

Clearing the Path: Recommendations for Action in Ontario's Professional Licensing System

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OFC: WHO WE ARE AND WHAT WE DO

The Office of the Fairness Commissioner (OFC) is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions Act, 2006.

The establishment of the OFC was a watershed in improving the processes for professionals to get their licences and therefore work at their professions in Ontario. The work of the OFC has no precedent.

The OFC's mandate is clear: to ensure transparent, objective, impartial and fair registration processes. Its vision is to create systemic change.

To do this, the office needs a solid understanding of the practices and experiences of three groups: professionals' regulatory bodies; qualifications assessment agencies (such as agencies that set exams); and applicants themselves. Over the last three years, the OFC has collected comprehensive information from and about the regulators. It has analyzed how qualifications assessment agencies perform their work. And now it has completed the final piece of the registration puzzle: understanding the experiences of applicants.

WHAT WE HAVE LEARNED

Registration is complex, costly, and time-consuming. Steps can and should be taken to make the process less cumbersome.

We do not believe the obstacles faced by some applicants are deliberate or mean-spirited. We are confident that Ontario regulatory bodies all support and promote fair registration. They demonstrate goodwill and are working proactively to improve their registration practices.

Not all applicants encounter unexpected or impassable difficulties. But the common concerns of those who have negative experiences indicate systemic problems that must be addressed.

Communication — and a lack of clear, consistent messages — is a central concern. For example, there is a wide gulf between information delivered by the federal immigration system and the provincial regulatory licensing system. Potential immigrants are told that they will earn federal immigration points for education and professional work experience, yet they face what they consider onerous provincial licensing requirements once they arrive in Canada.

In a multi-layered system such as ours, multiple parties are responsible for fixing problems: regulatory bodies, other stakeholder organizations, governments, and applicants themselves.

APPLICANTS' STUDY

In December 2008, the OFC began a research study called Getting Your Professional Licence in Ontario: the Experiences of International and Canadian Applicants — the first-ever study of applicants' experiences in Ontario. The research was conducted in the spring and summer of 2009, and involved:

- a literature review
- an online survey
- five focus groups

Nearly 3,800 respondents across 37 regulated professions participated in the research.

The study is available at www.fairnesscommissioner.ca. All section and page numbers cited below are from this study.

Findings from this study include the following:

- Problems are not confined to one or two professions. There are commonalities across the registration system.
- Internationally educated people have a particularly hard time navigating Ontario's professional licensing system.
- Internationally trained individuals are much more likely to be unemployed, or to be working in a field unrelated to their professional training, than domestically trained individuals.

The research study's survey found that a majority (76%) of domestically trained individuals were currently employed in their profession, while less than half (44%) of internationally trained individuals were employed in their field. Three times as many internationally trained individuals (37%) were unemployed or were employed in an unrelated field compared to those trained in Canada (11%). (Section 3.3, pages 15–16)

- Health care professionals trained in Canada are much more likely than their internationally trained counterparts to complete the licensing process in less than one year.

The survey revealed that a majority (78%) of domestic health professionals took less than a year to complete the process, compared to just 28% of international health professionals. (Section 4.1.3, pages 27–28)

One of the reasons it takes international professionals (in health care and other fields) longer is the fact that a significant number of regulators require them to get Canadian work experience or additional training, regardless of their international experience.

- Many applicants find the process for completing the licensing exams, language proficiency exams and required education to be difficult, lengthy and emotionally challenging.

Comments from focus group participants illustrate the frustration:

“I had heard about the length of the process.... I heard that it takes at least two years.... I knew several people who came here for their exams and most of them actually gave up because of the prolonged process.” (Page 67)

“It would have been really helpful if someone had said, ‘You know, there is a good chance that you may not be recognized in Canada when you come over.’” (Page 68)

- Applicants commonly complained about insufficient information about the criteria and requirements for becoming licensed, websites that are difficult to navigate, unclear timelines, and staff who are unsympathetic or unhelpful in dealing with questions and concerns.

Again, focus group comments are revealing:

“Lots more information needs to be told to people before they come — e.g., waiver of fees if apply in first year in country, how long the process takes, what is required, etc. Some information is buried in the site; it needs to be more up front.” (Page 66)

“Staff at the regulatory body were reluctantly helpful and made me feel that I should know what I was supposed to do, despite the website not being completely clear. I can’t imagine how difficult it would be for someone new to Canada who doesn’t speak the language well or have co-workers to guide them through the process.” (Page 70)

- Preparation is a key factor in avoiding licensing difficulties.

Many respondents to the research study survey recommended that applicants should begin the process while still in their home countries by sending in official transcripts and other required documents.

Some focus group participants were so dissatisfied that they suggested that applicants not come to Canada at all. Their main suggestion for those planning to come was to be prepared to support themselves for at least a year and to have enough money to pay for all of the licensing process.

- Despite public perceptions and research to the contrary, respondents to the research study survey did not identify language as a barrier.

Across the board, a majority of the applicants indicated that they were skilled readers (95% domestic, 90% international), writers (91% domestic, 81% international) and speakers (92% domestic, 79% international) of English. (Section 6.3.2, page 55)

RECOMMENDATIONS

TO REGULATORY BODIES

Regulatory bodies have direct responsibility for licensing professionals in Ontario. Following are recommendations to improve the licensing process:

- Improve communication with applicants by:
 - clearly identifying all of the steps required to get a professional licence in Ontario
 - posting information on your websites about the amount of time registration normally takes and the cost of the process
 - giving applicants clear reasons if they are denied a licence
- Streamline registration processes by reviewing and eliminating unnecessary steps and speeding up decision-making so applicants have answers sooner.
- Review Canadian work experience requirements to ensure they are relevant and necessary. Recognize and value comparable work experience obtained outside Canada.
- Enable potential immigrants to complete most of the steps for registration before they arrive in Canada.
- Provide stricter oversight when outsourcing assessments of qualifications. Many regulatory bodies outsource assessments to organizations such as universities and national agencies. You must take your relationship with these qualifications assessment agencies very seriously, because they directly affect who gets into the professions and who doesn't. Hold qualifications assessment agencies accountable for transparent, objective, impartial and fair assessments. (See recommendations to Qualifications Assessment Agencies, below.)

Of all the licensing systems used by regulated professions in Ontario, the system to license doctors is the most complicated. Following are recommendations related specifically to the physician licensing system:

- Provide alternatives to mandatory postgraduate training or residency programs to allow qualified international medical graduates to get licensed more quickly.
- Initiate individualized assessment regimes for qualified international medical graduates.

TO QUALIFICATIONS ASSESSMENT AGENCIES

Third-party qualifications assessment agencies often have significant impact on decisions about granting licenses. These agencies decide whether academic credentials are equivalent, determine whether occupation-specific credentials are acceptable, judge competency, assess skills and knowledge, and run exams.

More than three-quarters of Ontario regulators have outsourced assessments.

Following are recommendations to ensure that the work of these organizations dovetails with, rather than duplicates, the work of regulatory bodies:

- Without waiting for direction from regulatory bodies, remove overlaps so that candidates do not have to go through costly and lengthy duplicate verifications.
- Publish details about the documents you require, state clearly how you will assess candidates, help them get documents from overseas, and assess the credentials of immigrant candidates before they move to Canada.

“Being a new immigrant, I had my credentials evaluated by an evaluation service. I had to go to India to have my transcripts sent from various institutions.... I also applied for a licence to practise in my profession, but the regulatory body did not accept my evaluation report. In order to complete their process I have to arrange for the same transcripts to be sent from India all over again.” (OFC’s Study of Qualifications Assessment Agencies, March 2009, page 20)

TO THE GOVERNMENT OF ONTARIO

As the overseer of all regulatory practices, the Government of Ontario has a key role to play in improving the licensing system. Following are recommendations for provincial ministries:

- Open the Ontario Student Assistance Program (OSAP) or other needs-based financial aid to internationally trained professionals who must upgrade their education or training.
- Decide within six months whether to approve or reject regulators’ proposed changes to regulations or laws affecting licensing.

Currently, these decisions have no time limits. In some instances, decisions have taken so long that the requests need to be repeatedly rewritten because the information is out of date. For example, the College of Massage Therapists of Ontario has been waiting for approval of its registration regulation since 2002.

- In the health care sector, convene the seven organizations — national and provincial, including the Ministry of Health and Long-Term Care itself — involved in the complex process for licensing doctors, in order to:
 - Ensure transparency in the decisions they make on licensing.
 - Eliminate duplication across the licensing system.
 - Identify alternative licensing streams to recognize existing qualifications.

The seven organizations are: Ministry of Health and Long-Term Care, College of Physicians and Surgeons of Ontario, Medical Council of Canada, Royal College of Physicians and Surgeons of Canada, College of Family Physicians of Canada, Centre for the Evaluation of Health Professionals Educated Abroad, and Council of Ontario Faculties of Medicine.

TO THE GOVERNMENT OF CANADA

Although professional licensing is within provincial jurisdiction, the federal government is responsible for admitting skilled immigrants and therefore has an important role to play. Following are recommendations for the Government of Canada to ensure it is not creating unnecessary challenges for applicants to regulated professions:

- Ensure that professionals who apply to immigrate to Canada are informed that there is a provincial licensing process.

In Quebec, immigrant professionals must sign a “Declaration by a candidate in a profession governed by a professional order in Québec” (Ministère de l’Immigration et des Communautés culturelles). This signing proves that they know there are no guarantees of licensure or employment, if they or their spouses plan to practise a regulated profession.

- Before immigrant professionals arrive, give them realistic, clear and up-to-date information about licensing requirements in destination province(s).

TO APPLICANTS

Ultimately, individual applicants must take responsibility for their own futures. Following are recommendations for professionals seeking Ontario licences, to help them avoid disappointment and frustration:

- Know the cost and be prepared to support yourself and your family during the licensing process.
- Do your homework before moving to Ontario or immigrating to Canada. Ensure that you are sourcing credible information, and are not relying on friends or anecdotes.
- Complete as much of the licensing process as possible before leaving your home country.