



# Highlights

## Fair Access Forum: Transforming Access

**Friday, November 21, 2014**

**North York Civic Centre**

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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.*



# HIGHLIGHTS

## FAIR ACCESS FORUM: TRANSFORMING ACCESS

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## Introduction

On November 21, 2014, Fairness Commissioner Hon. Jean Augustine, PC, CM, Fairness Commissioner, hosted a forum, “Transforming Access”, the first such event in the history of the Office of the Fairness Commissioner (OFC). Close to 150 participants attended the multi-stakeholder event, which included regulatory bodies, postsecondary institutions, and immigrant-serving organizations.

The forum gave participants an opportunity to look back on the work of the OFC and generate ideas for working more closely together to advance the fair-access agenda. Presenters provided local, provincial, national and global perspectives.

We hope that this report will remind you of the highlights of the day and help you to reflect on the ideas put forward and the ways you might improve access to the professions and trades for newcomers to Ontario. We also hope that the report will be of interest to those of you who did not attend.

We believe that everyone engaged in improving access to the professions and trades will be interested in the various comments culled from participants’ evaluations and which appear at the end of the report.

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## Acknowledgements

The event could not have taken place, nor would it have been the success that it was, without the talents of those who contributed to the conversation. We at the OFC thank them very much for their time and energy, and we gratefully acknowledge their important contribution in the summaries below.

### Morning Panel Discussion: Putting Fair Access in National Perspective

Moderator: Ratna Omidvar, Executive Director, Ryerson Maytree Global Diversity Exchange, Ryerson University

Panellists:

- Naomi Alboim, Fellow and Adjunct Professor, School of Policy Studies, Queen's University
- Raj Anand, Partner, WeirFoulds LLP
- Alejandro Jadad, Founder, Centre for Global e- Health Innovation, University Health Network
- David Tsubouchi, Registrar and CEO, Ontario College of Trades

### Roundtable Session: Challenging Our Assumptions about Competency

Facilitator: John Pugsley, Registrar-Treasurer and Chief Operating Officer, Pharmacy Examining Board of Canada

Conversation starters:

- Anthony Marini, President, Martek Assessment Ltd.
- Robert Millman, Office of the Manitoba Fairness Commissioner
- Debra Sibbald, Director, Assessment Programs, Centre for the Evaluation of Health Professionals Educated Abroad

### Roundtable Session: Stretching the Limits of Research

Facilitator: Harald Bauder, Academic Director of the Ryerson Centre for Immigration and Settlement

Conversation starters:

- Zubeida Ramji, Executive Director, CARE Centre for Internationally Educated Nurses
- Jeffrey Reitz, R.F. Harney Professor and Director of the Ethnic, Immigration and Pluralism Studies Program, Munk School of Global Affairs, University of Toronto
- Arthur Sweetman, Professor, Department of Economics, McMaster University
- Adnan Türegün, Director, CERIS, York University

### Roundtable Session: Postsecondary Education and Fair Access

Facilitator: Jan Carter, Manager, Immigrant Education, George Brown College

Conversation starters:

- Anne Sado, President, George Brown College
- Phil Schalm, Associate Director, Tri-campus Expansion and International Professionals Initiatives, School of Continuing Studies, University of Toronto

### Roundtable Session: Multi-Stakeholder Work Group Model

Conversation starters:

- Margaret Eaton, Executive Director, Toronto Region Immigrant Employment Council
- Jan Sheppard Kutcher, Consultant, Nova Scotia Department of Labour and Advanced Education

### Keynote Address: Opening Borders, Maintaining Standards

Speaker: Harry Cayton, CBE, Chief Executive, Professional Standards Authority for Health and Social Care, UK

## Forum Planning Team

The OFC would like to thank the Forum Planning Team for making this event possible. We congratulate team members on the hard work that ensured the success of the event. We say a heartfelt thank you, *merci beaucoup* and *muchas gracias* to Tanya Chute Molina, Jennifer Louis, Larry Colle, Mabel Opoku, Florine Ip, Xiaoxiao Wang, David Cavaco and Frann Harris.

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## Opening Remarks by Commissioner Jean Augustine: Looking Back, Looking Forward

I am pleased to stand before you today, and even more pleased that you are participating in the OFC's first Forum, Transforming Access. According to my dictionary, the word "transforming" doesn't mean that you apply a tweak here and a tweak there to change something. It means: "the operation of changing, as by mapping." It means a complete and utter change.

Today we're going to examine the transformation that has taken place since our fair-access legislation was enacted. We will also explore outstanding barriers to furthering the transformation, and we will discuss how we can work together to advance the transformation.

It all began in 2007, with this piece of paper.

This is the letter from the province, appointing me as Commissioner and the person who was assigned to breathe life into the new fair-access legislation.

I have no doubt that the transformation from that day to this day would have been much smoother, if this paper had actually been a map and not a letter.

But back then there was no such map to be found anywhere in the world.

My only guide was the fair-access legislation, which identified the destination but not the route.

Before the office opened, a provincial task force and several attempts to enact fair-access legislation had taken place, but it was not until 2006 that legislation with real teeth became law. It was called the Fair Access to Regulated Professions Act, or FARPA for short, which was expanded to the Fair Access to Regulated Professions and Compulsory Trades Act, or FARPACTA, a few years later. For the first time, our law established an accountability mechanism for the province's professional regulatory bodies.

Armed with this law, I had a vague idea of the direction to take. I had a vision of where we needed to go. I had a dream of how far FARPACTA could take us.

And so I set out on the journey.

Along the way, I was generously supported by many of you. I want to thank you for the time and help you've given me in the past seven years—almost eight, in fact.

Along the route to transformation there were no road signs to tell us how far we had to go to reach a place called Transparency, or a station called Objectivity, or a whistle stop known as Impartiality.

The question now is: Are we there yet?

My answer is: Yes and No.

In the past few years we have made critical steps forward. We've helped create conditions for greater mobility across provincial and national borders. Together—by which I mean the regulators, ministry officials, and OFC staff—we have worked to implement labour-mobility legislation, by reviewing registration requirements and removing barriers.

I'm proud of the fact that we've helped put fair access at the centre of national and provincial strategy documents. I'm also proud to have contributed to national discussions about the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications, and to have advised the Expert Roundtable on Immigration while the members shaped priorities for Ontario's Immigration Strategy. These are some of the concrete changes that have made a real difference in the lives of immigrant professionals.

Today, for example, immigrant lawyers have fewer courses to take in order to meet licensing requirements. Nor do immigrant teachers still have to demonstrate Canadian experience.

Since our early days, the Office of the Fairness Commissioner has worked with many of you—and thought leaders from many other organizations not represented here today, such as the Royal Bank, the Board of Trade, the Conference Board of Canada, and MaRS. Through dialogue and research, we have worked hard to map the route and push back the boundaries blocking our way.

When you look at the legislation, you see it clearly states that a regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair. The mandate of my office is to encourage and help regulators to do their duty. We focus our time and energy to ensure that all qualified professionals can be registered to practise their profession, regardless of where in the world they were educated. Our job is to ensure the fair treatment of professionals seeking a licence in the province. At the same time, we must remember to strike a fine balance: On the one hand, it's necessary to maintain the standards for licensing all professionals. On the other hand, it's crucial to treat all applicants to the regulated professions and trades in a fair and consistent manner.

Easier said than done.

That is why the work of my office is so challenging, and why our mandate requires continuous vigilance.

During our first four years, the OFC focused on research and education. We gathered baseline information about the registration practices of the regulatory bodies, informed them of their legislative responsibilities, and worked with them to improve their registration practices.

Between 2008 and 2010, we conducted compliance audits of all regulatory bodies. In 2011, we asked them to submit Entry-to-Practice Reviews. In these reviews, regulators were required to critically examine three key facets of their licensing process:

- **Number One:** their requirement for practical training or work experience
- **Number Two:** the timeliness of their decision-making about applicants
- **And Number Three:** the fees required for registration

The information we obtained in this way led us to a new phase of direct assessment of each regulator and to the first comprehensive assessment of registration practices ever done in Canada—and, I might add, in the world.

It seemed that, in the absence of a map, our office was slowly learning how to be the fair-access mapmaker—not just for Ontario. It was increasingly clear that we were also leading the way for other jurisdictions inside Canada—such as Manitoba, Quebec and Nova Scotia—and also outside Canada, for countries such as Germany and Austria.

We also had to build our own compass in order to keep mapping. The four points on the first such compass in the world were and still are: transparency, objectivity, impartiality and fairness.

These compass points were hard to pin down and we soon realized we couldn't draw a straight line on the map to fair access. We learned that the attainment of fair access takes time and that it requires continual adjustments along the way. And so we developed our Continuous Improvement Strategy, which monitors the challenges and the changes that regulators face while striving to improve their registration practices in a dynamic regulatory environment.

If you're wondering what I mean by "dynamic," I'd like to remind you that the regulatory landscape is subject to continual change because it depends on so many factors. These factors include the economy, our immigration policy and the need for workers at any given time, the two levels of government, and the academic and research communities.

I'm quite reassured to see the increasing recognition that fair access is intricately linked to our federal immigration initiatives, and I want to do whatever I can to promote and encourage dialogue across governmental levels.

I'm extremely pleased that we have a good cross-section of stakeholders here in this room today. Among us we have immigrant-serving organizations, assessment agencies, academics, regulatory bodies, specialists from Manitoba and Nova Scotia, Ontario government representatives, and—last, but not least—Harry Cayton, who has come all the way from England to address some of the challenges to professional self-regulation in the UK and labour mobility in the EU.

I'm certain we know we must work together to reach our destination. I expect great things to come from this Forum. I know you will listen closely to one another, and I have every expectation that you will learn from one another and work closely together in the months and years to come.

You all know we still have a great deal of work to do and that our destination may always be just beyond the horizon. You also know that fairness is a concept that all of us in this room hold dear, and that fairness must be tied to immigration.

A major policy concern for Canada is the alarming decline in the earnings of immigrants. Census data from a 2012 study by the Institute for Research on Public Policy show that recent immigrants earned 30% to 40% less in 2006 than their Canadian-born counterparts. In the 1970s the difference was only 10% to 15%. So immigrant earnings declined considerably in that period.

Earlier this year, we partnered with the Ontario Ministry of Citizenship, Immigration and International Trade on an ambitious research project designed to compare the employment match rates for immigrants educated in a regulated profession outside Canada with their counterparts born and educated inside Canada.

**Here's the good news for Ontario:**

- Employment match rates for internationally educated immigrant professionals increased between 2006 and 2011.
- The gap between internationally educated immigrant professionals and their Canadian-born-and-educated counterparts has narrowed over time.
- Ontario disparity measures were equal to or lower than the national average for 13 of 17 professions.

Clearly, we're doing some things right.

But there's also bad news for Ontario.

In 2011:

- 75.9% of employed immigrant professionals were working in jobs outside their field.
- Most of those jobs were well below their skill level.

Clearly, there is more to be done. The numbers show that progress in licensing has been more significant than progress in employment. Creative and collaborative work is needed to help improve both licensing and employment outcomes.

Research is one of the most important things my office does, often by collaborating with other government offices and organizations.

We conducted our first full assessment of regulators between 2011 and 2012. At the time there were 35 regulatory bodies, which encompassed 37 professions. Now there are 42 regulators, a couple of which have not yet begun licensing and which my office is working with to ensure they are well-positioned, right from the start, to comply with fair-access requirements.

When we conducted that first cycle of assessment a couple of years ago, we did it with a great deal of dialogue between each regulator and my office. For the first cycle, every one of them had to provide evidence about the ways they communicated with applicants when registering them.

As we all know, communication is the cornerstone of a strong relationship. But when we reviewed the results of the first assessment, we learned that communication between a number of regulators and their applicants was inadequate or unclear. Then we made recommendations about the areas where they could improve their communications with applicants. In addition, we made recommendations about the top 12 areas that needed improvement across the board.

Those areas included:

1. the need to provide clear rationales for registration requirements
2. the need to recognize acceptable alternatives for meeting registration requirements
3. the need to strengthen assessment criteria and methods
4. the need to increase the rigour of training for decision-makers

Then, between May 2013 and September 2014, we conducted our second assessment. This time we performed targeted assessments in order to zero in on specific areas where we had made recommendations in the first assessment cycle.

When we reviewed the results of the second assessment, we found that many of the issues that had cropped up in our first assessment were still issues to be addressed by some of the regulators.

We also found that some regulators understood the tenets of the fair-access legislation better than others did. And we saw that the lack of comprehension in specific areas was actually preventing them from making their registration practices more transparent, objective, impartial and fair.

Through our first two biennial assessments of registration practices, we have helped the regulatory bodies to understand fair-access legislation and to pass on the new understanding to their applicants.

We like to encourage the steps they take in the right direction. I'm very pleased to say that after our first round of assessments, the regulatory bodies followed 92% of our recommendations. For example, some regulators have begun to explore alternative ways in which applicants can register and others have waived the requirement for Canadian experience.

By the same token, and in accordance with the legislation, we hold the regulators accountable. If you do the math, you'll see that 8% of our recommendations from the first assessment have not yet been implemented.

I'm not here to name names—you can see them in our 2013 annual report, which will be available shortly.

I *am* here to tell you a bit about our work and how our work—yours and mine—has transformed parts of the regulatory landscape in the past seven or eight years. And my fondest hope is that the work we do here today will provide insight into how and where we still have to strive to transform the landscape.

My office will continue to hold the regulators accountable, even as the number of regulators grows and new bodies are proclaimed. We will continue to map the changing landscape to include new additions, such as the recently proclaimed College of Kinesiologists of Ontario, the Ontario College of Trades, and the College of Traditional Chinese Medicine Practitioners and Acupuncturists.

We will continue to conduct our assessments and make our recommendations to ensure the continuous improvement of the regulatory bodies. In the past seven years, there is one thing we've learned about the landscape we're mapping: the greater the transformation, the more interesting the mapping becomes.

## **Conclusion**

I know that the conference organizers have planned a stimulating day for you and I trust you'll be exposed to many new ideas by the end of the day.

I hope that the issues under discussion here will serve as a collective challenge to help us imagine new policies, new programs, and initiatives that we can adopt and implement in order to continue the work of transforming our fair-access legislation into reality.

Seven, close to eight, years is not a long time. So let's just say we're only getting started. We have a lot of exciting and groundbreaking work to do and I personally—along with my staff—look forward to engaging further with all of you.

I thank you for your kind attention, and I wish you a productive and transformative day.

Now, let's get started.

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## Excerpts from Morning Panel

### Putting Fair Access in National Perspective

**Panellists:** Naomi Alboim, Raj Anand, Alejandro (Alex) Jadad, and David Tsubouchi. The **moderator** was Ratna Omidvar.

The four panellists discussed the experience of newcomers to Canada from various perspectives. One panellist recounted his experience trying to get licensed with the College of Physicians and Surgeons of Ontario, which was a very frustrating and time-consuming exercise.

The second panellist remarked that, under the new program known as Express Entry (EE), an immigrant will no longer be assessed on his or her individual human capital, but rather in relation to all other immigrants in the pool at a particular point in time.

As the panellist pointedly remarked, a great many factors about EE are uncertain, including the program's implementation and the reception it will receive from various players. For example, if the private sector actively participates, will it have a new role in immigrant selection? This is just one of the many questions to be answered.

Discrimination—perceived and actual—is among the thorny issues that plague immigration to Canada. As the third panellist explained, regulatory bodies will be more likely to survive a human rights challenge if they rely on individual skills and competencies in their decisions, rather than targeting a particular group of individuals. In fact, legal precedence has clearly established the need to focus on the actual competencies of the applicant being assessed.

The fourth panellist to speak remarked on the fact that assessing competencies at the Ontario College of Trades is practice-based rather than academic-based. He stated that the college recognizes prior experience and skills acquired in other places through the process known as the Trade Equivalency Assessment (TEA), which an applicant can submit from anywhere in the world with a view to obtaining Ontario credentials to accompany their federal immigration application.

The moderator summarized the discussion with new ways for stakeholders to improve licensing in Ontario, including:

- put more energy into Mutual Recognition Agreements (MRAs)
  - work with regulators to administer assessments and exams abroad
  - make employers part of the solution
  - improve the quality and quantity of bridging programs
  - provide limited licences to practice
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## Roundtable Sessions

### Session 1: Challenging Our Assumptions about Competency

**Conversation starters:** Anthony Marini, Robert Millman, and Debra Sibbald. The **facilitator** was John Pugsley.

#### Excerpts from the Discussion

Increasingly, competency assessment is considered the gold standard for evaluating an applicant's qualifications for entering practice: what a person can do is far more relevant to licensing than whether he/she can pass a theoretical knowledge-based exam or possess an educational credential.

Competencies are not always easy to define. They need to be related to tasks performed in practice. They are also not always easy to measure in a comprehensive way. As competencies required in practice change over time, assessment methodologies need to be aligned with the changes in practice. Competency assessments must be customized in design and are therefore collaborative and contextual in nature. Performance-based competency assessments necessitate the development of strong assessor training to recognize and manage the potential contribution of bias in the assessment process.

The professions and trades continue to explore ways to integrate competency-based assessments into their registration procedures, because such assessments offer many important advantages. By linking assessment tools to competencies, regulators can look beyond credits, degrees and courses and actually focus on what applicants know and can do in practice. This is of particular importance for internationally trained immigrants (ITIs) and those who were educated outside Canada.

#### Challenges for Candidates

When arriving in Canada, more than a few ITIs encounter challenges to their educational credentials and some may face barriers to being licensed, including: multiple and overlapping assessments; insufficient information about what to expect during the licensing process; and the absence of meaningful results. Feedback must be reliable but may be limited due to the inherent nature of high-stakes assessments. Regulators should be encouraged to provide extensive resources on how to prepare for examinations and what to expect during the licensing process.

Moreover, an assessment consists of two dimensions: the content and the format. The applicant's knowledge of content is only one facet of the assessment process, whereas his or her ability to work with the format constitutes the other facet. To address this issue, opportunities for candidates to practice using the format (such as practising multiple-choice exams or observing video demos of OSCE stations) could be very helpful.

In addition to these challenges, ITIs are faced with a lack of educational and bridging programs in our country. This deficiency necessitates the need for alternative ways to prepare applicants for exams. For example, the current emphasis on gap assessment of competencies and the identification of educational opportunities to address such gaps could prove very effective in addressing this growing need.

Canadian candidates tend to be somewhat homogenous with respect to their education and background. On the other hand, ITIs come from all over the world and possess a wide range of education and cultural norms. Furthermore, Canadian applicants may have graduated recently—within the past several years—whereas ITIs seeking a new life in Canada may have graduated many years ago. They have yet to experience the Canadian context, which is an unknown paradigm for them.

#### Challenges for Regulators

A fair and appropriate assessment process is at the core of sound and defensible decision-making. A fair process ensures that assessment results are used for the purpose they were designed to address. The overgeneralization of assessment results or the use of limited data to draw conclusions regarding the competencies of an individual can result in inappropriate outcomes for the individual. Regulators must interpret test results on the basis of what the data were designed to assess, and understand that data are only reliable and valid in aggregate form. Despite the challenges, in order for regulators to make defensible decisions, sufficient and valid information is required and should be accessible to candidates who seek to understand the basis of those decisions.

In obtaining assessment data that addresses the competency of an individual, there are factors that must be addressed to ensure the validity of the results. First is an appreciation for the complexity of assessing competency itself and the acknowledgement that such decisions involve subjective decisions. Second, the context of the assessment is central to its value. The more the factors being evaluated are relevant to the needs of the workplace in question, the better. The better the design of the assessment and the more consistent the results are over time, the more reliable the evaluation process will be.

For performance examinations, assessors must be well trained to identify and manage personal bias that may skew their assessments. Assessor bias can be classified under four headings:

- memory failure (omission and commission)
- generalization
- interpretation (e.g., stereotyping)
- emotional state (e.g., fatigue, empathy, anger)

Assessing an ITI's competency is a multi-faceted, complex matter. Using performance-based examinations requires that assessors be rigorously trained to do their job. This means that their assessment procedures must assess what they are intended to. To achieve this outcome, an assessment—written, interview or hands-on—must strive to have the following characteristics:

- **relevance:** the assessment is anchored in the activities of the workplace in question
- **design:** the design of the assessment determines its quality and value; staff and candidates are well prepared, so that candidates get a feel for the testing environment
- **reliability:** the assessment is designed to measure accurately what it is designed to measure and is administered often enough to be considered reliable, time after time
- **content:** the assessment is used by different raters, for many different applicants, yet obtains similar results time after time
- **bias:** the assessors are trained to identify, name, and manage their biases

Procedural fairness must also include the provision of written reasons for a decision, and it must be made a formal part of the design of the assessment.

To be meaningful, every aspect of the evaluation must be considered as part of the whole, not in isolation. In summary, the assessment process must be fair, effective and efficient in addition to ensuring a certain amount of customization and equity for all.

Additional characteristics to incorporate in a good assessment:

- **specific:** assessment combines different measures and tests for false positives and negatives; each candidate knows what the measures are going to be
- **subjective:** subjective judgements are valuable to candidates, when they come from experts
- **objective:** expert judgment has its place in an assessment; striving for complete objectivity may lead to trivialization
- **sustainable:** assessment is continuously refined and revised to be an up-to-date, reliable and valid evaluation

In the end, it is the experts who make the judgments about applicants. Their judgements must be informed by their education, practice experience and assessment information. Capricious or arbitrary decisions are to be avoided at all times by assessors.

## Session 2: Multi-Stakeholder Work Group Model

**Conversation starters:** Jan Sheppard Kutcher and Margaret Eaton.

### Introduction

Just as OFC's Forum "Transforming Access" was designed to encourage dialogue among many different interest groups, Nova Scotia's Multi-Stakeholder Work Group model has brought diverse people and organizations together on a regular basis, to develop a collective model for change and devise solutions to immigrants' employment issues.

Inaugurated in 2005 as a response to the needs of skilled immigrants, the Multi-Stakeholder Work Group model fosters collaborative problem-solving and innovative approaches to improving access to a specific profession or cluster of related professions. One of the basic tenets of the group's founder is that a complex multi-faceted problem, such as fair access, cannot be solved by people in isolated silos.

The TRIEC executive director couldn't agree more: collaboration is the key to improving immigrant integration in the labour market. She spoke about past successes, such as the Mentoring Partnership, in which multi-stakeholder collaboration allowed for large-scale implementation of an effective model for matching skilled immigrants to mentors in Ontario workplaces. She expressed her organization's interest in partnering with other stakeholders to pilot a multi-stakeholder work group in Ontario. She framed the Forum roundtable discussion as an opportunity for local participants to learn how the Multi-Stakeholder Work Group functions in Nova Scotia, with a view to adapting the concept to the Ontario context.

After the presentation and comments, the audience was divided into two discussion groups—one focused on health and social service professions, and the other focused on engineering and related professions. Each group discussed:

- major challenges faced by immigrant professionals
- existing programs and services related to licensing and employment
- opportunities for multi-stakeholder dialogue and collaboration

### Excerpts from the Discussion

The founder of the Multi-Stakeholder Work Group delivered a presentation that outlined the history of the model, in addition to who the stakeholders are and what they have accomplished by working together during the past decade.

In Nova Scotia, 10 profession-specific work groups bring together regulatory bodies, professional associations, educational institutions, government, employers, unions, community champions and internationally educated professionals.

Active work groups focus on the dental professions, engineering, law, medicine, nursing, pharmacy, and construction electricians, among others. All told, the 10 stakeholder groups cover 17 regulated occupations.

The founder of the Multi-Stakeholder Work Group emphasized the need for strong leadership. Ideally, she said, the chairing role is shared between a high-profile leader of a profession and a community-based champion who understands the challenges faced by immigrants and who has the time to dedicate to planning and coordination. She said that discussion must lead to action, so that stakeholders see concrete outcomes and stay engaged.

The 10 work groups in Nova Scotia perform numerous activities, including:

- reviewing and confirming pathways to licensure
- identifying barriers, gaps, key issues and challenges
- problem-solving and incubating new ideas
- acting in an advisory capacity to bridging programs and fair-access initiatives
- providing forums for policy discussions
- exploring ways to support successful transitions to training-related alternative careers for ITIs
- developing collaborative programs

When the group's founder gave examples of the 10 groups' accomplishments, she cited the changes made to the pathway to licensure for pharmacists, which involved eliminating the requirement for internships to take place in a hospital setting in addition to allowing applicants the flexibility to do their internship and clinical skills examination in any order. Another accomplishment she noted was the development of a unique bridging program for immigrant physicians.

Accomplishments also include:

- providing consultation for the Province of Nova Scotia on immigration policy
- providing orientation programs for dentistry, pharmacy and medicine
- organizing observer programs for physicians and lawyers
- providing hands-on practice for dentists
- ensuring formal credit for continuing education courses
- providing advice to bridging programs in nursing, dentistry, medicine, engineering, pharmacy, and dietetics

### **Lessons Learned in Nova Scotia**

Throughout her presentation, the group's founder emphasized the importance of strong leadership and the need to sustain momentum as well as attracting decision makers to the table. Above all, she said, it is necessary to be clear about the purpose of the group and the commitment of its members.

On the other hand, it takes time to build trust and mutual respect, especially when there is a history of tension between organizational players. The group leader must, she reminded, strive to ensure that meetings are engaging, that the minutes reflect action items, and that subcommittees follow up on these items, in order to facilitate progress on the multi-stakeholder action agenda.

### **Getting Started in Ontario**

Executive Director of TRIEC reiterated her organization's interest in piloting the Multi-Stakeholder Work Group model in Ontario. TRIEC is a multi-stakeholder council designed to create and champion solutions to integrate immigrants into the labour market. As such, it has the experience and relishes the opportunity to continue exploring interest and opportunity for piloting the Nova Scotia model with particular professions in Ontario.

She noted that small group discussions, such as the Forum provided, highlighted the relevance of multi-stakeholder collaboration with respect to addressing fair access to the regulated professions in Ontario. She acknowledged that further conversations would be needed to give shape to a successful pilot.

The founder of the Multi-Stakeholder Work Group presented suggestions for next steps. In her view, the larger population and the greater number of unemployed or under-employed ITIs in Ontario make the endeavour more complex and urgent. And it is likely that the number of people wanting to sit around the multi-stakeholder table will have to be effectively managed. She speculated that silos may be more entrenched in Ontario than in Nova Scotia, and may require clear-headedness about collaborating.

On the other hand, fair-access legislation is already in place in Ontario, where multi-stakeholder work groups may have easier access to foundations and private funding for innovation and experimentation. She noted, however, that developing multi-stakeholder groups does not require a great deal of money and it may be possible to build on existing groups or associations of ITIs.

Her final word of encouragement: do not let the complexity of the task stop interested parties from taking the first step.

## Session 3: Stretching the Limits of Research

**Conversation starters:** Zubeida Ramji, Jeffrey Reitz, Arthur Sweetman, and Adnan Türegün. The **facilitator** was Harald Bauder.

### Introduction

The research into fair access to the regulated professions raises many questions about the value and use of such research: specifically, whether it is possible to accurately measure the impact that fairness commissions have on licensing; what research reveals about the effectiveness of regulatory oversight; what the gaps in the research are; and whether competency-based assessment models support transparent, objective, impartial and fair registration practices.

For some of these multi-faceted issues no definitive answers exist, and the direction of the research changes as new questions and findings emerge. For example, the field of research into immigration has recently merged with the research into the composition of the different regulated professions.

The session provided an opportunity for researchers to discuss the recent studies and the work that still needs to be done.

### Excerpts from the Discussion

Over time, Canadian Immigration policy has shifted from one that fostered nation-building to one that now pivots on selecting immigrants who—with their skills, education and financial resources—will strengthen our economy and make Canada more competitive on the international stage.

Statistics over a 10-year period—from 1996 to 2006—reveal that while the native-born population remained relatively static, the number of internationally trained professionals (ITPs) climbed, and continues to do so. The research also shows that, despite the knowledge and skills ITPs bring with them, their skills are under-utilized and female immigrants fare worse than males do. According to census data, the total economic impact of annual earnings lost due to the underutilization of immigrant skill has grown from about \$4.80-billion in 1996 to over \$11.37-billion in 2006 (figures are adjusted to May 2011 values).

A 2011 University of Toronto study revealed that a computer-generated resume with an Anglo name had a 40% greater chance of getting a callback than one with a non-Anglo name. The reason for the discrepancy, as discovered in the followup portion of the study, was that the employers targeted for the study had concerns about the English-language skills of the computer-generated applicants.

Research shows that, between 1994 and 2000, university-trained immigrants to Canada increased in number from 20% to 60%. From 2007 to 2013, their membership in professional bodies increased from 12% to slightly more than 15%. Although the research periods are for different years, a compelling picture emerges from the large difference in percentage points between highly trained immigrants and the apparent professional success of immigrants in their chosen fields.

The research also shows that the immigrants to Ontario who became permanent residents (PR) dropped from 53% in 2004 to 40% in 2013 (125,093 PRs in 2004 compared with 103,494 PRs in 2013). As these figures show, Ontario is not automatically the first choice for newcomers to Canada because of its comparatively high rate of unemployment.

Compounding this fact is an important discrepancy: between 2005 and 2011, 22% of all applications to the regulatory bodies came from ITIs trained outside North America, whereas only 17% eventually became licensed. (For more information, see the OFC publication, *A Fair Way to Go*, page 14.)

Clearly, one of the most pressing issues is designing an immigration policy that will allow Ontario to select skilled workers from the federal pool and so answer the province's occupational needs. This leads directly to the question of the extent to which employers should play a more direct role in immigrant applicants and the research that must be done to determine the answer.

A key aspect of research regarding fair access and the regulated professions includes the analysis of the return on investment in bridging programs, such as the CARE Centre's bridge-training program for internationally educated nurses. One participant who is knowledgeable about the matter pointedly noted the need to look beyond the economic basis of this discussion and explore the topic of fair access from a social justice perspective.

As the questions about immigration become more complex and the research base grows wider, sustainable funding for research in this area is apparently becoming more difficult to secure. According to one well-informed participant, we need more support for longitudinal, multi-institutional and in-depth research to examine the specific challenges that applicants to the regulated professions face.

The research still to be done—and the policy decisions that flow from it—is much more extensive than it was when the concept of fair access became law in 2006. One academic expressed regret over the limits of the mandate of the Office of the Fairness Commissioner, which, until now, has prevented the OFC from researching and measuring access to employment opportunities, among other things, and thereby contributing more to the body of research.

## **Session 4: Postsecondary Education and Fair Access**

**Conversation starters:** Anne Sado and Phil Schalm. Jan Carter was the **facilitator**.

### **Introduction**

We live in a knowledge-based society, which requires continuous immigration of internationally trained individuals (ITIs) in order for Canada to be competitive on the world stage.

In the past few decades the number of ITIs to Canada has increased exponentially, but the quantity and quality of the educational programs and systems they need has not kept pace.

Although universities and colleges offer bridging programs to help immigrants, the programs are not flexible enough. Furthermore, funding for bridging programs is frequently project-based and this affects the sustainability of the programs. This roundtable session explored the topic in all its complexity.

### **Excerpts from the Discussion**

Some immigrant professionals may need upgrading, particularly in language skills, in order to qualify for licensing. However, the availability of the needed programs in Ontario does not meet the need. According to one panellist, there are four main issues that must be addressed to remedy the situation: collaboration, consultation, consolidation, and communication.

Postsecondary institutions frequently secure funding for bridging programs that are short-term in nature, rather than being long-term projects that have the distinct potential for being integrated into the regular academic curriculum. Compounding this issue is the fact that bridging programs are not sufficiently flexible or accessible; their content is not always based on the specific needs of ITIs; and the content is not always aligned with the academic requirements of the regulatory bodies. It would be helpful if our educational institutions provided modular programs and officially recognized the previous academic achievements of ITIs.

Coordination is crucial between the regulatory bodies and the academic institutions that provide the necessary programs.

Discussion touched on a recent problem that arose when a regulator made changes to its licensing requirements, neglecting to inform the educational institution that provides a wide spectrum of bridging and occupation-specific language programs for constituents. The institution, a community college, suddenly found it necessary to develop additional resources to help applicants prepare for their registration exams. It would have been easier for the college to respond to the change if it had been informed sooner. Educators and regulators must keep communication channels open to inform each other about all major changes to registration requirements, so that applicants and students are not disadvantaged by those changes.

Our universities are increasingly reliant on full-time visa students because they pay higher tuition fees than Canadian students. Increasingly, Canada prefers to grant permanent residency to people who are already in the country, and this poses an additional challenge to ITIs who apply from outside the country.

To contribute more to fair access and meet the needs of ITIs, our postsecondary institutions, along with other stakeholders involved in integrating ITIs, must address the four “Cs”: collaboration, consultation, consolidation, and communication. We need a road map for integrating ITIs, outlining roles and responsibilities and global accountabilities for each stakeholder: educational institutions, government, settlement agencies, employers and immigrants.

A key aspect of research into fair access and the regulated professions includes the analysis of the return on investment in bridging programs, such as the CARE Centre's bridge-training program for internationally educated nurses. A panellist with expertise in this area pointedly noted the need to look beyond the economic basis of this discussion and explore the topic of fair access from a social justice perspective.

Going forward, our educational institutions must attract industry specialists rather than academics to teach industry-related courses. The Ontario Ministry of Training, Colleges and Universities will place much more emphasis on supporting ITIs academically, while they are still in their home countries and before they come to Canada, taking the following into consideration:

- Educational programs for immigrants must be flexible and aligned with the needs of the ITIs; education should be modular and recognize their previous achievements.
  - ITIs should be given due recognition for their previous achievements, so that they are not required to take or repeat courses they don't need.
  - Better systems are needed to assess and recognize international qualifications and credentials, in addition to better procedures for granting advanced standing and transfer of credits. These procedures must be equitable and fair.
  - Stakeholders need to collaborate to develop such systems.
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## Highlights of Keynote Speech by Harry Cayton, CBE

### Opening Borders, Maintaining Standards

Harry Cayton delivered a presentation, outlining push factors and pull factors for labour mobility and made many interesting observations, including:

- We need to understand modern labour markets.
  - An ethical framework is necessary for skilled migration.
  - Regulation may be a barrier as well as a bridge.
  - Labour mobility is a political matter.
  - We need to think globally and have more Mutual Recognition Agreements.
  - We need to invest more in training and political stability.
  - We need an international solution to allow open, high-quality medical systems.
  - According to the WHO, the world is short of 4.3 million healthcare workers.
  - The distribution of healthcare workers is massively unequal.
  - Orientation and support is necessary for immigrants.
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## Looking Forward

One of our major objectives when planning the Forum was to provide a retrospective of how fair access has evolved during the past decade. Our other major objective was to gain insight into the future of fair access and, in particular, the ways in which we might develop new programs and projects to advance fair access and address its numerous and dynamic facets.

We thank everyone who provided constructive feedback in their written evaluations.

In general, feedback was positive about the details of the Forum (venue, topics, speakers, etc.). However, written comments provided us with ideas to benefit from the Forum's momentum. More than a few said they wanted to share the ideas, set "common agendas" and discuss "next steps."

### Compilation of Participants' Ideas

#### Ideas Requiring Coordination among Stakeholders

- Develop more federal–provincial intercollaboration, perhaps under the aegis of a national fairness commissioner. Educate Ontario constituents about processes and best practices in other provinces and how provinces are expected to respond/adapt to interprovincial transfers of professionals in the face of jurisdictional barriers.
- Enhance communications between employers, government and regulatory bodies.
- Enhance dialogue between government, regulators and providers of bridge-training programs to better understand individual roles/responsibilities/commitments and discourage duplication of effort.
- Provide more information about what various sectors are doing (e.g., regulatory bodies, educational institutions, assessment agencies).
- Facilitate continuous discussions among government workers, OFC staff members and people on the front lines. OFC might consider developing subcommittees and working groups in this regard.
- Facilitate collaboration with and among the regulators of Ontario in addition to collaborating with regulators of other provinces.
- Advise OFC constituents about legislative changes and about the impact of immigration policies.

#### Ideas to Consider for Future OFC Events

- Make the Forum an annual event.
- Consider making the Forum a two-day event to enable participants to attend more than one session.
- Provide clear information about the progress the OFC is making.
- Ensure focus on a specific core issue and require all speakers to tie their presentations to this core issue, which would clarify the delineation of issues.
- Provide a continuing forum for dialogue, identifying a couple of key issues.
- Ensure that speakers present balanced opinions and perspectives.
- Provide more chances to network, including the list of Forum attendees, to continue fostering networking.
- Provide a written action report with recommendations, research studies and results to be presented to OFC constituents.
- Provide disaggregated data to truly understand OFC's impact (and next steps).
- Provide value for regulators—a more balanced view—especially in the breakout sessions.
- Share more tips and procedures for conducting assessments and the types of challenges that assessors face, in order to inform the design and administration of assessments.
- Weigh the pros and cons of assessing competencies in mid-career of internationally educated applicants who seek licensure.
- Enlist regulators to present case studies on their promising and best practices.
- Develop a session to address the current modes of bridging and the ways that bridging would better acknowledge diversity, access and sustainability issues.
- Institute more representation from employers, to know the perspective from which they hire immigrants, including those with and without professional licences in the regulated professions.
- Provide representation from internationally trained individuals.
- Consider sparking conversation with unlikely stakeholders.

- Organize a followup discussion or round table designed to address actions that have taken place since the Forum, or that have merit.
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