

What's in store for the Canadian experience requirement?

Regulators across all professions are under pressure to justify Canadian experience as a requirement for licensure. Here are views on both sides of the debate. *By Michael Mastromatteo*

The acquisition of 12 months of experience in a Canadian jurisdiction under the supervision of a person legally authorized to practise professional engineering in that jurisdiction (commonly referred to as the Canadian experience requirement) as a requirement for licensure as a professional engineer in Ontario is coming under increased scrutiny, as such requirements are for all regulated professions.

All the requirements for licensing as a professional engineer—at least 18 years of age, a bachelor's degree from an accredited Canadian engineering program or equivalent engineering educational qualifications recognized by PEO council (which may involve the passing of exams), 48 months of acceptable work experience, passing the professional practice examination, ability to communicate adequately in English, and good character—have all been challenged from time to time. It's the Canadian experience requirement that PEO and other Canadian engineering regulators are called on to justify most often and currently.

Under section 33(2) of Regulation 941/90, experience acquired outside Canada can satisfy PEO's Canadian experience requirement if the applicant is employed by a company whose head office is located in Canada and is supervised by a person licensed to practise engineering in Canada, and the experience, in council's opinion, provides the applicant the necessary practical skill and sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering.

However, increasingly, it is being suggested the requirement for Canadian experience to obtain registration in or a licence to practise a regulated occupation is a form of discrimination—one

that could be subject to a human rights challenge. In fact, the Ontario Human Rights Commission (OHRC) recently released a position statement calling on Ontario's self-regulated professions to relax their Canadian experience requirements, except in very rare circumstances. The OHRC statement echoes earlier pronouncements by the Ontario Fairness Commissioner that the requirement is an artificial and outdated concept. The office of the fairness commissioner was established in 2007 as an outcome of the *Fair Access to Regulated Professions Act* to ensure the credentials of internationally trained professionals are evaluated fairly and transparently for registration.

While some PEO members, including those educated outside Canada, are in favour of the Canadian experience requirement to serve and protect the public interest, other voices suggest a competency-based system might serve the same purpose. In fact, Engineers Canada, the federation of Canadian engineering regulators, is working with the Association of Professional Engineers and Geoscientists of British Columbia on a project to define the expected outcomes of the Canadian experience requirement for licensure. Engineers Canada officials believe it will be necessary in the future to move from a requirement that is time-bound (i.e. 12 months of experience) to one that articulates the outcomes required for licensure. Engineers Canada believes that competency-based assessment may provide the necessary levels of specificity and clarity to be more easily understood as a requirement.

To further the discussion, *Engineering Dimensions* presents this brief snapshot of opinions both in favour of, and opposed to, the Canadian experience requirement for licensure.

IN FAVOUR OF THE CANADIAN EXPERIENCE REQUIREMENT



Ravi Gupti, P.Eng., FEC, vice chair, PEO's Experience Requirements Committee, and an internationally educated engineer:

"We have a certain bar of admission to the profession and rather than lowering that bar, we want to raise it, and that can only be done through our own standards and our own codes, because otherwise uniformity would not be possible. If global engineers just say, 'we have standards and codes all over the world' wherever they come from, it's not possible to measure them against a certain benchmark... We want to maintain Canadian experience for one year as a requirement so that we can measure most of the international graduates who come from different educational institutions. Then we bring it to a common parameter to measure their experience against. That perhaps will be in totality the justification of Canadian experience."



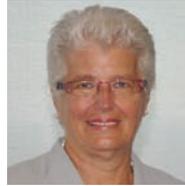
John Boyd, PhD, P.Eng., former president of International Federation of Consulting Engineers and advisor to the federal government on infrastructure-related trade issues:

"The Canadian experience requirement is not discriminatory in the slightest. First of all, every engineer, whether trained here or elsewhere, is required to have Canadian experience prior to licensing. Perhaps those raising the clamour should revisit the meaning of the word discriminatory—you discriminate when one group is required to do something that another group is not required to do.

The human rights and fairness commissioners don't seem to understand that their quality of life in Canada is protected by such requirements. Canadian experience ensures the professional is familiar with our codes and regulations and, above all else, with our climate, which requires certain approaches to deliver successful engineering projects. To call this discriminatory is equivalent to saying you can successfully cope with life in another country without any familiarity with the laws of that country.

Having said all that, we could replace the experience requirement with training, coursework and examination, but there would need to be a significant effort to create and teach such a curriculum and it would be expensive. At the end of the day, the impact on licensees would be similar and the costs would be significantly higher."

CONCERNED ABOUT THE CANADIAN EXPERIENCE REQUIREMENT



Barbara Hall, chief commissioner, Ontario Human Rights Commission:

"At the commission, we heard from many people that they find themselves in a catch-22 situation. They might have all the appropriate experience but it's not obtained in Canada. They can't get Canadian experience because they can't get a job, and they can't get a job because they don't have Canadian experience. And yet they may have all the skills and qualifications that the position requires, so that should be the test—what are the actual skills and competencies that the employer or the profession requires? Set them out and then provide opportunities for applicants to show whether or not they can meet them. In most cases, the requirement for 'Canadian experience' is an unnecessary barrier that often prevents immigrant professionals from realizing their potential, and employers from capitalizing on a larger pool of qualified candidates."



Hon. Jean Augustine, PC, CM, fairness commissioner, Province of Ontario

"Since 2007, I have been challenging governments and regulatory bodies to look into barriers to professional licensing. My office has certainly run into the dilemma of 'Canadian work experience.'

That's why I welcomed the policy put forward by the Ontario Human Rights Commission.

Of the 38 professions that licensed applicants in 2012, 26 required work experience or practical training before licensing. Of those 26, 15 required Canadian experience, including six that specifically require Ontario experience.

Often this is a real barrier, especially in a challenging economy.

Why, in this global economy, is overseas experience considered less valuable than domestic experience? The fair access law requires regulators to justify their requirement. It has to be relevant and necessary.

Regulators have to ask themselves this question and provide a solid rationale for their requirement."

IN FAVOUR OF THE CANADIAN EXPERIENCE REQUIREMENT



Asif Khan, P.Eng., industrial engineering manager, Chrysler LLC, and an internationally educated engineer:

“From my personal experience, I strongly feel that PEO has a transparent, objective, impartial and fair licensing practice.

I don't have any concerns relative to my personal experience of obtaining a licence back in 2004. I took time to understand the requirements once I submitted an application. I then started meeting the requirements step by step. Nowhere during the process did I experience any surprises or disappointments.

Most of the applicants find difficulty acquiring Canadian experience. The problem is twofold:

- Being a newcomer to Canada, there is a low possibility of finding work; and
- People who do find work might not understand the potential of fulfilling Canadian engineering experience. At times they won't find a licensed professional engineer to verify the experience.

An aggressive outreach effort to educate internationally trained engineers can help improve the processes and relieve some of the frustration. Programs like EIT and licensing preparedness programs offered by PEO are great initiatives to help foreign graduates.”



Stephanie Price, P.Eng., manager of qualifications, Engineers Canada:

“There is no argument that there are legitimate requirements related to engineering work in a Canadian environment.

These are both technical (e.g. use of Canadian codes, allowances for Canadian climate) and social (e.g. the nature of multicultural Canadian teams). Competency assessment offers an option to redefine and retain these requirements in a form that is compliant with emerging legislation. By doing so, the competency-based assessment system will allow us to maintain high standards of licensure while ensuring that we meet the requirements of human rights and fairness commissioners.”

CONCERNED ABOUT THE CANADIAN EXPERIENCE REQUIREMENT



Mansoor Ali, P.Eng., senior development engineer, City of Markham, and an internationally educated engineer:

“When I immigrated to Canada in 2003, the most important task I wanted to accomplish was to get back into the engineering field. With over 18 years of experience in Pakistan, it was difficult for me to get an engineering job in Canada, as I do not possess the required designation of P.Eng. and, without the Canadian experience, no one was ready to hire me.

I was lucky to get an internship through the Career Bridge program and through which I was able to get the required Canadian experience and thus was able to fulfill the requirements and got my P.Eng. designation within 18 months of my arrival in Canada.

However, not all immigrants are lucky enough to get internships and they struggle to get their Canadian experience and in the process sometimes end up in jobs other than engineering. If this one year of experience is relaxed, it would be beneficial to many immigrant engineers. The important questions that come to my mind are:

- How we can break this unproductive cycle of no Canadian experience?, and
- How can we provide a crucial bridge between new immigrants and the workplace that eliminates significant employment barriers often faced by qualified, experienced professionals?”



Council for Access to the Profession of Engineering (CAPE), an advocacy organization for internationally educated engineers:

“The legislated control over the title of professional engineer (P.Eng.) means new immigrants possessing engineering qualifications, including those who have received a professional engineering accreditation overseas, lose this accreditation when they arrive in Canada.

In order to practise engineering in Canada, immigrants must navigate a foreign credential recognition process fraught with barriers to success. Engineering associations do not publicly document what criteria constitute Canadian experience. An applicant doesn't know what he or she is going to be judged against. This is a fundamental problem.

CAPE has adopted the position that knowledge [of Canadian codes and standards of practice] can be acquired through simulated teaching or self-learning as is the case in the rest of the world.”

IN FAVOUR OF THE CANADIAN EXPERIENCE REQUIREMENT



Rakesh Shrewastav, P.Eng., FEC, PEO council member, a PEO director on the Engineers Canada board, and an internationally educated engineer:

“There is a perception among some internationally educated professionals [IEPs]—often a negative one—regarding Canadian experience.

PEO needs to be able to demonstrate that it is not something that is a barrier in realizing IEP potential, but a positive way that this is the experience you get working under the supervision of an engineer with a P.Eng. licence.

[The requirement is] designed to get experience you need to integrate into the engineering profession in Ontario and Canada.

This helps in a number of ways, such as better understanding of codes, ethics and workplace culture. Other benefits may include the understanding of challenges, appreciation of diversity and multiculturalism, and broader communications.

Overall, it contributes to the value-added experience that IEPs get during this 12-month period and ensures the integrity of the profession, the main purpose of which is to protect public interest.”

CONCERNED ABOUT THE CANADIAN EXPERIENCE REQUIREMENT



Izumi Sakamoto, PhD, associate professor, Factor-Inwentash faculty of social work, University of Toronto, and a contributor to the Ontario Human Rights Commission’s policy statement on removing the Canadian experience requirement:

“I have been researching the notion of ‘Canadian experience’ for the past seven years and have recently joined with other community-driven initiatives to form the Beyond Canadian Experience Project. Our main purpose is to deconstruct the idea of Canadian experience with the goal of reducing barriers to employment experienced by immigrants. Our research concludes that the Canadian experience implied by employers is often not about professional standards, but cultural ones: immigrant workers have no experience at being Canadian, and don’t fit in at the workplace. Everybody needs to learn particularities of the cultural environment to some degree, and to adapt in a new context. As an industry or an employer, it is important to support their transition, whether it’s a new graduate or an experienced newcomer professional. However, the emphasis on Canadian experience has disproportionately amplified the importance of cultural adaptation to the extent that it is used as a euphemism to perhaps discriminatory sentiments; that is, believing immigrants are somehow less than Canadian-borns in their qualifications, talent and competencies. OHRC’s new policy on removing the Canadian experience barrier is a huge step toward addressing the employment gap immigrant professionals experience in Canada.”