

**A Time for Inclusion:
Fair Access to Regulated
Professions Act, 2006**

**Submission to the Standing
Committee on Regulations and
Private Bills**

November 22, 2006

**Registered Nurses' Association
of Ontario (RNAO)**



158 Pearl St. Toronto, Ontario M5H 1L3
phone: 416-599-1925 toll free: 1-800-268-7199 fax: 416-599-1926
www.rnao.org

Table of Contents

Introduction	3
Background on the Experience of Internationally Educated Professionals..	3
Steps in the Right Direction	4
Accountability and Oversight – Getting it Right.....	5
A Difficult Balance	6

Introduction

The Registered Nurses' Association of Ontario (RNAO) is the professional organization for registered nurses who practice in all roles and sectors across Ontario. Our mandate is to advocate for healthy public policy and for the role of nursing in shaping and delivering health services. RNAO is pleased to present this submission on Bill 124, the Fair Access to Regulated Professions Act, to the Standing Committee on Regulations and Private Bills.

As regulated professionals, Ontario RNs support regulatory colleges' essential role in maintaining and enhancing professional standards, and in protecting the public interest. At the same time, public interest and simple justice demand that all qualified professionals have access to registration in a timely and fair basis. All too often, however, internationally-trained professionals face significant barriers to qualifying for registration in Ontario. RNAO applauds the proposed measures in this Bill to ensure that registration practices are transparent, objective, impartial, and fair. We ask that you ensure that these measures can be realized efficiently while maintaining standards and protecting the public.

RNAO supports the right of nurses who choose to come to Ontario to practice their profession, and we support measures to help them integrate into our health-care system. However, we strongly oppose international recruitment of nurses or other health-care professionals as a government health human resources strategy.¹ In our view, it is unethical to "poach" nurses from other jurisdictions, particularly those with shortages and acute health-care needs.

Bill 124 takes a number of steps in the right direction, and RNAO has a series of recommendations for strengthening the Bill.

Background on the Experience of Internationally Educated Professionals

Immigrants face many challenges when arriving in a new jurisdiction, and Ontario is no exception. One such challenge is obtaining employment commensurate with experience. A report for Statistics Canada found that 52% of recent immigrants with a university degree were overqualified in their position over the period 1993-2001.^{2 3} This was almost twice as high as the 28% of their Canadian-born counterparts.

The problems facing new immigrants are becoming more pronounced. As a United Way report concludes, "the barriers to labour market integration of recent newcomers include the increasing difficulty they are experiencing getting accreditation, the 'catch-22' requirements for Canadian work experience, as well as discrimination in the marketplace. The consequence is that newcomers today are not doing as well economically as earlier generations of immigrants."⁴

This discrimination manifests in a variety of ways, such as: differential treatment in recruitment, hiring and promotion; reliance on non-transparent recruitment, such as word of mouth; devaluation of internationally earned credentials; and, devaluation of international employment experience.⁵

This unequal access to employment contributes to differential poverty rates as well. Statistics Canada data show that the poverty rate among immigrant families in Toronto

has risen sharply, from 14.8% in 1981 to 24.0% in 2001; comparatively, the poverty rate for Canadian-born families has risen much more slowly (from 12.0% in 1981 to 14.7% in 2001).⁶ Immigrant families now form a large majority of the family population in Toronto's lower-income neighbourhoods, rising from 48.5% in 1981 to 62.4% in 2001.⁷

Increasing fairness in access to regulated professions will:

- Decrease poverty and social exclusion, both of which are determinants of health;
- Increase equality of opportunity in employment and meet the objectives of fairness and equity; and
- Benefit the economy through fuller use of Ontario's human resources.

Bill 124: A Step in the Right Direction

Bill 124 would provide more uniform registration practices, and allow for oversight by a Fairness Commissioner. The Bill spells out duties professions would have with respect to registration practices under the proposed Act:

- What information must be available to applicants;
- Timeliness in written responses to applications and to reviews and appeals;
- Public availability of information on required documentation;
- Transparent, objective, impartial, and fair assessment of applications;
- Trained assessors and decision-makers; and,
- Right of applicants' access to records, with certain exceptions.

The Bill would establish an Access Centre for Internationally-Trained Individuals to provide information and assistance for applicants for registration; provide schools, employers, and occupational associations, with training and information on fair registration practices, and; serve as a government resource on dealing with internationally-trained individuals. This would assist internationally-trained professionals in navigating through the registration system.

RNAO recommends strengthening the Access Centre by requiring it to provide advocates trained in application and appeal procedures. RNAO also supports requiring the Access Centre to evaluate the equivalence of standards for regulatory bodies and educational institutions between Ontario and other jurisdictions. This information would assist regulatory bodies in Ontario in assessing credentials.

The office of the Fairness Commissioner would provide oversight through reporting and audit requirements specified in the Bill. The Fairness Commissioner would make an annual report on the implementation and effectiveness of the proposed Act; **RNAO recommends that the proposed Act require the Fairness Commissioner to report annually on the impacts of the Act on certification and employment of internationally-trained professionals.** For professions governed under the Regulated Health Professions Act, the Fairness Commissioner would have the power to make recommendations to the Minister of Health and Long-Term Care on steps any College should make to comply with the proposed Act.

The Bill would require regulatory bodies to train individuals who assess qualifications and make registration decisions. **RNAO recommends that training in anti-discrimination, anti-racism and cultural competency also be required.**

The Bill would require that regulated health professions continue to be governed under the Regulated Health Professions Act (RHPA), which will be amended consistent with the proposed Act. **RNAO supports keeping the RHPA professions under the RHPA and answerable to the Minister of Health and Long-Term Care.**

There are several existing programs that facilitate registration of internationally-educated nurses (IENs) in Ontario. The CARE Centre for Internationally-Educated Nurses has had success in assisting internationally-trained nurses to prepare for qualifying exams once they have met their academic requirements. **RNAO recommends that the government continue to support this program, and expand it to assist other internationally-educated nurses to meet their academic requirements.** The Access Centre should operate as a complement to and not as a replacement for the CARE Centre.

IENs also benefit from several bridging programs at Mohawk College/McMaster University, Algonquin College/University of Ottawa, La Cité collegial/Université d'Ottawa, and York University. The Post-RN Bachelor of Science in Nursing Program at York offers a 20-month program for internationally-trained RNs to more quickly meet current academic entry-to-practice requirements in Ontario. The first class will graduate in December 2006. The program also offers an intensive ESL component created for health professionals. **RNAO recommends that the government continue to support this program, and recommends studying the program with a view to expanding its scope.**

Challenges to integrating internationally-trained professionals do not end with the registration process. IENs who successfully register in Ontario continue to face barriers integrating into Ontario's health-care system. Increasing post-registration supports is also crucial.

Accountability and Oversight – Getting it Right

The government has taken significant steps in enhancing accountability for government programs – in particular in the health care sector. An independent Fairness Commissioner would be another piece of the accountability puzzle.

The auditing and reporting requirements outlined in the Bill would raise existing requirements. This would impose additional costs on the regulatory bodies. This should come as no surprise; Ontarians increasingly expect transparency and accountability, and know that it comes with a price. They also know that a lack of transparency and accountability can be very costly. **RNAO recommends that the government consult with regulatory bodies about cost-effective ways of delivering necessary oversight and accountability, and develop a timeline for implementing various sections of the Act.**

RHPA colleges already have a measure of accountability through the Cabinet-appointed Health Professions Appeal and Review Board (HPARB). HPARB receives appeals of College decisions about complaints and registration applications. All applicants for

registration to regulated professions ought to have recourse to an independent tribunal. **For professions lacking an independent appeal process, RNAO endorses the call for an independent regulatory appeal tribunal with adequate resources to do timely, high-quality reviews of registration decisions.**

A Difficult Balance

Bill 124 addresses a number of policy objectives:

- Creating a registration process for regulated professions that is more fair, transparent and timely;
- Standardizing accountability measures across regulated professions;
- Identifying strategies to draw more fully upon Ontario's human resources – particularly those in the recent immigrant community; and,
- Building a more inclusive Ontario.

RNAO applauds the steps taken in the legislation to meet those objectives, and calls upon government to ensure they are implemented efficiently and effectively while continuing to protect public safety. RNAO advises the government to take the following steps to help make access to regulated professions fair and timely:

- Strengthen investment in programs that help internationally-educated professionals to register in their fields in Ontario. This includes:
 - Continuing and expanding programs such as CARE for Nurses and bridging programs for internationally-educated nurses in colleges and universities.
 - Building a comprehensive Access Centre for Internationally-Trained Individuals which employs advocates trained in application and appeal procedures. The Access Centre should be charged with determining equivalence of standards for educational institutions and regulatory bodies in Ontario with those in other jurisdictions.
- Proceed with the creation of the office of Fairness Commissioner.
- Request the Fairness Commissioner to report annually on the impact of the legislation on the certification and employment of internationally-trained professionals.
- Require that all individuals on staff at regulatory bodies complete training in anti-discrimination, anti-racism and cultural competency.
- For professions lacking an independent appeal process, create an independent regulatory appeal tribunal resourced for timely, high-quality reviews of registration decisions.
- Consult with regulatory bodies to determine efficient and effective ways of enhancing oversight and accountability.

In sum, RNAO endorses the principles and spirit of Bill 124, and welcomes this opportunity to make suggestions on ways of strengthening the Bill and taking other measures that will make fair and timely access to registered professions a reality in Ontario.

¹ This is consistent with International Council of Nurses positions statements on ethical nurse recruitment (see <http://www.icn.ch/psrecruit01.htm>, accessed November 20, 2006) and on nurse retention, transfer and migration (see <http://www.icn.ch/psretention.htm>, accessed November 20, 2006).

² Li, Chris, Ginette Gervais and Aurélie Duval (2006), *Analysis in Brief: The Dynamics of Overqualification: Canada's Underemployed University Graduates*, Statistics Canada, p. 8. <http://www.statcan.ca/english/research/11-621-MIE/11-621-MIE2006039.pdf>, accessed Nov, 2006.

³ Overqualified workers were defined as university graduates who were strongly attached to the labour market and who worked at least one month between 1993 and 2001 in a position that required at most a university education.

⁴ United Way of Greater Toronto and Canadian Council on Social Development (2004), *Poverty by Postal Code: The Geography of Neighbourhood Poverty, City of Toronto, 1981-2001*, United Way of Greater Toronto, April, p. 45.

⁵ Teelucksingh et al. (2005), *Op. cit.*, p. 4.

⁶ United Way of Greater Toronto et al (2004), *op. cit.*, p. 46.

⁷ *Ibid*, p. 47.