases as "powerful professional associations combining to make it very difficult for foreign-trained professionals to become accredited here," used in a recent Vancouver newspaper article describing a program for immigrant professionals. Because government policy making is influenced as much by perception and media clamour as by a thorough understanding of all stakeholder concerns, despite any history of past progress, PEO, as is the case with all other senior regulated professions, is under pressure to demonstrate that its licensing and registration practices are fair, transparent, consistent and open to some form of appeal process.

A related factor driving the increased scrutiny of regulators' admissions proce-

dures is a changing Canadian demographic—more highly educated immigrants arriving only to have their skills, credentials and experience questioned.

Some of the problem relates to an inadequate understanding on the part of prospective immigrants of the requirement for and qualifications needed for professional licensing in Ontario. This situation is compounded by a federal immigration system that encourages highly educated professionals to settle in Canada, but takes no account of the steps necessary for entry into one of the self-regulating professions. As well, studies of immigrant advocacy organizations indicate that while there is no shortage of programs and services available to new Canadians, they are not adequately coordinated in regard to licensing and credential recognition.

Expanded communication

PEO has made several efforts to address the communication issue by publicizing its licensing requirements, and by allowing prospective immigrants to begin the process prior to arriving in Canada and even before they make a final decision to immigrate.

But regardless of the pressure on regulators to increase access for newcomers, they are under equal pressure to protect the public interest by upholding standards for admission and practice. It's likely there will continue to be this tension between the concepts of inclusiveness and diversity and regulators' public interest mandate, which requires rigorous criteria for admission, licensing and practice.

In Ontario, the *Fair Access to Regulated Professions Act* (FARPA) came into effect in December 2006. The act, also known as Bill 124/06, puts the onus on regulators to prove their registration practices are fair, transparent and expeditious.

Perhaps the most noteworthy aspect of the act is its creation of a provincial “fairness commissioner” who has authority to review regulators’ practices and to impose fines of up to \$100,000 on those failing to show compliance with the government standard.

PEO reacted positively to the enactment of FARPA. In fact, PEO officials worked extensively with the province and other stakeholders in helping shape the legislation. At the time, PEO Registrar Kim Allen, P.Eng., said the engineering regulator supports a cooperative, collaborative approach in assuring the public that its registration practices are transparent, objective, impartial and fair.

One outgrowth of FARPA was the creation of the Ontario immigration ministry’s Global Experience Ontario (GEO) office in downtown Toronto. It is described as a “one-stop” centre to help internationally trained and educated professionals find out how to qualify for professional practice in Ontario. GEO also provides information for people who intend to apply to a regulatory body to obtain licensure to work in their field.

An additional information resource sits well with Ontario’s engineering regulator, which has long struggled with the problem of IEGs arriving in Ontario with only a hazy understanding of the existence of and need for an admissions process.

Some observers see FARPA as the progeny of the Ontario government’s *Review of Appeal Processes from Registration Decisions in Ontario’s Regulated Professions*, prepared in 2005 by former provincial court Judge George Thomson. More widely known as the Thomson Report, the review looked in particular at registration decisions impacting on an applicant’s success or failure to obtain a licence.

Independent appeals body?

The Thomson Report advocated a Fair Registration Practices Code, which, among other items, called for an independent appeal body to contest a regulator’s decision to deny a licence. Critics of the recommendation questioned the need for a new body—external to the regulator—to hear licensing decision appeals. In PEO’s

case, such a body would have duplicated an applicant’s right to take a no-licence decision before the Ontario Divisional Court.

PEO supported the government’s decision not to act on the independent appeal board recommendation in drafting FARPA. In fact, PEO believes regulation changes it implemented back in 2003—changes allowing an applicant to request a hearing before the Registration Committee in the event he or she receives a Notice of Proposal to Refuse a Licence from the Registrar—satisfy the due process/appeal mechanism envisioned in the Thomson Report.

Despite a generally proactive role in increasing access, PEO is still concerned that the demands of inclusiveness might eventually erode the requirement for 12 months of Canadian engineering experience, which it sees as a key component in measuring an applicant’s suitability for licensing for practice in Canada.

As well, some immigrant advocacy groups have implied that “unwieldy” regulation of some professions is close to becoming a human rights issue. In a 2004 policy paper, entitled *Recasting Equity*, the Policy Roundtable Mobilizing Professions and Trades (PROMPT) suggested: “The structure of regulation has become ever more labyrinthine, as more professions are drawn into an already massive and unwieldy legal framework. Regulation has become its own worst enemy, insulating the professional organizations into a thickly woven cocoon of legislation that prevents its own development. To add to all the confusion in the labour market, the term ‘Canadian experience’ is continually utilized, when in truth, no one can identify, describe or define its constituent elements.”

There also appears to be growing expectations on the part of society that regulators will show flexibility in their treatment of difficult-to-process applicants. This was driven home in January 2007 when the Ontario Superior Court ordered the Ontario College of Teachers to reconsider the application of an applicant for licensure as a teacher when the college could not authenticate the validity of transcripts and related paper credentials. The Ontario teachers college had twice previously denied the appli-

cant a teaching licence, citing her failure to provide original documentation.

Because of its combination of academic and experiential elements in its licensing process, PEO might be less vulnerable to such court-ordered reconsiderations. Nonetheless, the case, coming on the heels of the fair access legislation, gives some hint of the changing regulatory landscape in Ontario.

Whatever the outcome of FARPA and similar initiatives, recent PEO activities anticipate workable solutions. PEO has long proposed that more information about the licensing and registration process be made available to internationally educated engineering graduates prior to their arrival in Ontario. This is one solution that Ontario Progressive Conservative leader John Tory and others have proposed as a first step in speeding up the credential recognition process.

The engineering regulator has also refined elements of its licensing process that take more account of an applicant’s skills and experience—as assessed by peer reviewers—in moving applications forward. PEO is attempting, within the limits of established policy and practice, to bring greater flexibility to applicants who are required to write additional examinations or take university courses, to demonstrate they have closed apparent gaps in their academic qualifications.

James Lee, P.Eng., chair of PEO’s Academic Requirements Committee (ARC) and a Lieutenant Governor-appointed Councillor, believes the regulator is on the right track when it comes to increased scrutiny of its admission system. “I believe it is always important to any organization to review its processes and procedures on an ongoing and continual basis with the intent to improve,” Lee said. “This is the trademark of good engineering. I do think PEO is at the forefront of ensuring that its licensing process is up-to-date and is right for the times, especially for international engineering graduates. We have to be sensitive to the needs of IEGs, but at the same time ensure that the public safety is well served. The current process has weathered the increasing numbers of applicants very well, particularly from IEGs, and has repeatedly demonstrated that it is fair, transparent and consistent.”