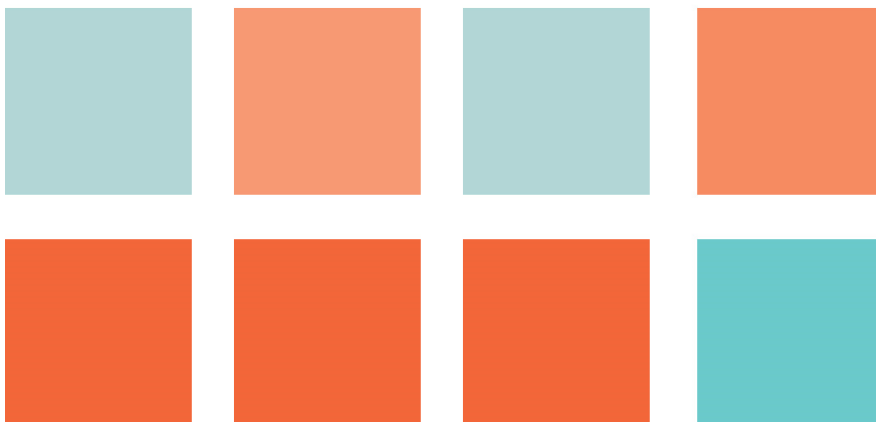


**RNAO Submission to Standing  
Committee on Finance and  
Economic Affairs re  
Schedule 6 of Bill 106,  
*Pandemic and Emergency  
Preparedness Act, 2022***

Apr. 6, 2022



The Registered Nurses’ Association of Ontario (RNAO) is the professional association representing more than 48,000 registered nurses (RN), nurse practitioners (NP), and nursing students, in all roles and sectors across Ontario. Since 1925, RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses’ contributions to shaping the health system, and influenced decisions that affect nurses and the public they serve. RNAO welcomes the opportunity to provide feedback to the Standing Committee on Finance and Economic Affairs re Schedule 6 of Bill 106, *Pandemic and Emergency Preparedness Act, 2022*.

RNAO supports the amendments set out in Schedule 6 of Bill 106. The proposed changes to the *Regulated Health Professions Act, 1991* (RHPA) will facilitate fair and timely consideration of applications for registration for internationally-educated nurses (IEN). These amendments are not just a matter of fairness to IENs but also to Ontario’s critically understaffed nursing workforce. Ultimately, these amendments will improve the access of all Ontarians to health care.

**A growing backlog of internationally educated nurses**

The College of Nurses of Ontario (CNO) has carried a growing backlog of IEN applicants for over a decade.<sup>1</sup> The evidence shows that that backlog grew in the early stages of the pandemic.

**IEN applications for registration with CNO**

	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009
<b>New applicants</b>	6,315	4,556	4,710	3,758	2,967	1,115	3,635	4,123	5,517	4,870	3,878	3,303
<b>Applicants actively pursuing licensing</b>	14,633	14,574	13,331	9,581	12,374	11,985	13,941	19,253	14,316	11,313	9,335	7,118
<b>"Inactive" applicants (applicants who had no contact with your organization in the reporting year)</b>	5,080	4,608	3,550	4,725	1,909	3,577	3,936	4,072	4,557	3,637	2,166	4,649
<b>Applicants who became fully registered members</b>	2,123	1,958	1,883	1,335	1,263	1,569	1,372	742	1,761	1,012	772	739

The most recent report of the Office of the Fairness Commissioner<sup>2</sup> shows that, as of 2020, there were approximately 26,000 IEN applicants for registration – excluding US-educated applicants – with the CNO. As applicants for registration with the CNO, these IENs have already had the documentation supporting their application validated by the National Nursing Assessment Service (NNAS). Further, NNAS will have provided the CNO with a report assessing the Canadian equivalency of the applicant’s educational experience.<sup>3</sup>

As illustrated by the large and growing backlog of IEN applicants, the registration process with CNO is inordinately and unnecessarily long and arduous. This is of grave concern to RNAO. IENs advise RNAO

that they are forced to confront significant obstacles on the path to registration that can take several years - up to seven years and more. These include:

- excessive wait times,
- inconsistent messaging from the numerous stakeholders involved in the process,
- high costs-- many related to time lags, and lost salary due to inability to work as a professional nurse in Ontario

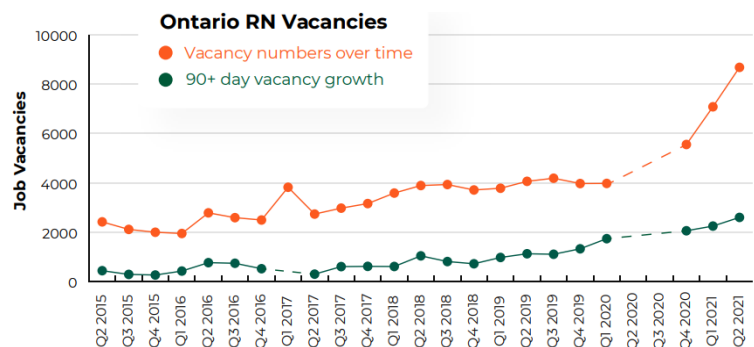
### Ontario's nursing workforce needs relief

IENs have always had a significant contribution to make to Ontario's nursing workforce and to the health of Ontarians. Never has this been truer than in the context of the COVID-19 pandemic and the enormous surgical and treatment backlog it has created. However, the CNO's registration process appears unchanged in spite of longstanding RN understaffing in Ontario, the extant pandemic and the consequent nursing crisis.

Ontario entered into this pandemic with a 22,000 RN deficit on an RN/capita basis compared to the rest of Canada. <sup>4</sup>That RN shortage has grown into a full-blown nursing crisis through the COVID-19 pandemic as Ontario's overburdened workforce has had to care for others and their families with no respite and while under wage restraint legislation. Statistics Canada<sup>5</sup> data shows the enormous growth of RN vacancy rates in Ontario through the pandemic and reveals the challenges of health organizations to fill those vacancies as illustrated in the graph below.

#### Evidence of a growing RN human resource crisis

Source: Statistics Canada. (2021). *Job vacancies, second quarter 2021*.



The CNO backlog of IEN applicants provides an opportunity to fulfill the desire of internationally educated nurses and respond to the nursing human resource crisis and the health system backlog.

### Existing oversight of the registration process

In 2006, new legislation was enacted, the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, in response to concerns about unfair treatment of internationally educated professionals and tradespeople. The persistence and growth of an enormous backlog of IEN applicants has exposed the shortcomings of the existing legislation for regulated health professions. The RHPA, even with the

incorporation of the oversight of the Office of the Fairness Commissioner, has *prima facie* failed to ensure that IEN applications are considered and processed in a fair and timely way. And, with a backlog of well over 20,000 IEN applicants in the context of a nursing human resource crisis, it is clear that the current legislative regime is not ensuring that the public interest is being met. Indeed, today's nursing human resource crisis threatens the effective functioning of Ontario's health care system.

As a result, RNAO strongly endorses the following amendments to the RHPA as set out in Schedule 6 of Bill 106:

1. Canadian Experience

**Amendment of the Health Professions Procedural Code that prohibits colleges from requiring Canadian experience as a qualification for registration and new regulation-making powers in relation to this amendment.**

This is currently incorporated in the registration requirements of the CNO, enabling IENs to meet the currency of practice requirement through practice in the category in which they are applying in a country outside of Canada.

2. Language Proficiency

**Amendment of the Health Professions Procedural Code that requires colleges to comply with the regulations respecting their English or French language proficiency requirements and new regulation-making powers in relation to this amendment.**

This is currently being addressed by the College of Nurses of Ontario in their changes to the English language requirement, in force as of March 7, 2022.<sup>6</sup>

3. Amount of time in which Colleges must make decisions

**The addition of new regulation-making power that would allow for the establishment of time limits in which Colleges must make certain decisions related to registration.**

RNAO recommends Colleges, including the CNO be provided with up to 18 months to address backlogs in the IEN registration process and that the subsequent timeframe include provisions for response time, as well as registration time following receipt of necessary documents. These time frames should be consistent with regulations recently proposed for the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*. RNAO further recommends that the Office of the Fairness Commission be charged with the responsibility for actively monitoring and addressing timeframe infractions, annually.

#### 4. Emergency classes of registration

**Amendment of the Health Professions Procedural Code that would require the Councils of the Colleges to make regulations establishing an emergency class of registration that meets the requirements set out in the regulations and new regulation-making powers in relation to this amendment.**

RNAO is aware of a number of situations where IENs have met the registration requirements however, are trapped in specific regulatory formalities or procedures. While the CNO has both Emergency Assignment Class Registration and Temporary Class Registration,<sup>7</sup> IENs, regardless of their registration process status, are not eligible for either class. RNAO strongly recommends the proposed emergency class of registration be extended to IENs who are deemed safe to practice based on the CNO registration requirements.

#### **Conclusion**

RNAO applauds the government for taking this step to ease registration processes in the health professions for those nurses and others already in Ontario so they can practice in their career of choice in their country of choice in a fair and timely manner. The IEN applicants for CNO registration have made Canada their home and seek to bring their expertise and skills to our health system at a moment of great need. We have an obligation to these applicants – and to our exhausted nursing workforce yearning for support and relief – to allow IENs to join Ontario’s nursing workforce. We urge the Committee to support the legislative amendments as set out in Schedule 6 of Bill 106.

---

<sup>1</sup> College of Nurses of Ontario. Fair Registration Practices Reports to the Office of the Fairness Commissioner 2009-2020. Retrieved from <https://www.cno.org/en/become-a-nurse/fair-registration-practices-report/> .

<sup>2</sup> Office of the Fairness Commission Report. (2020). Office of the Fairness Commissioner: Toronto, Ontario.

<sup>3</sup> National Nursing Assessment Service (NNAS). Annual Report (2020/21). Retrieved from <https://www.nnas.ca/wp-content/uploads/2021/10/NNAS-2021-Annual-Report-EN.pdf>

<sup>4</sup> Registered Nurses’ Association of Ontario. (2020). Ontario’s Nursing Crisis: Your health, your health system. Technical backgrounder. Retrieved from <https://rnao.ca/sites/default/files/2022-01/Platform%20Tech%20Backgrounder%20-%202022.pdf>

<sup>5</sup> Statistics Canada. (2021). Job vacancies, second quarter. 2021. Retrieved from <https://www150.statcan.gc.ca/n1/en/dailyquotidien/210921/dq210921a-eng.pdf?st=0Be6M-5P>

<sup>6</sup> College of Nurses of Ontario Language Proficiency Requirement. (2022). Retrieved from <https://www.cno.org/en/become-a-nurse/registration-requirements/language-proficiency/>

<sup>7</sup> College of Nurses of Ontario Classes of Registration. (2020). Retrieved from <https://www.cno.org/en/become-a-nurse/classes-of-registration/>