

Interview

With Ximena Munoz-
Manitoba's Fairness Commissioner



CRRF: What is the mandate of the office of Fairness Commissioner?

The mandate of the Office of the Manitoba Fairness Commissioner (OMFC) is to promote and ensure fair registration practices for the regulatory bodies that fall under the authority of The Fair Registration Practices in Regulated Professions Act (Act).

The Manitoba Fairness Commissioner and staff are responsible for:

- providing regulators with information and advice concerning the requirements of the Act
- reviewing the registration practices of regulators for compliance to the Act
- making recommendations and working directly with regulators to improve pathways for immigrants trying to establish their careers in Manitoba
- reporting to the Minister of Labour and Immigration about matters concerning the implementation of the Act and the state of fair registration practice.

CRRF: Why is the Office necessary?

The Office of the Manitoba Fairness Commissioner (OMFC) is responsible for the implementation of The Fair Registration Practices in Regulated Professions Act (Act). In the interests of social justice and economic prosperity, the Government of Manitoba recognizes the need to do a better job recognizing the knowledge and expertise skilled immigrants bring to our community. The OMFC is necessary to support the work of the Fairness Commissioner and ensure that regulatory practice in Manitoba successfully adapts to the new global reality of skilled migration.

CRRF: What does internationally educated mean?

Internationally educated refers to a person who has been educated in a country other than Canada to practice a regulated profession.

CRRF: What are the challenges which immigrant professionals encounter in entering the Canadian market place?

Skilled immigrants face a variety of barriers that can frustrate

their ability to acquire professional employment. The first challenge is to be recognized and licensed by the appropriate regulatory body. In the regulated professions, registration is required to be able to legally practice or have legal use of professional title. It often takes skilled immigrants several years navigating the registration process to receive recognition.

Upon recognition, immigrants can still face obstacles to employment from employers that are unaware of the skills and experience that highly skilled immigrants can provide.

CRRF: What is a regulated profession and what are these professions?

A regulator is an association or government body responsible for the governance of a profession. The regulator sets standards of practice and qualifications. It assesses an individual's education and experience, and must grant them a license before they can legally practice their profession.

Today, the Fair Registration Practices in Regulated Professions Act applies to these 31 regulated professions in Manitoba:

HEALTH PROFESSIONS

- College of Dietitians of Manitoba
- College of Dental Hygienists of Manitoba
- College of Licensed Practical Nurses of Manitoba
- College of Medical Laboratory Technologists of Manitoba
- College of Midwives of Manitoba
- College of Occupational Therapists of Manitoba
- College of Physiotherapists of Manitoba
- College of Podiatrists of Manitoba
- College of Registered Nurses of Manitoba
- College of Registered Psychiatric Nurses of Manitoba
- Manitoba Association of Optometrists
- The Manitoba Association of Registered Respiratory Therapists
- The Manitoba Chiropractors Association
- The College of Physicians and Surgeons of Manitoba
- The Manitoba Dental Association
- The Denturists Association
- The Manitoba Naturopathic Association
- The Manitoba Pharmaceutical Association
- The Manitoba Speech and Hearing Association
- The Opticians of Manitoba
- The Psychological Association of Manitoba

OTHER PROFESSIONS

- Association of Manitoba Land Surveyors
- Association of Professional Engineers and Geoscientists of the Province of Manitoba
- Certified Management Accountants Manitoba
- Certified Technicians and Technologists Association of Manitoba Inc.
- Manitoba Institute of Agrologists
- Manitoba Veterinary Medical Association
- The Certified General Accountants Association of Manitoba
- The Institute of Chartered Accountants of Manitoba
- The Manitoba Association of Architects
- The Law Society of Manitoba

CRRF: What is a college?

A college is most often a post-secondary institution. However, some regulators call themselves colleges, but they are not post-secondary institutions.

CRRF: How will your office help the labour market in your province

The Office works to ensure internationally educated immigrants have access to assessment and registration practices that result in more effective pathways to recognition and licensure. Increasing the number of recognized skilled professionals in the marketplace better enables employers meeting their skilled labour needs.

CRRF: Does your office conduct an audit, and do you ensure that regulators comply with the Act?

No, the office does not conduct formal audits with the regulators subject to the Act.

Manitoba's Registration Review process consists of a joint review that assesses the compliance of a regulator's practice. Together, a regulator and the Office review the regulator's assessment and recognition process and provide an analysis of registration requirements; timelines for decision-making; registration fees and the registration of internationally educated applicants

If the report reveals any barriers to registration, the Office and regulator will work together to eliminate them.

CRRF: What happens if a regulator does not comply with the Act?

The penalty for an offence is a fine of up to \$25,000.

CRRF: If an immigrant's qualifications are not recognized by the regulator, who can help?

Depending on the need and circumstance of the individual, the Government of Manitoba offers a variety of supports and services. We recommend visiting the links section of our website, www.gov.mb.ca/fairnesscommissioner, to find out where you can go for help.

CRRF: Can you help in getting foreign credentials recognized so immigrant professionals can practice their profession?

No, this is not a function of this office. Regulators assess qualifications or use a third party to do so. We work with regulators to ensure fair assessment practices.

CRRF: Are there specific problems which immigrant women encounter in having their qualifications recognized?

We fully support the principle of gender equality, but to date, have not encountered any gender equality issues in our experience with regulatory practice in Manitoba.

CRRF: What are the challenges which you have encountered to date, and how are you addressing them?

The Act and the office represent a new phase in the Government of Manitoba's continued commitment to the integration of immigrants.

So far, we have been working to design and implement a process for working effectively and fairly with the regulators. We are challenging Manitoba's regulatory bodies to provide more effective and efficient assessment of internationally acquired skills and expertise. Some solutions are at hand and simply require coordination and resource support. Others are more challenging, requiring the development of new, innovative approaches.

Interview

With Jean Augustine
Fairness Commissioner



CRRF: What is the mandate of the Office of Fairness Commissioner?

The Office of the Fairness Commissioner assesses the registration practices of certain regulated professions in Ontario. Its purpose is to make sure these practices are transparent, objective, impartial and fair for anyone applying to practise his or her profession in Ontario.

The office requires the bodies that regulate the professions to review their own registration processes, submit reports about them and undergo audits.

CRRF: Why is the Office necessary?

The office is necessary because it is important to treat people fairly when they apply to register in the professions. People should be able to put their professional skills and experience to work, regardless of where they were educated.

Since April 2007, when we opened, we have made steady progress towards fairer registration and licensing in the Ontario professions. For instance:

The Law Society of Upper Canada no longer makes internationally trained lawyers go through a mandatory articling period.

The Ontario College of Pharmacists will allow more flexibility in some of its programs.

The Ontario College of Teachers no longer requires teachers educated outside Canada to teach in Ontario for one year before they get permanent teaching certificates.

The College of Physicians and Surgeons of Ontario has created new 'pathways' for doctors trained overseas. There is more to be done for internationally trained doctors who are already in Ontario. But the new pathways are a good start.

CRRF: What does internationally educated mean?

An internationally trained or educated (or foreign-trained or foreign-educated) person is someone who has been educated in a country other than Canada to practise a regulated profession.

CRRF: What are the challenges which immigrant professionals encounter in entering the Canadian market place?

Although my mandate isn't directly job-related, immigrant professionals often seek me out to tell me their experiences. They say they have problems with credential assessment, language competency, requirements for Canadian experience, and, above all, with the job market. A professional licence is no guarantee of a good job.

What is a regulated profession and what are these professions?

A regulated profession is one that governs its own members in the public interest. Its authority to do this comes from a provincial statute; e.g., the Ontario College of Teachers Act.

A regulatory body oversees the profession; e.g., the Ontario College of Teachers. Professionals need the authority of the regulatory body to actually practise the profession.

In Ontario, the 36 regulatory bodies below are currently subject to the fair access laws.

- Ontario Association of ARCHITECTS
- College of AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS of Ontario
- Institute of CHARTERED ACCOUNTANTS of Ontario
- College of CHIROPODISTS of Ontario
- College of CHIROPRACTORS of Ontario
- College of DENTAL HYGIENISTS of Ontario
- Royal College of DENTAL SURGEONS of Ontario
- College of DENTAL TECHNOLOGISTS of Ontario
- College of DENTURISTS of Ontario
- College of DIETITIANS of Ontario
- College of EARLY CHILDHOOD EDUCATORS
- Ontario Association of Certified ENGINEERING TECHNICIANS AND TECHNOLOGISTS

- Professional ENGINEERS Ontario
- Ontario Professional FORESTERS Association
- Certified GENERAL ACCOUNTANTS Association of Ontario
- Association of Professional GEOSCIENTISTS of Ontario
- Association of Ontario LAND SURVEYORS
- LAW Society of Upper Canada
- Society of MANAGEMENT ACCOUNTANTS of Ontario
- College of MASSAGE THERAPISTS of Ontario
- College of MEDICAL LABORATORY TECHNOLOGISTS of Ontario
- College of MEDICAL RADIATION TECHNOLOGISTS of Ontario
- College of MIDWIVES of Ontario
- College of NURSES of Ontario
- College of OCCUPATIONAL THERAPISTS of Ontario
- College of OPTICIANS of Ontario
- College of OPTOMETRISTS of Ontario
- Ontario College of PHARMACISTS
- College of PHYSICIANS AND SURGEONS of Ontario
- College of PHYSIOTHERAPISTS of Ontario
- College of PSYCHOLOGISTS of Ontario
- College of RESPIRATORY THERAPISTS of Ontario
- Ontario College of SOCIAL WORKERS AND SOCIAL SERVICE WORKERS
- Ontario College of TEACHERS
- College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
- College of VETERINARIANS of Ontario

CRRF: What is a college?

Some professional regulatory bodies are called colleges, but they are not schools.

CRRF: How will your office help the labour market in your province?

The job market in Ontario is shifting rapidly as a result of immigration, the recession and the reform of labour mobility laws across Canada.

My office is focused on improving access to the professions, and that, in turn, enables highly qualified people to work at their full potential. Many newcomers bring international experience and expertise that boosts the Ontario economy and helps Canadian organizations compete internationally.

CRRF: Does your office conduct an audit, and do you ensure that regulators comply with the Act?

My office ensures that each regulatory body undergoes an audit, but does not do audits itself. Each regulatory body hires a licensed public accountant from a list of acceptable auditors. The audit is an independent examination of the regulator's registration procedures. This kind of audit does not examine financial practices; instead, it examines compliance with the law.

CRRF: What happens if a regulator does not comply with the Act?

If I conclude that a non-health profession has not complied with the fair access laws, I may make a 'compliance order' requiring it to take action. The regulatory body has an opportunity to respond.

If I decide a health regulator is not in compliance, I may ask it to 'undertake' certain actions and make recommendations to the Minister of Health and Long-Term Care about follow-up.

Ultimately, a person guilty of an offence is subject to a fine of up to \$50,000, and a corporation \$100,000.

CRRF: If an immigrant's qualifications are not recognized by the regulator, who can help?

Organizations of immigrant professionals can often steer newcomers to useful resources, networks of colleagues and sources of support.

Individuals can contact HealthForceOntario or Global Experience Ontario to find out how to qualify for professional practice in Ontario.

Can you help in getting foreign credentials recognized so immigrant professionals can practice their profession?

My office works with Ontario's regulatory bodies to ensure that their registration practices are transparent, objective, impartial and fair. We do not have a mandate to advocate for individuals or to assess credentials.

CRRF: Are there specific problems which immigrant women encounter in having their qualifications recognized?

The mandate of the Office of the Fairness Commissioner is focused on the creation of systemic change and has not yet

included analysis by gender.

CRRF: What are the challenges which you have encountered to date, and how are you addressing them?

The law covers both health and non-health professions, but some provisions differ; e.g., the non-health professions must make their audit reports public and the health professions do not. Although consistent legal requirements would be useful, we are following two parallel tracks for the two groups of professions.

In Ontario most regulators outsource the assessment of qualifications to other organizations such as national bodies, examining boards and universities. My office has only a limited role in working with these organizations; we monitor them. To address this challenge, we are working with the regulators to ensure they know it is their responsibility to keep their qualifications assessment agencies transparent, objective, impartial and fair.

One of my biggest challenges is the burden of public expectation. Many seem to think that we can fix things fast. My office, however, is working for systemic change, not for ad hoc fixes.

More information:

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