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## **Official Report of Debates (Hansard)**

**Wednesday 15 November 2006**

## **Journal des débats (Hansard)**

**Mercredi 15 novembre 2006**

**Standing committee on  
regulations and private bills**

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

Fair Access to Regulated  
Professions Act, 2006

Loi de 2006 sur l'accès équitable  
aux professions réglementées

Chair: Andrea Horwath  
Clerk: Susan Sourial

Présidente : Andrea Horwath  
Greffière : Susan Sourial

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS DE LOI  
D'INTÉRÊT PRIVÉ**

Wednesday 15 November 2006

Mercredi 15 novembre 2006

*The committee met at 0902 in committee room 1.*

ELECTION OF VICE-CHAIR

**The Chair (Ms. Andrea Horwath):** Good morning, everyone. The standing committee on regulations and private bills is called to order. We have a very heavy agenda, so I'd like to get things on the road right away. Today we're here to commence public hearings on Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

Members, before we start, the ministry staff have requested permission for one of their staff who is sitting in the audience to use a laptop during committee. I just want to make sure that members are in agreement with that request.

**Mr. Frank Klees (Oak Ridges):** As long as we get the information when she's finished with it.

**Mr. Dave Levac (Brant):** Not all of the information that's in the laptop, just what's done today—is that what you're talking about, Mr. Klees?

*Interjections.*

**The Chair:** That's fine, then, I take it. Thanks very much.

Our first order of business is the election of a new Vice-Chair. Are there any nominations?

**Mr. Mario Sergio (York West):** I'll nominate Mr. Ramal for Vice-Chair.

**Mr. Khalil Ramal (London–Fanshawe):** I accept the nomination.

**The Chair:** Thank you, Mr. Ramal. Are there any further nominations, just as a formality?

**Mr. Klees:** I'd like to nominate Mr. Levac.

**Mr. Levac:** I really think that's very humbling, but I'm going to respectfully reject that offer because I'm just too overwhelmed.

**The Chair:** Are there any other nominations? There being no further nominations, I declare the nominations closed. Mr. Ramal is elected Vice-Chair of the committee. Congratulations, Mr. Ramal.

SUBCOMMITTEE REPORT

**The Chair:** Our next order of business, committee members, is the adoption of the subcommittee report. Could I have someone move and read the report, please?

Mr. Sergio, are you moving the report? Are you going to read the report?

**Mr. Sergio:** I'm going to move it and then, as usual, I'm going to read it, if it's okay with the Chair.

**The Chair:** Please go ahead.

**Mr. Sergio:** Your subcommittee on committee business met on Tuesday, October 31, 2006, and recommends the following with respect to Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions:

(1) That the committee hold public hearings in Toronto on Wednesday, November 15 and November 22 in the morning (9 a.m. to 12 noon), on Tuesday, November 21 in the evening (6 p.m. to 9 p.m.) and in Hamilton on Wednesday, December 6, 2006, in the morning (10 a.m. to 12 noon).

(2) That the minimum number of requests to warrant travel to Hamilton be six.

(3) That if travel to Hamilton is not warranted, Wednesday, December 6, morning be used for clause-by-clause consideration of the bill.

(4) That clause-by-clause consideration of the bill be held on Wednesday, December 6, from 3:30 p.m. to 6 p.m. (in addition to the morning session if travel to Hamilton is not warranted).

(5) That the committee clerk, with the authority of the Chair, post information regarding the committee's business on the Ontario parliamentary channel, the committee's website and one day in the Toronto Star, the Hamilton Spectator, the St. Catharines Standard, the Brantford Expositor and the London Free Press.

(6) That the committee clerk send a copy of the committee advertisement to all the regulatory bodies in Ontario and request that they post the information in their respective newsletters.

(7) That interested people who wish to be considered to make an oral presentation on this bill should contact the committee clerk by 5 p.m., Thursday, November 9, 2006, for the Toronto hearings and by 5 p.m., Wednesday, November 15, 2006, for the Hamilton hearings.

(8) That, on Thursday, November 9, 2006, after 5 p.m., the committee clerk supply the subcommittee members with a list of requests to appear received for Bill 124.

(9) That, if there are more requests received than spaces available, each of the subcommittee members sup-

ply the committee clerk with a prioritized list of the names of witnesses they would like to hear from by 6 p.m., Thursday, November 9, 2006, and that these witnesses must be selected from the original list distributed by the committee clerk to the subcommittee members.

(10) That the committee clerk, in consultation with the Chair, be authorized to schedule witnesses from the prioritized lists provided by each of the subcommittee members.

(11) That if all groups can be scheduled the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties and no party lists will be required.

(12) That late requests be accommodated on a first-come, first-served basis as long as there are spaces available.

(13) That groups and individuals be offered 10 minutes in which to make a presentation on Bill 124.

(14) That the deadline (for administrative purposes) for filing amendments be Friday, December 1, 12 noon.

(15) That the deadline for written submissions be 5 p.m., Tuesday, December 5, 2006.

(16) That the research officer prepare a summary of the testimony heard.

(17) That the research officer prepare background information on legislation in other provinces as well as in the states of New York and California; and provide statistics on over-supply in each of the regulated bodies.

(18) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

That is the report, and I'll move it, Madam Chair.

**The Chair:** Thank you very much, Mr. Sergio. Is there any debate on the report?

**Mr. Peter Tabuns (Toronto–Danforth):** I don't have debate, but if we could have a copy of the research electronically. I know there are hardcopy portions that you can't give to us electronically, but that which can be electronically supplied would be very useful. Otherwise, no debate.

**The Chair:** All right. Thank you. If there's no other debate, all those in favour of the report? Any opposed? The subcommittee report is carried.

0910

#### FAIR ACCESS TO REGULATED PROFESSIONS ACT, 2006

#### LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES

Consideration of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.

#### ALI NAQVI

**The Chair:** We're now going to go into the public hearings portion of our day. I want to welcome everyone who's here and ask that our first witness, Ali Naqvi, come forward and take a seat at the end of the table. You'll have 10 minutes for your presentation. That includes any time for questions. So if you want to get yourself comfortable and then state your name for the purposes of Hansard and begin your presentation.

**Mr. Ali Naqvi:** Good morning, Madam Chair. Good morning, gentlemen of the committee. My name is Ali Naqvi. I'm an immigration consultant by profession but by conviction I'm a political organizer and a community activist in the South Asian and Muslim communities.

Let me start by telling you the general sense that new Canadian communities have out there for Bill 124, and I apologize in advance for being candid.

The general sense out there in the new communities about Bill 124 is that this is a wishy-washy attempt to lure votes. It is another attempt to deceive new Canadian professionals.

Let me further elaborate. The new Canadian communities, specifically the South Asian professionals and the Muslim professionals, who have immigrated to Canada consider that there are two bodies to this issue: the registration bodies—i.e., the professional bodies—and the new Canadian professionals. They have also come to the conclusion after reviewing the proposed bill that the Ontario government is not playing the role of an honest broker. The belief out there is that this bill clearly sides with the registration bodies.

I do realize and appreciate that frustration plays a major role in it, but we can make this work. This is a good step. It may be a baby step, and, just like my two children, they have started walking backwards. But I humbly suggest that to make this work we need to incorporate certain elements that were recommended by Justice Thomson in this land-breaking inquiry report.

I will briefly describe the amendments that the new Canadian communities wish to see made in this bill.

Justice Thomson asked for the establishment of an independent regulatory appeal tribunal. That's one of the first amendments that has to be made to this bill. This will give a sense of fair play as well as judicious expediency of this issue.

The second amendment that needs to be made to this bill to make this bill truly useful is the provision of legal and professional advice to new Canadians seeking recognition of credentials. People come to this country, to this province, make all the sacrifices; they do not know where to go, what to do. They need professionals to guide them. This bill does not guarantee that.

The third amendment that I believe has to be incorporated into the bill is the recognition and naming of the professional regulatory bodies. Justice Thomson clearly did it. We cannot leave it for the regulations. The names of the bodies should be incorporated in the act itself.

The fourth amendment I wish to point out is to fully establish a fair registration practices court in the legis-

lation. I appreciate that the bill talks about fair registration practices, but it does not fully describe those, and this is the heart and soul of the concern out there in the new Canadian communities. They believe they are, once again, being deceived. Incorporate what are fair practices, quantify them so that if the registration bodies do not follow the same, we know that they are being unfair.

The next amendment is to suggest that we need to establish a department within the access centre that has been proposed in the bill. This department will evaluate the equivalence of foreign credentials. We need a department that has the capacity of creating equivalent standards with foreign countries vis-à-vis Ontario so that once those criteria are established, it's very clear, straightforward and simple for new Canadian professionals to come to Canada and Ontario, and their credentials can be evaluated straightforwardly vis-à-vis the standards out there.

The sixth amendment I would like to point out is that the new Canadian communities once again want it to be transparent and want the minister, upon recommendation of the fairness commissioner, to be given the power to eliminate registration practices that are contrary to the code. Once you have a code established in the act, the minister should have the power to eliminate any practice which is contrary to the act.

The seventh amendment that I believe needs to be incorporated: We would wish that the fairness commissioner annually report to the Legislature the progress and development of Bill 124, which will eventually, hopefully, be an act.

Lastly, as an amendment we suggest that the fairness commissioner has to be appointed by the Legislature, not by the government of the day, so that once the government changes, we don't see another political appointee out there. We believe that he should be appointed and accountable to the Legislature, the Legislature being elected and accountable to the people.

These are the amendments we wish to propose.

The registration issue and the recognition of foreign credentials issue are, simply put, a matter of life and death for new Canadians out there. The frustration they are feeling today, facing today, the seed of this frustration, will turn into the plant of desperation and the rebellion tree for the coming generations. We are not just destroying one generation; we are destroying many to come. I wish that Dr. Jiang Guo Bing was here to make a presentation before this committee today. But unfortunately, he committed suicide. He had a doctorate degree from the prestigious Purdue University. He came to Canada over five years ago, could not do what he wished to do and eventually, on July 21, 2006, he leapt from a bypass.

**The Chair:** You have about a minute left.

**Mr. Naqvi:** Thank you.

I submit that this is a human issue. I believe that, yes, numbers may be important to people out there in the House, especially when a provincial election is around the corner. So let me submit this: In the GTA we have

more than 51% of Canadian citizens who were not born in Canada. The majority of them have been directly or indirectly a victim of unfair registration practices. If this issue is not dealt with honestly, if these amendments are not incorporated in the bill, then we may see a political upheaval this province has never seen before. This is the time to win hearts, not just votes. Let's do the right thing.

**The Chair:** Thank you very much, Mr. Naqvi. Unfortunately, there is no time for questions to this witness, but we do appreciate your comments. Thank you for coming in today to share them with us.

**Mr. Naqvi:** Thank you for the opportunity.

0920

#### COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO

**The Chair:** Next we have the College of Medical Laboratory Technologists of Ontario. Tina Langlois and Lynn Yawney, welcome. As you've seen from the previous presentation, you'll have about 10 minutes—exactly 10 minutes, as a matter of fact, but that will include any time for questions, so if you're hoping to get some questions from the members of committee, you'll need to leave a little bit of time at the end of your 10 minutes, okay? Welcome, and please start whenever you wish.

**Ms. Tina Langlois:** Thank you, Madam Chair, members of the committee. My name is Tina Langlois. I'm the director of investigations and hearings at the College of Medical Laboratory Technologists of Ontario. Sitting with me is Lynn Yawney, who is the deputy registrar of the college. Unfortunately, our registrar, Kathy Wilkie, was unable to attend today due to scheduling conflicts.

What I have provided to the clerk is a copy of our submissions made to Minister Colle, dated October 31 of this year. I would be happy to provide those in electronic format to the clerk upon my return to the office for your use.

We appreciate the opportunity to address you this morning about Bill 124. First, a little bit about ourselves: The College of Medical Laboratory Technologists of Ontario is a regulatory body for over 75,000 medical lab technologists in Ontario. The college was created as one of the 21 health colleges under the Regulated Health Professions Act. We register approximately 300 new MLTs annually, 40% of whom are internationally educated. We take great pride in our registration processes and practices, which we feel achieve an appropriate balance between protecting the public of Ontario by ensuring that only competent MLTs are registered to practise while still being transparent, objective, fair and impartial. To illustrate this point, I'll provide you with a few of our statistics. In a seven-year period running from 1999 until 2005, a total of 856 applications were referred to our registration committee, and that means applications that weren't approved immediately on their face by the registrar. Of those 856 applications over a seven-

year period, 835 were approved for registration, so clearly that system is working well for most of the applicants involved.

Of the individuals who were refused registration, only seven filed appeals to the Health Professions Appeal and Review Board. It's notable that we do have an independent, objective third-party appeal of our processes. Of the seven individuals who accessed that process, HPARB—our appellate body, if you will—only returned three of those to the registration committee for reconsideration. It's also notable that though HPARB has the authority to register people directly, they did not choose to do that in any of the seven appeal cases. We feel that speaks volumes for the fairness and transparency of our process and the requirements and criteria for registration for MLTs in Ontario.

We share your commitment to ensuring that registration practices and processes are fair, transparent, objective and impartial, but we are concerned that Bill 124 will have quite the opposite effect. To put these submissions in context, it's important to remember that Bill 124 is the government's response to Mr. Thomson's wide-sweeping report of registration practices for regulated professions.

The stated purpose of Bill 124 is to help ensure regulated professions are governed by practices that are transparent, objective, fair and impartial. Fair practices are defined as including:

- the provision of information to applicants;
- written decisions and reasons issued in a reasonable amount of time;
- reviews or appeals available within a reasonable amount of time;
- publicly available information on documentation;
- objective, transparent, fair and impartial assessment of qualifications;
- trained assessors and decision-makers; and
- access by applicants to records held by regulatory bodies with respect to their applications.

We think it is also noteworthy that the one exception to Mr. Thomson's recommendations that's not included in Bill 124 is the one we feel is most important and allows our processes to be as fair, objective and reasonable as they are, and that is an independent appeal. Mr. Thomson identified an independent appeal as a cornerstone of fairness and we believe that that is, in fact, the case and that's why that process is enshrined in the Regulated Health Professions Act.

We support all the goals of Bill 124 and we believe our registration process has already achieved them and will continue to ensure that the public of Ontario is protected because that is our job at the end of the day.

Our registration decisions, like those of all RHPA colleges, are subject to independent appeal at HPARB. Applicants have the choice of a hearing or a paper review, so there's no necessity to even appear in person at that appeal. You do not require legal counsel to file the appeal, and there is no cost to file the appeal. We feel that all of these elements certainly add to the fairness and objectivity of the process.

Our registration practices are outlined in detail in the submission, and given the short time this morning, I won't go into them. But certainly, if you have any questions regarding what's contained, I'd be happy to provide you with additional information. I just want to point out that the college's registration processes in fact mirror the objectives of Bill 124.

If we are all in favour of the goals and the aims of this legislation, why are we speaking against it? Because we do have some very serious concerns about what might be the unintended impact of these amendments that are being proposed to the Regulated Health Professions Act.

We feel that the amendments to the RHPA are unnecessary, as they prescribe activities that are already being undertaken by the college and they impose duplicate reporting obligations, which will obviously be resource-intensive.

It's important to remember that regulatory colleges rely on registration fees to fully support all programs. Costs incurred to comply with Bill 124 will, by necessity, be borne by applicants. In some cases, we're concerned that what's being proposed may also lead to a conflict with either existing provisions of our legislation or our registration regulations, which are passed under the Medical Laboratory Technology Act. I'm quite sure that in time, these conflicts would be sorted out by the courts in a reasonable fashion. However, to get to that clarity, it would cost both the college and the applicant an enormous amount of money. I'm sure that's not what this bill intended.

Finally, we're concerned about the impact of the Bill 124, what the impact might be on our mutual recognition agreement, which was negotiated to comply with the agreement on free trade across Canada. We're not sure what the implications might be, but we're concerned that that might affect that agreement.

We believe our practices are already transparent, objective, impartial and fair. The fact that decisions may be appealed to the HPARB ensures that those principles are upheld. In the end, it's not clear why the amendments to the RHPA are being proposed or what they're attempting to remedy. It would appear that the purpose of the audits being proposed by Bill 124 is to ensure the registration requirements are appropriate and registration practices are, as stated, fair, objective, impartial and transparent. We would strongly argue that these goals are already achieved by the processes enshrined in the Regulated Health Professions Act. All criteria for registration are contained in regulations which are vetted extensively by ministry staff before they're promulgated. To impose additional requirements in the form of an audit would add costs to the process and consume valuable resources.

We are also concerned that the results of an audit or the advice of the fairness commissioner to the Minister of Health may be raised at a registration appeal. If that advice or recommendation varies in any way from what is prescribed in law and in regulation, we will once again find ourselves in a conflict situation that will require the

court's intervention to clarify, at great cost to all parties involved.

Bill 124 proposes to require RHPA colleges to submit what's called a "fair registration practices report" at least annually. We would argue that the colleges report annually through the Ministry of Health under the RHPA and are required to do so. Any criteria that the ministry wishes to have covered could be covered in those reports that are already existing without adding an additional layer of reporting.

In conclusion, our main concerns are duplication and potential conflicts that will make demands on already scarce college resources. These costs will have to be passed on to registrants and applicants, which will not make Ontario an attractive place for health professionals. Particularly in this era of global shortages, we are concerned about adding to the financial obligations of becoming a regulated health professional in Ontario. We believe that our practices are currently fair, objective, impartial and transparent and, additionally, are subject to sufficient scrutiny and review under the current system, both by the Ministry and by the Health Professions Appeal and Review Board. We believe the solution is for the Ministry of Citizenship and Immigration to work in co-operation with the Ministry of Health staff to ensure that colleges reporting to the ministry cover the areas that are covered in Bill 124.

It is for all these reasons that we would strongly recommend that the amendments to the RHPA that are proposed in Bill 124 be removed.

Thank you very much for your time this morning.

**The Chair:** Thank you very much. You've left just about half a minute, so I don't think that there's actually time for any questions. But you did make your points, I believe, and I want to thank you very much for coming to raise the issues with the committee today.

**Ms. Langlois:** Thank you very much.

0930

#### FAIR ACCESS COALITION

**The Chair:** Next on our list we have COSTI Immigrant Services—Fair Access Coalition. Is there anyone here from COSTI? Welcome. Come and take a seat at the end of the table. You've noticed that there is a 10-minute presentation time frame. If you leave any time within that 10-minute time frame, the members of the committee can ask you some questions. So begin, please, by stating your name for the purposes of our Hansard recording.

**Mr. Mario Calla:** My name is Mario Calla. Thank you very much, members of the committee, for this opportunity to convey to you on behalf of the Fair Access Coalition our position on Bill 124. I am the executive director of COSTI Immigrant Services, a community service organization that has been providing settlement and integration services to immigrants and refugees in the greater Toronto area for the past 54 years. COSTI is a member of the Fair Access Coalition. The coalition is a network of 67 agencies serving immigrants in Ontario

which came together specifically to support Bill 124 and to ensure that it becomes law. Members of the coalition provide services to thousands of immigrants in communities from Windsor to Ottawa and have been holding public fora to educate the public and to promote support for Bill 124—we feel that strongly about it. The names of the coalition members are appended to this submission.

I will not retell the sad and painful stories of the many immigrants who are failing to integrate successfully to our economy, as those stories are well known to you. However, the result is that poverty rates amongst immigrants in Toronto have grown by 125% in the 20 years between the 1981 and 2001 censuses compared to 14% for the general population; this, at a time when Ontario is getting the best and brightest cohort of immigrants in its history. Many of these unemployed and underemployed immigrants are well qualified to work in a regulated profession and are passing Canadian entry exams but are then denied internships or other qualifying standards that effectively shut them out of the profession. We can say unequivocally that not one of these thousands of internationally trained individuals who have come to our agencies for assistance have said that regulatory bodies should ease or lower their standards. They understand that regulatory bodies have an obligation to maintain standards that protect the public. What they do want is fair and equitable entry criteria into the profession. Bill 124 addresses this issue directly, and it is for this reason and because of the impact on the livelihood of internationally trained individuals that we believe the bill should be proclaimed into law without delay.

We also urge your committee to recommend the bill to the Legislature as written. This bill represents one of the boldest attempts by the provincial government to address inequities that confront newcomers. We are concerned that delays will continue to compromise opportunities for internationally trained individuals. Unfortunately, there is a long history in this province of missed opportunities and half-hearted attempts to address issues of importance to immigrants. As long ago as in 1989 the Ministry of Citizenship, Culture and Recreation released the task force report on access to trades and professions, which was also meant to address this issue. There was much hope and anticipation that the important recommendations contained therein would be executed. It took 11 long years before one of the recommendations was realized, with the establishment of an academic credential assessment service. This cannot be allowed to happen to this legislation. All three political parties need to declare their commitment to ensure that Bill 124 receives final reading during this session of Parliament.

With regard to proposed amendments to the bill, much has been made of the fact that Bill 124 does not contain some of the recommendations made by George M. Thomson in his report entitled *Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions*, released by the Ministry of Citizenship and Immigration last year. More specifically, it has been proposed that the bill incorporate the establishment of

independent regulatory appeals tribunals and a fair registration practices code. What has been ignored by critics is that Bill 124 replaced these recommendations with a fairness commissioner and a set of fair practices principles to achieve the same result.

The fair practices principles are outlined in Bill 124, part II, article 5, as “registration practices that are transparent, objective, impartial and fair.” They are further specified in part III, article 6, where a regulated profession is required to provide information about its registration practices, where said information is to be provided in a timely fashion and where the regulated profession is to specify any related fees.

Section 7 goes on to require a regulated profession to ensure that decisions are made within a reasonable time and that written responses are provided within a reasonable time.

Section 8 requires a regulated profession to provide reviews or appeals of its decisions within a reasonable time. It also requires a regulated profession to provide an applicant with the opportunity to make submissions with respect to a review or appeal.

These are some examples of fair practices principles contained in Bill 124 that replaced the fair registration practices code. The intent is to have these principles enforced by a fairness commissioner, who is empowered by the bill to have regular compliance audits conducted of the regulated professions, to set audit standards for these audits and to make compliance orders. These practices and the enforcement role played by the fairness commissioner should mitigate the need for an expensive and adversarial appeals mechanism.

Another welcome feature of Bill 124 is the establishment of an access centre for internationally trained individuals, which would provide information and assistance to internationally trained newcomers. This is another initiative that responds to concerns about the complexity of the transition to employment for newcomers and the lack of coordination and information about available resources. As service providers, we know that the labour market is a moving target, and that current and reliable information for consumers is difficult to maintain. A centralized service like the access centre that would focus on the needs of internationally trained individuals would be a welcome and valuable resource.

In conclusion, the Fair Access Coalition believes that Bill 124 represents a bold step forward in correcting inequities and unfair practices faced by internationally trained professionals. The bill is balanced and effective. We urge you to support it and to recommend it for third and final reading.

Thank you for the opportunity to present our position to you today.

**The Chair:** Thank you, Mr. Calla. You’ve left about four minutes, so I’ll start with the opposition in terms of asking any questions.

**Mr. Klees:** Thank you, Mr. Calla. I appreciate your presentation today. I find it interesting: You sound like an apologist for the government on this bill.

**Mr. Sergio:** Come on, Frank.

**Mr. Klees:** That’s fair. But you start your presentation by setting out the difficulties of access to these professions, and we know there are a number of very specific amendments that are being proposed to make the bill more specific.

If you go through this bill, there is a recurring theme here of, “We’re going to study it; we’re going to review things; we’re going to set up additional bureaucracy.” There is very little in this bill that speaks to the practical implementation of processes. Why do you feel, for example, that it’s then appropriate that the bill not require the implementation of many of the very specific recommendations made by Thomson? You’re defending this generality, and I would like to know why. Would it not be better for your clients if this legislation had many more specifics that people could count on?

**Mr. Calla:** There is, I guess, an issue around balance that one needs to strike between the independence that, obviously, a regulatory body needs to have to protect the public and an intervention that will ensure that the internationally trained have fair access to that profession. When we look at this bill, the kinds of principles the bill espouses are really about the entry criteria. It has nothing, of course, to do with the kinds of standards the profession itself sets for its members. It has to do with the entry criteria. This bill sets out principles. The biggest problem that internationally trained professionals have had has been in understanding how to make an application, what the process is, how the decision is made, what rights they have, and this bill sets those principles out. I did speak to Judge Thomson about the difference between his recommendations in this legislation. I note that he said—and he has been quoted publicly—“This legislation represents a thoughtful and balanced approach to resolving long-standing issues.” So sure, he did recommend an appeals mechanism, and many of the regulatory bodies have that, and he did recommend principles, but I think the principles are in this legislation. This is why we feel the need, Mr. Klees, to move on this legislation. As I said in my presentation, we’re concerned that given the long history of delays and lots of talk and no action, it’s really important to move on it.

0940

**The Chair:** We have about 15 seconds, so if you want to make the last comment, then do so, and then we’re done.

**Mr. Klees:** Let me be clear: We want to move on it as well, but when we move on it, we want to make sure it is going to actually deliver what it purports to. The constant referrals throughout this legislation that responses are to be provided “within a reasonable time,” if you don’t define what that reasonable time is—I’m sure right now many colleges say they are responding in a reasonable time. What we want to do is to ensure that there is not just a political document here but that it works for your clients, that it works for newcomers. We feel there’s a great deal of detail that’s missing here. It could be firmed up considerably without compromising the independence

of the regulatory bodies or the standards. Your comments?

**Mr. Calla:** I think we want the same thing. Clearly, we're moving in the same direction. Our issue—

**The Chair:** I'm going to have to interrupt. If we go on to any great extent, we're going to really back up our time, and there are many people here who have come to give presentations to the committee. So I thank you for your comments. Since you're more or less affirming the need to address the issues for clients, I think we should probably move on.

Thank you very much, Mr. Calla. It's unfortunate that our time has run out. We appreciate your presentation and thank you for coming to make remarks to the committee this morning.

### POLICY ROUNDTABLE MOBILIZING PROFESSIONS AND TRADES

**The Chair:** Our next presentation is from the Policy Roundtable Mobilizing Professions and Trades. If we have representatives, please come to the table. As you're getting comfortable, you'll know that we have 10 minutes for your presentation. I'll be rotating the questions amongst the parties. Please begin your presentation by stating your names. Welcome, and thank you for coming in.

**Ms. Uzma Shakir:** Thank you very much for this opportunity. My name is Uzma Shakir. I'm the executive director of the South Asian Legal Clinic of Ontario. I'm also one of the founding members of PROMPT. Lele Truong is the membership coordinator for PROMPT right now.

Let me just give you a bit of background about PROMPT. Policy Roundtable Mobilizing Professions and Trades—rather a mouthful—was created about four or five years ago as a civil society public policy advocacy group that can act as a partner with the government and regulatory bodies to create solutions, essentially. Our membership is made up of immigrant professionals, immigrant professional associations like the doctors' association, the engineers, the urban planners, the pharmacists, the nurses etc.—advocacy groups that have an interest and experience in advocating on behalf of immigrants and refugees in terms of access to professions and trades, and the settlement sector, which provides employment services to immigrant professionals.

One of the first things we did was publish a report called *In the Public Interest*, and one of the things we asked for in that report was to establish certain baseline principles, which I think are in your handout, that would address the systemic barriers in the registration process. They are basically relevance, consistency, transparency, timeliness, affordability, accessibility, respect and defensibility.

Just purely for historical interest, it was at the launch of PROMPT's report, *In the Public Interest*, where the keynote address was given by the Honourable Mary Anne Chambers, who was at that time the Minister of

Training, Colleges and Universities, that she announced the establishment of the Thomson commission. So there is a rational and reasonable expectation on our part—in fact, when Judge Thomson started his deliberations, the first group of people he spoke to were our members. For instance, the AIPSO doctors—the Association of International Physicians and Surgeons of Ontario—the Council for Access to the Profession of Engineering, the geologists, the urban planners, the South Asian advocacy groups and the Chinese advocacy groups all made submissions to Judge Thomson and his commission as part of his deliberations.

On one hand, we are terribly gratified that the government of Ontario has taken the opportunity to actually implement a bill which takes into consideration some of the concerns we had raised. However, I do agree with Mr. Klees. Our concern is not that we don't need the bill; of course we do. I disagree with my regulatory colleagues earlier who were saying there's going to be duplication. Quite frankly, tell the neurologists who are driving cabs whether duplication is good, bad or indifferent. I have met way too many neurologists who are driving cabs to actually care whether there's duplication. If duplication is going to lead to equity, to hell with it—let's have duplication.

As far as I'm concerned, the issue with this bill is not that the intent is not there or the language, but that the language is way too discretionary. The language is not mandatory enough. It uses terms like "may" and "if" and "reporting." It does not say "should" and "shall." For instance, it creates an opportunity for the fairness commissioner in the process of assessing qualifications to monitor third party interventions but it doesn't do so for the internal review. You know what? I have no doubt that the registration bodies have no particular reason to keep immigrant professionals out. Hey, the more, the merrier. But as far as I'm concerned, the road to hell is paved with good intentions. We want outside intervention. An immigrant professional needs to be able to see that fairness and justice are being done, not that the intent to fairness and justice is there. Intent has led us nowhere. Too many immigrant professionals are lying on the sidelines waiting, having their careers completely destroyed because the intent to fairness is there but it's not being implemented.

First of all, we should have an independent appeals process, but if you're going to have an internal review process and you're going to make sure that the people who are making decisions around registration are not the same people who are sitting on the internal review process, why don't you introduce third party intervention? After all, that stipulation is included in terms of qualification assessment.

For instance, there is a whole section on why the registration bodies don't have to release the records. If an applicant wants to appeal and the applicant wants access to records, there are certain limitations. You're telling me that an individual professional now has to have the legal qualifications without any support, without any legal

representation, without any governmental support in terms of having legal representation to determine whether the registration body is meeting the limitations of this particular act in terms of not releasing their records.

Surely the fairness commissioner can do that. Give the fairness commissioner more teeth. Right now, the fairness commissioner is saying, "I will establish the principles. I will make sure that you do your audits." We are not just interested in audits; we are interested in outcomes. Quite frankly, at the end of the day, you do an audit, but the outcome is no different for us than it used to be. Our constituents don't buy that. As far as they're concerned, they want an audit of outcomes. They want to know, "When I apply and I go through the process, what is it that I didn't do right? What is it that I needed to do? And why is it that I didn't get in but another person did?" People should not have to worry about this. If you're competent and you're qualified, if you sit an exam and you pass an exam, you should have a rational expectation that you will get into the system.

Now for some registration processes, I realize employment is not attached to the registration itself, but, for instance, in the medical profession it is directly involved. If you don't go through the registration process, if you don't get a licence, you can never practise. That's like saying, "You are not allowed to make a living on the basis of what you trained for."

Now it may not be the same for engineers. I understand there may be classes, and I think there is a stipulation in here which talks about classes, but as long as the principles of equity, relevance, consistency, transparency etc. are being met, we have no problems with that, but it should be commensurate to what impact the registration and licensing process would have on an individual's ability to make a living. At the end of the day, you don't want a licence to hang on your wall. You want to be able to put food on the table for your children.

**0950**

The other problem I have with this bill—I'm supporting the bill, by the way—is the fact that immigrant professionals come from a hundred different countries. The registration bodies know only the Canadian standards. They do not have the qualifications, nor do they have the knowledge base, to determine what the immigrant professional is bringing. We are very quick to say how immigrants are deficient, but we have no competence to say where the immigrants actually have proficiency, because we have no way of knowing.

I would recommend that we create a clear-cut system within this legislation where that particular capacity can be created. Don't tell me, "You have gotten a degree from Madras and therefore you cannot practise in Ontario." What the hell do you know of Madras? Do you know Madras? Do you know what the standards are in Madras? And if you don't, isn't the responsibility of the government to set up an independent process where people can actually have a rational expectation, understanding and capacity to understand what immigrant proficiency is rather than how immigrants are deficient

vis-à-vis some Canadian standard? Then we can establish things like transferable skills. Then we can establish things like, "You bring this, we need this," and there is a direct connection or we can make that reasonable connection.

My particular peeve with this bill is not that the bill's intent is wrong or that the bill is not sufficient, but that it doesn't have teeth. If you are going to set up a fairness commissioner, for God's sake give him some legs to stand on. Make some of the language mandatory and less discretionary and take away the circular arguments. Thank you very much.

**The Acting Chair (Mr. David Levac):** Thank you very much. You've timed that beautifully. There are 30 seconds left, and I believe that we'll pass on comments. I appreciate it very much.

#### ONTARIO COLLEGE OF TEACHERS

**The Acting Chair:** At this time I'd like to call upon the Ontario College of Teachers for their deputation. All deputants have been assigned 10 minutes. If you'd identify yourself for the record and introduce both people in case they both get into this, please do so. Thank you.

**Mr. Don Cattani:** Thank you very much for this opportunity to speak with you today regarding Bill 124. My name is Don Cattani. I'm the chair of council for the Ontario College of Teachers, and I'm joined today by Brian McGowan, our registrar and chief executive officer.

The Ontario Legislature had delegated to the college the authority to license, govern and regulate Ontario's teaching profession. It is our duty to register and certify college applicants as members and to address concerns about members' professional conduct, their competence and their fitness to practise. First and foremost, though, it is our duty to serve and protect the public interest. We have more the 206,000 members, and the Ontario College of Teachers is Canada's largest self-regulating professional body.

Let me begin by saying that the college fully supports the objectives and principles of Bill 124. We welcome this initiative, in large part because we already practise most of the requirements anticipated in Bill 124. As an example, college applicants who have been denied certification have the right to appeal. Our registration appeals committee reviews an applicant's qualifications against the criteria for regulation with the college, and that committee has the power to direct the registrar to issue a certificate of qualification with or without conditions or limitations. When asked, the registration appeals committee must grant a review, provided that request is not frivolous, vexatious or an abuse of power.

Last year, the committee heard 34 appeals, down a little bit from 55 in 2004. Of those appeals heard last year, four original decisions not to certify the individual were overturned and eight were modified—proof, we believe, that the appeal process can and does work for applicants. Of the 243 college applicants who were

denied certification between 2001 and 2005, almost 40% subsequently met the requirements with our guidance and have since been certified.

Put that in context: We certify over 12,000 new teachers a year. That's a number larger than most of the other regulatory bodies. Last year, almost 1,600 of those people were internationally educated. The college provides considerable pre-application information and assistance on its website and through detailed registration guides. A separate section of the college's website is dedicated to internationally educated teachers. It details how to register, the documents required, what needs to be translated and how to obtain statements of professional standing. In our submission I direct you to appendix A for an example of that website. Our website also provides country-specific information about academic requirements in more than 100 countries, samples of which can be found as attachments to our report, and we have created a comprehensive list of answers to frequently asked questions.

Also, once a month, the college holds information sessions for internationally educated teachers in our offices. In addition, applicants may request to meet with staff in our membership services department to find out more about the evaluation processes and registration requirements.

Notwithstanding all of this, and while we're in general support of this government initiative, we nevertheless believe that Bill 124 can be improved and consequently should be amended. This bill leaves many important details yet to be defined in regulation. Its proposed changes provide sweeping authority over regulators without acknowledging the unique differences in the professions they govern or the processes they use.

A number of the bill's provisions conflict directly with our enabling legislation and statutorily created obligations. For example, the bill needs to recognize that a regulator's paramount duty is to protect the public, including setting requirements for registration based on competency. Bill 124 adds a potentially confusing array of reporting obligations and an order-making power that offers little procedural protection for regulators. The bill should state explicitly what fairness and other key principles actually mean. Furthermore, we believe it should define fairness in a manner that acknowledges that differences will exist in the practices and criteria used to assess those who apply for registration.

The phrase "transparent, objective, impartial and fair" appears throughout this legislation. That phrase needs to be defined, particularly if our actions and registration procedures are to be monitored and assessed against those standards.

Similarly, we're not sure what is meant by "other processes" when describing options to appeal a registration decision. It could mean rehearings, reconsideration, review. It might range from a documentary review all the way to a court-like hearing. What will be used, or in what circumstances would one be preferable to another? The bill needs to spell some of these things out.

The bill should also make it clear what alternatives to documentation the government advocates for registration purposes. It should be clearly understood that regulators will continue to determine the requirements that must be met to ensure the competence of the professionals it is going to regulate.

The Ontario College of Teachers is unique among regulators. We license teachers based solely on their documented academic qualifications. We do not assess competency based on demonstrations of skills or abilities. Documentation is not just a procedural issue; it's closely tied to the substantive requirements the college has set for registration provided for in regulation.

Right now, the college abides by laws and regulations that set different requirements for internationally educated teachers. Ontario-trained teachers must meet very strict criteria before we can certify them. Internationally educated teachers, on the other hand, must demonstrate that they have completed a program that is acceptable to the college. This gives us the discretion to accept teacher education programs completed abroad that do not meet all the requirements of an Ontario program. For example, teacher candidates in Ontario must complete 40 days of supervised practice teaching to become certified, generally referred to as a practicum. However, we will accept the experience of an internationally educated teacher who has taught for a year in another jurisdiction in place of the practicum.

As written, Bill 124 would supersede the college's enabling legislation and would encroach on the autonomy and ability of teachers to regulate their own profession. The bill does not say what measures the commissioner will use to assess the regulators' processes, nor does it limit the commissioner's oversight to registration practices.

Bill 124 also needs to identify a particular method of reporting or audit that is clearly defined, directed at the objectives of the legislation and based on consultation with the regulators.

Finally, the college believes that Bill 124 should provide full procedural protection for regulators facing orders by the commissioner and that regulators should have the right to appeal. As written, this bill would allow regulators only a limited right of appeal of a decision by the commissioner.

Bill 124 would have regulators prepare a fair registration practices report annually for the fairness commissioner, but the college already reports annually to the Minister of Education. This report is submitted to the Lieutenant Governor in Council and tabled in the assembly. Among other information, our report always includes registration appeals committee data.

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Bill 124 would permit an auditor to review confidential applicant and member files. This access to confidential information would contravene the Ontario College of Teachers Act.

The Ontario College of Teachers takes its legislated mandate to protect the public interest very seriously. In

our nine and a half years, we have licensed close to 100,000 teachers. We have a strong history of providing support to internationally educated applicants and have designed registration and information processes specifically for them.

We are heavily involved in Teach in Ontario, so that with the support of the provincial government and in partnership with the Ontario Teachers' Federation and community groups, we can help internationally educated teachers understand Ontario's education system and get qualified to teach here.

We believe that Ontario classrooms should reflect our multicultural society. We believe that children need to see faces similar to their own as teachers and as professional role models. And we support registration processes that are fair, transparent, objective and impartial.

Acquiring a licence to teach is only the first step. Our data show that finding work as a teacher presents far greater challenges to new Canadians. In fact, some wait up to five years to find full-time work in Ontario schools, but that's another issue for another time.

In closing, the Ontario College of Teachers believes that Bill 124 should be consistent with the principles of self-regulation and that it should preserve the jurisdiction of regulators to set the requirements for entry to the profession.

We would be pleased to offer further comment, advice and support to the government as it proceeds, and we are happy at this time to answer any of your questions. Thank you.

**The Acting Chair:** Thank you very much for your presentation. You've left us with one minute. I believe our last rotation was with Mr. Klees, so I'll move to Mr. Tabuns for one minute.

**Mr. Tabuns:** Thank you for the presentation. In talking about defining the audit process, could you give me a better sense of what you would see as clarity for the definition?

**Mr. Cattani:** In true chair fashion, I'll pass it to the registrar.

**Mr. Brian McGowan:** What we would be interested in seeing is a clear elucidation of what the requirements would be for audit. Is it going to be a compliance-based audit? Would it be a best-practices-based audit? And what would be the level of documentation required to demonstrate that either compliance had been met or that procedural fairness had been guaranteed?

I would go back now to our chair's comments. We completely support processes which are fair, transparent and accessible, but in the absence of a definition of what constitutes those terms, and if an audit means compliance with those terms, we don't know what the burden of proof would be on us to demonstrate that in fact it had either been met or exceeded. It comes back now to the importance of definitional clarity.

The intent is laudatory. We completely support the intent, but if we are to be audited against those as measurable outcomes, we need precise indicators of what that constitutes, because, frankly, we believe overwhelmingly that we meet that case now.

**The Acting Chair:** Thanks very much for your presentation. We appreciate that. Thanks for coming.

#### ASSOCIATION OF PROFESSIONAL GEOLOGISTS OF ONTARIO

**The Acting Chair:** Our next deputant is Dr. Williams from the Association of Professional Geologists of Ontario, the registrar and executive director. If you're bringing anyone else, please make sure you identify them. Identify yourself for the purposes of Hansard, and you may begin when you are prepared.

**Dr. Norm Williams:** Thank you. I appreciate being invited to speak on behalf of my association on this proposed legislation. First of all, I have to apologize for the fact that I have no distribution for the committee because I was just alerted last night about the confirmation of being present here.

I just want to start off very briefly by pointing out that I've been involved with registration with a large association and with this new association, which is much smaller, for the last 10 years. The Association of Professional Geologists of Ontario is relatively young compared to the other regulatory bodies in this province. We currently have about 1,200 licensed members. The members of our registration committee span the spectrum very widely, representing internationally trained geologists across the globe. APGO, from our vantage point and based on feedback, is seen to be very inclusive, and if you look at the legislation, there are no requirements for residency in Ontario and so forth.

One of the other points I would like to make is the fact that we have, if you will, somewhat of a different stream, the way we deal with internationally trained applicants versus Canadian graduates. Our legislation gives us the right to look at the sum total of experience gained overseas. One of the overriding requirements is that an applicant, including a Canadian graduate, has to have at least 12 months' experience in a Canadian or equivalent environment. It doesn't mean that the applicant has to be physically on Canadian soil, but they must have worked or interacted in an environment where it can be demonstrated that the familiarity with standards and codes as it pertains to the Canadian environment has been observed.

I'd like to again point out our unequivocal support for the intent of the proposed legislation. What we find from our vantage point, and it has been articulated earlier, is the lack of clarity. One of the things that I think would be forthcoming is looking at the development of regulations to support this act. We would appreciate the opportunity for consultation with APGO in this regard.

Although we think we have mastered and have many of the mechanisms in place, we have begun to review our practices consistent with the requirements of the bill. To also emphasize and point out APGO's interest in the admission of the internationally trained, we have demonstrated this by our recent partnering with the Ministry of Citizenship and Immigration's program, with the Toronto and Region Conservation Authority, whereby we are

working with that group to select a bunch of internationally trained geoscientists to afford them the opportunity of gaining the Canadian experience component, which turns out to be one of the most crucial requirements for licensing. Again, that was our debate earlier, that we look at the skeleton, but then put flesh on what's important from the standpoint of integration in a complete sense and the contribution that we can appreciate being brought forth by internationally trained geoscientists.

Just a very general comment from our vantage point: When we look at the proposed bill—and we are all sure that a lot of thought was put into it—we take issue somewhat with the term “fairness commissioner.” We think it might send the wrong message to a prospective internationally trained individual. That's something I just thought I would want to put forward at this point.

The next point I have here in my prepared notes makes particular reference to part VI of the proposed legislation. One of the things we're looking at is the fact that subsection 18(1) talks about regularly reviewing the registration practices and reporting the results to the commissioner. It goes on to talk about the need for annual reporting. Again, I think I'm looking at this strictly from our vantage point, from our standpoint, in terms of costs and so on. If we have satisfied this, and the reporting and whatever else is required by the commissioner, the audit is something that we have some concerns about, particularly the fact—and, again, it was mentioned by the previous speaker—that it lacks clarity in terms of what would be required and some sort of a one-size-fits-all kind of thing. We have some concerns as to what that means. We see the regular reporting as something that may preclude the need for an audit in the sense that we consider audits to be.

I'd just like to finally reiterate APGO's support for the intent and aim of this legislation and our anticipation of the regulations to be developed to support this bill. Again, we feel that we are available for any kind of consultation the committee might have in moving forward. Thank you. I'm prepared to answer the questions that you might have.

**The Acting Chair:** Thank you very much, Doctor. I appreciate that. Just a point before we move on: If you'd like to provide us with a written proposal, I'm sure the committee would accept that in terms of the time constraints you had in preparing those notes, so if you'd like to recapture your notes in a final document, you can submit it to the clerk.

**Dr. Williams:** I appreciate that. Thanks.

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**The Acting Chair:** We have approximately four minutes, so I'll rotate that through, commencing with the government side.

**Mr. Ramal:** Thank you, Doctor, for your presentation. It's very important to carry on with this bill. I think you'll probably agree with me that it's unique, it's one of a kind in Ontario in addressing this issue. Many people, before this government, talked about it but nobody acted on it. Finally, we have a government where

a minister took this bill and is trying to address it in a professional fashion in order to break the barriers facing many foreign-trained professionals.

I know your concern about an audit and a fairness commissioner. You say, “We are fair. Why are you applying that title and the audit?” But I want to tell you something very important. Hopefully, you'll agree with me. If your conduct is perfect and there is no problem, I don't see that the fairness commissioner is going to object to your audit, which you apply on a regular basis to your professions or your ministry, or which you do on a regular basis. Do you see any contradiction in this matter?

**Dr. Williams:** I agree with you, but what we're saying is that the name “fairness commissioner,” from our vantage point, might send the wrong message to prospective persons who would like to appeal. We're saying, “registration assessment commissioner” is maybe an example of what we might want to look at, or something similar. “Fairness” is the underlying problem here. Maybe something might not be fair. I'm just pointing out a caution based on what we've looked at in terms of, again, the experience I bring, having dealt with internationally trained individuals in another organization and also in my current responsibilities.

**Mr. Ramal:** How about the audit?

**Dr. Williams:** Again, looking at the fact that the commissioner has the right to have annual reports, and reports at any time that he or she sees fit, it seems to me that an audit would be redundant in this process. This may be due to the fact that it has not been stipulated or pointed out very clearly in the document what the audit will entail. What kinds of standards are we looking at? Are we looking at best practices, for example? What does it mean? So, again, from our standpoint as a young organization, the main thing is the prohibitive costs that an audit might foist upon APGO, and indeed some of the other sibling or regulatory bodies. Again, it's looking at what more we could get with an audit than we could from periodic reporting.

**Mr. Ramal:** The audit is going to be almost similar to what you do on a regular basis with your professions. Of course, any organization across Ontario has to do some kind of auditing or report to their professions. So I think the fairness commissioner is not going to ask for more if your profession is doing it according to the fairness commissioner, fairly and according to the profession. It's not going to ask them for extra audits or extra expenses to report them.

**Dr. Williams:** If I might, the issue is not with the audit; it's the cost attendant with the audit. That's the issue, especially when it's not well defined as to what the audit will entail.

**The Acting Chair:** I would come to Mr. Klees.

**Mr. Klees:** Dr. Williams, I appreciate your presentation. I think the parliamentary assistant is getting to your point, and that is, if he is having to explain to you what an audit won't be, there's a problem, because what you're asking for is clarity in terms of what it will be and

what the cost is going to be and the burden to your organization.

You made a very interesting reference to what I conclude is the effect of Canadian job experience equivalency, that what you include in your profession is not only an equivalency of credential, but you realize that the first thing people are going to be asked for is what is their Canadian job experience. So what I would like you to do, if you wouldn't mind, when you submit your written report, is include some details about how you rate that Canadian job experience equivalency. I think this is key. I think there's a problem that there is a great deal of expectation on the part of people watching the process of this bill that somehow this bill is going to give them access to jobs, and we know that is not the case at all. What it will do is put in place some system to provide them, perhaps, if we get it right, some greater access to registration of their credentials. But the real key is what are the steps that are going to be taken by the government to create access to a job? I think this Canadian job or work experience equivalency may have to be a very important aspect of implementation here. If you've worked in your profession or any profession in another country for 10 or 15 years, and we can't translate that work experience into the Canadian equivalency of work experience, you might have all the registration in the world, and people will still say, "What is your Canadian work experience?" They have none, and you're right back to where you were before. I'm very interested in hearing from you on that. I think it could be one of those very practical steps that need to be taken by the government.

**Dr. Williams:** APGO recognizes this, and of course, that's one of the reasons why we're willing to partner with the government, for the other people who might not have that experience in this paid program, to help them to integrate into the Canadian or the Ontario fabric, if you will. I think it's a very optimistic and very ambitious approach. That's one of the reasons why we recognize this and we're willing to partner with the TRCA in this initiative.

**The Acting Chair:** Thank you very much. We are out of time, Mr. Klees. Thank you, Dr. Williams. We appreciate your presentation.

#### CHINESE CANADIAN NATIONAL COUNCIL TORONTO CHAPTER

**The Acting Chair:** I would now call upon the Chinese Canadian National Council Toronto Chapter, Karen Sun, the executive director. Introduce yourself for Hansard, and if there are any guests with you, please introduce them as well. Start any time you feel comfortable.

**Ms. Karen Sun:** Hi. My name is Karen Sun. I'm the executive director of the Chinese Canadian National Council Toronto Chapter.

The Chinese Canadian National Council Toronto Chapter is an organization of Chinese Canadians in the

greater Toronto area that promotes equity, social justice, inclusive civic participation and respect for diversity. We are a member of the city of Toronto's working group on immigration and refugee issues that has been discussing the issue of immigrants' access to professions and trades. We would encourage the province to develop a dialogue with existing committees and advisory groups such as this, as well as with the city of Toronto, which has shown leadership and commitment related to this issue, particularly considering the new powers allowed under the new City of Toronto Act.

It is widely recognized that there is a shortage of skilled workers in Canada. Canada's current immigration policies favour skilled professionals, making it easier for them to come to our country. However, because their credentials are not recognized here, they often end up underemployed. It is well documented in reports such as the Ornstein report that ethnoracial groups experience inequalities in gaining employment appropriate to their skill and training.

It has almost become a cliché the way people will joke about our Ph.D. cab drivers. One of our interns worked at a Tim Hortons. Her manager was an immigrant with a master's in medicine, her co-workers were foreign-trained engineers and teachers. She's currently living with someone who is studying nursing at the University of Toronto, where a number of individuals who were practising doctors in their homeland are also studying. It is easier for them to be trained in a new profession than it is to become certified as a doctor here.

Newcomers arrive in our country full of hope to start a new life here and to contribute to Canadian society. The frustrations they meet in trying to find work in their field of expertise can have tragic results: There have been two suicides in the past two years in Toronto's Chinese community. Both of these people were highly educated, skilled immigrants from mainland China who were unable to find steady professional employment.

A recent study conducted by us in partnership with Professor Izumi Sakamoto from the University of Toronto looked at the issue of how mainland Chinese skilled immigrants adapted to life in Canada. Stressed by unemployment or underemployment, and having experienced disillusionment about leading a better life in Canada, participants in the study felt that depression, family conflict and, in extreme cases, suicide occurred most often to immigrants who have been here longer than to newcomers. "Loss of self," "no face," "no future" and "waste of life"—the words used by the study participants to describe their life after immigration—indicate tremendous psychological stresses. Trapped in labour jobs, some interviewees felt embarrassed when comparing themselves with their peers of their home country. The participants all described a loss in their social status and deskilling in employment after immigration.

#### 1020

We applaud the government's initiative in bringing forward Bill 124, and we stand in substantial agreement with its intent. We also support our community partners in their submissions to this committee, namely the

submissions of the Chinese Canadian National Council's national office, the Chinese Interagency Network and the Policy Roundtable Mobilizing Professions and Trades. It is our hope that by working together, we can further strengthen the bill and fulfill our promise of a better life to foreignly accredited professionals living in Canada.

At the outset, we strongly support the appointment of a fair registration practice commissioner with powers to investigate and order compliance. We also applaud the creation of an access centre, the introduction of the expressed duties of regulated professions, including the preparation of annual fair registration practice reports, and the appointment of auditors to examine the reports. We believe these measures are innovative systemic solutions.

However, our submissions today are from the perspective and experiences of individual claimants undergoing the registration process. We believe there is a need to strengthen the mechanism protecting individual rights and interests of foreignly accredited professionals.

As stated in part II of the bill, we support registration practices that are transparent, objective, impartial and fair. However, we believe that the duty to provide information will not go far enough if it simply requires a more transparent process while allowing discriminatory standards to stand.

In recognition of the fact that additional licensing tests and retraining programs required of foreign-trained applicants have typically been unduly demanding and expensive, we believe that it should be the duty of regulatory professions to implement:

—a reasonable fee scale to registration;

—fair standards which are necessary and relevant to the practice of the profession, in particular, that reflect the required level of occupation-specific English language fluency; and

—culturally sensitive tests that are an accurate assessment of professional skills and training required.

We would like to see an expressed duty to bring registration requirements into compliance with the charter and Human Rights Code, with the recognition that discrimination on the basis of place of training has a high correlation with place of origin.

We support the creation of an independent regulatory appeal tribunal as described in the Thomson report.

We further seek a commitment of funds, either under this bill or elsewhere, to provide free, affordable and accessible legal and profession advice to new Canadians seeking recognition of credentials, including the provision of trained advocates, such as lawyers, without charge, to present the cases of individual claimants before the regulatory bodies in their internal and appeal processes as well as at the independent regulatory appeal tribunal.

In support of our submission, we draw your attention to the documents listed at the end of our written submission.

**The Acting Chair:** Thank you very much. You've left us with enough time to rotate two more groups. We'll start with Mr. Tabuns.

**Mr. Tabuns:** Could you speak to this "compliance with charter and Human Rights Code"? You talk about discrimination on the basis of place of training. Could you expand on that?

**Ms. Sun:** I think basically what that's getting at is that under the charter and Human Rights Code, people should not be discriminated against based on their place of origin. Place of training is quite similar to the place of origin, so if you're being discriminated against because you were trained in another country, then how does this relate to the existing charter and code?

**Mr. Tabuns:** Okay. Thank you.

**The Acting Chair:** One more rotation: Mr. Ramal, quickly.

**Mr. Ramal:** Thank you for the presentation. I take it you think this bill is good enough to help many foreign-trained professionals enter their professions, and you think the fairness commissioner is in a good position to help those professionals enter their professions?

**Ms. Sun:** We think it's important that a fairness commissioner is appointed. It's not entirely clear from my understanding what the fairness commissioner will do and how that commission will run. It's our suggestion that the province, through the fairness commissioner or through the access centres, continue a dialogue with groups such as the working group on immigration and refugee issues at the city of Toronto that have been working on these issues for some time to make sure that this bill works the way it should.

**The Acting Chair:** Thank you very much, Ms. Sun, for your presentation.

## CANADA LAW FROM ABROAD

**The Acting Chair:** We'll look for our next deputant, please, Mr. John Kelly, the president of Canada Law from Abroad. If you could step forward and identify yourself for Hansard and, if you're bringing a guest, identify them as well. When you're comfortable and settled in, we'll begin. You have 10 minutes.

**Mr. John Kelly:** Thank you, Mr. Chair. My name is John Kelly. The organization I represent is called Canada Law from Abroad. I'd refer you to the website, which is actually in appendix D. I'll just read a short sentence from that which will indicate what the organization does: "Canada Law from Abroad addresses the need for an international educational law school bridge for common law LLB degrees." It encourages and facilitates the entry of Canadian students to UK universities to pursue the study of law and obtain LLB degrees in return. In addition to that, for holders of foreign LLB degrees from any jurisdiction and JD degrees from the US and other professional bodies, Canada Law from Abroad also provides tutorial services and support services for those who are seeking to write the challenge exams to obtain accreditation with the Law Society of Upper Canada.

Perhaps I could refer the committee to my executive summary. I'll just paraphrase a few things, and that will give you, I think, a pretty good idea as to where I'm coming from here. There is a substantive brief that you

have in front of you, and obviously I would encourage you to all read this for details on the statements I'm going to make.

Let me start out, though, by saying that law is now an international discipline. I could just throw out things like privacy, environment, anti-money laundering, mergers and acquisitions, immigration. These have all gone beyond the notion that, perhaps for those of you who are lawyers or those who even took law courses a number of years ago, where we looked at things in an Ontario or a Canadian context—we're dealing now with a discipline that has become international. What that has to do with Canada Law from Abroad is that, along with being an international discipline, the marketplace for legal services has also become international. If you read my brief and go through it, you'll see the degree to which law firms—in many respects, law firms outside of Canada—are now actually coming into Canada, providing a number of legal services and, quite frankly, in some cases, setting up offices here and operating accordingly.

Canada Law, as I mentioned to you, provides an international educational bridge for students wanting to pursue LLB degree programs of study in the UK. It also provides accreditation support services for them when they return, in terms of writing the challenge exams to have their degrees accredited.

There are a couple of issues I want to draw to the committee's attention this morning. First of all—I don't really see this articulated in the proposed legislation, but it should be in there—we need to look not just at immigrants from other countries who are coming here, but we also have to start to take into consideration for many professional disciplines, law in particular, the need for recognition—I don't use the word "accreditation"—of international legal institutions, in this case universities abroad, where these people can feel comfortable attending and then coming back to Canada. For example, as you read my brief, you'll see that—it's almost to the point of absurdity, and I say that with all due respect to the law society—universities like Oxford and Cambridge are not recognized by the Law Society of Upper Canada as being valid universities. So students who attend those universities—where, ironically, the common law and basically the LLB were invented—have to come back and prove that every subject and every course, and their grade in every subject and every course, meets with Canadian standards. Then, and only then, are they entitled to write a series of challenge examinations that will qualify them for having their degree accredited.

Obviously, I'm not against, we'll say, challenge examinations and I'm not against accreditation—I think accreditation for professionals is very important—but we're dealing with an absurdity here by way of recognizing that we have great international institutions that we should be encouraging Canadians to attend. So I think a provision has to be built into this legislation that will enable universities—and I'm actually here on behalf of two universities today: one, the University of London, which is a world-renowned university, and the other, the University of Sterling. They basically have attempted to come to

Canada and speak to the Law Society of Upper Canada about how they can become recognized universities.

### 1030

When I say the Law Society of Upper Canada, I should first of all qualify this by saying that they actually have a representative agency—you'll see it's mentioned in my brief—called the National Committee on Accreditation, which actually acts for the law society and all the other law societies across the country. But in this case, basically the National Committee on Accreditation refuses even to meet with these people because they say they are not recognized universities. So where I'm coming from, again to repeat it—it's a very important point—is that I think we have to build something into this legislation that enables international universities that obviously can prove their validity to become recognized. Now, "recognized" does not mean accreditation, as I say. If you attend a recognized university, you certainly should still have to perhaps come back to this country and demonstrate that you have competencies that are unique to Canada.

The next thing I certainly want to address that we must go through—and again, that's another bullet point in my executive summary—is that we need to provide students, before they leave this country—and I'm talking now about Canadian students—we need to provide those who take this international education bridge with an opportunity to accredit their degrees and basically to get notice prior to leaving that these are the criteria they will be expected to meet when they return. In other words, it's almost like getting pre-qualification, or if you want to call it, almost pre-boarding. What happens now—and I keep throwing this out because it's not name-dropping—I have represented students who have been accepted at Oxford and Cambridge, and yet they're saying, "Can I go there? Because the NCA, the National Committee on Accreditation, will not indicate what courses I should take or what courses might be acceptable, and there's a study plan I'd like to present to them." None of this is accepted. You're basically told, "Go, and when you return we'll deal with you on that basis."

In addition to that, there are two other points that I just very quickly want to make. Another issue is timeliness. When you read through my brief, you'll see a number of the issues that I raise, not so much with the advance accreditation, but with things like how the National Committee on Accreditation works and the systemic barriers that are in there. Over a 10-year period, the NCA itself has had groups within the NCA that have come to them. When you read your legislation—and I've attached one of the briefs that the NCA prepared in its own right—it almost reads like a precursor to your legislation. Ten years ago, there were members of the legal profession going to the National Committee on Accreditation saying, "You've got to put in objective standards. You must have transparency. You must have these things." None of these have been acted on for a 10-year period. In my case, I've been trying to negotiate and dialogue with them for over two years and basically, as you'll see in brief, why I'm here today is that all I get

back from them is, “No response, no response, no response.”

I'm not saying this to be pejorative, but I really think that we also have to look at a situation—and this is what I'm saying, not just for my application but I think for a number of these groups—that, one, when this legislation is passed—and I'm also presuming that the law society is eventually going to be covered in this, even though they've requested an exemption—there's a timeliness factor where we say that if you've been here, and people have been dealing with you for 10 years on this issue, you no longer now have another 10 years to say, “Well, now that the legislation has passed, let's set up a study group and spend another five years going through this.” So I think you have to build something into the legislation that basically enables, in this case my Canada Law from Abroad and other groups that are professional bodies—if, in good faith, they've been attempting to dialogue with regulatory bodies for two, three, four and five years and there has been an issue of avoidance here, that there is basically a fast track so that people like, we'll say in my case, Canada Law from Abroad and others, can actually go to this tribunal from day one and not be put in a situation where we're told, “Now that the legislation has passed, we need another year or two to basically look into this and see where it might lead.” So that certainly is a very important issue as well.

I don't want to spend necessarily—not that it's not important—but the issues that pertain directly to foreign degree holders as well who come in here as recent immigrants or even Canadians returning. If you look through my brief, for example, on page 4, you'll see that I give you a series of bullet points that indicate how the NCA is not meeting in any way, shape or form the criteria that you're proposing be met through this legislation: The process lacks transparency; the guidelines are unclear to the point of being inaccurate; the approval process lacks objectivity and uniformity; the evaluation criteria are biased, without any BFOR justification.

A Canadian student who goes to the University of Toronto up the street has to demonstrate competency in six core subjects to basically be admitted on academic criteria to the Law Society of Upper Canada. The same person who goes abroad has to come back and demonstrate competency in 14 subjects. Those are the kinds of things I'm talking about.

I think you've given me the one-minute warning sign, Mr. Chairman, so I'll stop at this point.

**The Acting Chair:** Actually, you've gone just a little bit past the one-minute warning and your timing is impeccable—10 minutes. Thank you very much for your presentation, Mr. Kelly.

#### ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS

**The Acting Chair:** I'd like to call upon the Ontario Council of Agencies Serving Immigrants, Ms. Debbie Douglas, the executive director. As you are approaching, please identify yourself and your guests, if you have any.

When you're comfortable, you may begin. You have 10 minutes.

**Ms. Debbie Douglas:** I'm Debbie Douglas, director of the Ontario Council of Agencies Serving Immigrants. I would also like to acknowledge that our coordinator of policy is in the room, Amy Casipullai. Many of my member agencies are also here presenting on their own community's behalf.

Let me just give you a brief introduction to the council. The Ontario Council of Agencies Serving Immigrants, better known as OCASI, appreciates this opportunity to appear before the standing committee on regulations and private bills to speak on Bill 124. We are the umbrella organization for immigrant- and refugee-serving agencies in Ontario. The council was founded in 1978 to act as the collective voice for the sector. We now have more than 180 members across the province, many of whom are watching this process with great interest.

Fair and equitable access to regulated professions is a long-standing concern for OCASI members. Many of the specific concerns regarding access were captured in George Thomson's report, *Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions*, which was released about a year ago—last November.

OCASI has a very strong interest in supporting Bill 124, which promises in its principles and spirit to advance equitable access to regulated professions in Ontario. The recommendations contained in this presentation are intended to strengthen this goal and to raise questions that we hope will help to bring greater clarity in specific areas.

Around the regulated professions, the bill specifies the professions that are not included in this piece of legislation, essentially those that are covered by the Regulated Health Professions Act, the RHPA, but does not list the ones that are included. The RHPA lists all of the colleges that are covered by that act and includes a list of self-governing health professions.

The advantage in listing the specific professions in the bill itself is that it would require Legislature oversight if a future government decided to make changes in this area. Listing the professions in the regulations as opposed to the bill will mean that it would be easier to change the list without any sort of oversight and that it could be subject to political whim. The question is whether to sacrifice oversight and the opportunity to receive input for a faster process.

OCASI is recommending that the list of professions subject to this piece of legislation should all be named in the act. Ideally, all regulated professions should be included except, of course, those dealt with in the Regulated Health Professions Act.

*Interruption.*

**Ms. Douglas:** I am waiting while my friends finish their conversations in the back over there. Okay.

Around the internal review or appeal, while the bill states that a regulated profession should provide an internal review of or appeal from its registration decisions

within a reasonable time, it leaves the choice of the process up to the regulated profession. Further, it is up to the regulated profession to decide if the submissions are to be submitted orally, in writing or by electronic means. However, the RHPA allows an applicant to apply to the Health Professions Appeal and Review Board to hold a review of the application and the supporting documentary evidence. In order to maintain consistency and to give internationally trained professionals, who from now on I will call ITPs, an opportunity for active participation in the appeal, all professions should be required to give applicants an appeal process.

#### 1040

OCASI recommends that the bill should state that the ITP should be given the opportunity to appeal, instead of leaving the choice up to the regulated profession.

We also recommend that the bill should state that the appeal must be in writing, as well as orally in person. If this proves onerous for the ITP, the bill should leave the choice up to the ITP as opposed to the regulated profession.

Further, the bill states who should not be in the appeal and does not specify who should conduct the internal review or appeal. In the interests of supporting the principles of fairness and transparency, OCASI recommends that the appeal should be conducted by a third party, such as an appeals body or tribunal, and not by the regulated profession.

In the area of assessment of qualifications—and I should have said this at the top. The clerk actually has a copy of this that's sitting in her system, so I'm sure members of the committee will get a copy of the written submission from us on this.

The bill appears to set two different standards for the assessment of qualifications. If the regulated profession makes its own assessment, it shall do so in a way that is "transparent, objective, impartial and fair." That's a quote from subsection 9(2) of the bill. However, if the regulated profession retains a third party to assess qualifications, it is only expected to take "reasonable measures" to ensure that this is transparent, objective, impartial and fair. Why two different standards?

The bill provides for oversight of third party assessment by the fairness commissioner, section 12(d), to ensure that the assessment is based on the obligations of regulated professions under the act. Why not include this language in the bill where it refers to third party assessment rather than have it provided only through commissioner oversight?

This bill came about to a large extent because of concerns with barriers in the assessment process, among other things. Because of the importance of this issue and in the interests of ensuring consistency, OCASI recommends that the bill should clearly define what is meant by "transparent," what is meant by "objective," what is meant by "impartial" and what is meant by "fair," both in the main body of the bill and in amendments to the Regulated Health Professions Act. These are broad abstract terms and it would be important to define them

and/or set benchmarks, rather than leave that responsibility up to the regulated professions, the fairness commissioner or to be addressed in the regulations. We're basically asking for definitions in the act itself.

We remain concerned, however, that even this would not address systemic discrimination in access to the process and in conducting assessments.

Around the area of training, the bill states that the individuals who make decisions in the assessment, review or appeal process must be trained on (a) how to hold hearings, and (b) any special considerations that may apply in the assessment of applications and the process for applying these considerations. It does not specify what "special considerations" might mean.

In order to strengthen the bill and to ensure equity and consistency, OCASI is recommending that the bill should clarify what is meant by "special considerations" and that it should include specific reference to including the application of human rights principles and the ability to understand systemic barriers as part of the criteria.

Access to records: While an applicant can request to access the records relating to his or her application held by the profession, the profession can refuse access on four different grounds, including where it could lead to identification of a person who provided information in the record, whether explicitly or implicitly in confidence.

In this, OCASI is guided by comments from the Metro Toronto Chinese and Southeast Asian Legal Clinic, which has noted that the way this subsection is worded is extremely broad and goes beyond the usual exceptions to disclosure rules.

If the decision on an application is to be based on unknown information provided by an unknown person, then in order to support fairness and transparency the internationally trained professional should have the right to access that information. How can an ITP prepare an adequate appeal if important information that has a bearing on the original decision is not provided? As it stands, this provision appears to be counter to the principles and values advanced by the overall bill.

We are concerned about the creation of different classes. The bill allows a fairness commissioner, for example, to create different classes of regulated professions and impose different requirements, conditions or restrictions in respect to any class. It is not clear why different classes would be necessary and what would govern the process of creating such classes.

OCASI is concerned that this could potentially lead to fewer reporting or compliance requirements for some professions. We suggest instead that if regulated professions have unique challenges that would require a different approach, but not different expectations in advancing fairness and equity, then this should be dealt with on a case-by-case basis at the request of the regulated profession.

Audits and reports: similar concerns. These appear to be the key mechanisms that the commissioner can employ to ensure that professions remain accountable. In order to support the principles of the bill, OCASI recommends that the commissioner should provide an op-

portunity for ITPs and community groups that have worked to address barriers to professions to provide input into setting the selection criteria for auditors. OCASI is specifically concerned that the auditor should have a realistic understanding of the systemic barriers that ITPs face, and have experience in identifying such barriers.

We also recommend that the commission report directly to the Legislature—and this is an important piece for us—rather than the minister, thus ensuring greater transparency and a degree of separation from political ideology.

**The Chair:** Thank you very much. I know that you probably have a few more points to make, but my understanding is that you have provided your presentation through an e-mail format. The clerk can certainly make sure that if members want it in hard copy that that can be done. Unfortunately, there is no time left for any questions, but I'm sure you would be available if members wanted to contact you outside of the committee process.

I want to thank you very, very much for your presentation. I apologize that I wasn't here for the entire portion of it, and I want to thank Mr. Levac for sitting in as Chair for a few minutes while I had to go and do some other things. Thank you very much for coming in today.

**Ms. Douglas:** Absolutely, and I wanted to leave by congratulating our government for bringing Bill 124 forward.

**The Chair:** Thank you very much.

#### COUNCIL OF AGENCIES SERVING SOUTH ASIANS

**The Chair:** Our next witness is the Council of Agencies Serving South Asians. Is someone from the council here? Welcome. If you want to just get comfortable and state your name for Hansard. You have 10 minutes. If you leave a little bit of time for questions, it has to be within that 10-minute time frame. Go right ahead. Thank you for coming.

**Ms. Andalee Adamali:** Thank you, and good morning, ladies and gentlemen. My name is Andalee Adamali and I'm from the Council of Agencies Serving South Asians. I'd like to introduce my colleague Uzma Shakir, who—

*Interjection.*

**Ms. Shakir:** Moral support.

**Ms. Adamali:** She is a community member.

**Ms. Shakir:** It's a matter of perspective.

**Ms. Adamali:** CASSA is an umbrella organization and we serve the South Asian community and advocate on behalf of individuals, community groups and organizations that serve the South Asian community. We do advocacy work on a variety of issues, including access to professions and trades, seniors' issues, women's issues and youth.

I wanted to start by giving you a bit more information about the South Asian population in Ontario, because this community is particularly impacted by the barriers faced by foreign-trained professionals.

#### 1050

It is to be noted that these issues gain a certain immediacy when we review the 2001 census data, which shows that the South Asians constitute the largest visible minority community in Toronto today and that it's also the fastest-growing community. Today South Asians make up the second-largest visible minority in Canada, at 3.1%, and 23% of all the visible minority populations. They represent 4.9% of Ontario's population; that is, about 554,000 people. Also to be noted is that between 1991 and 2001, the South Asian population has doubled, from 235,000 to 473,000, so that makes it 28% of all of Toronto's visible minority populations.

Thus the issues being faced by the community are not merely issues of settlement but also the persistent underdevelopment of the community, irrespective of the nature of citizenship. Of the total South Asian population, 54.1% of the population has education levels ranging from high school to some non-university and post-secondary training. This is similar to the total population average at 55.4%, yet the unemployment rate among South Asians is 15% as compared to 9% of the general population. The average income of a South Asian male is at least \$10,000 less than the Canadian average and, for females, less than half the Canadian average. The number of South Asian professionals presently either unemployed or underemployed is alarmingly high in relation to their education levels. Thus, not surprisingly, the city's own studies, like the Ornstein report, show an unacceptably high percentage of South Asians living below the low-income cut-off point; namely, 35% for South Asians compared to 14% of European-origin families, at a time when South Asia remains the second-largest source region of immigrants to Canada generally and Toronto specifically.

I'm quickly going to go through a few of the barriers to access to professions and employment for internationally trained individuals. Essentially, the dramatic under-utilization of their skills and experience has become an increasingly urgent issue. While Canada's immigration policy encourages and invites immigrants with professional qualifications and experience, we continue to be disturbingly ineffective in integrating these highly skilled and educated newcomers:

—The unemployment rate of internationally educated professionals is over three times as high as other people in Ontario.

—Sixty per cent of internationally educated professionals who took jobs unrelated to their training when they first came to Canada held the same job three years later.

—Less than one quarter of internationally educated professionals who were employed were working in their exact field, and 47% were doing something irrelevant to their field.

The impact of having thousands of underemployed immigrant professionals and tradespeople is felt in families and in communities in the form of lost dreams and opportunities, social and economic distress. It's felt

across Canadian society and at all levels of government in the form of lost tax dollars and increased social assistance and social service costs. One recent study has examined the inequalities between immigrants and non-immigrants on measures such as average earnings, occupation and hours of work. Using a respected economic model, the study projects that if these inequalities were completely eliminated, an additional \$64.5 billion could be expected to be added to Canada's GDP by 2036.

CASSA supports the intent of Bill 124, the Fair Access to Regulated Professions Act, because this legislation has the potential to address the rapidly changing demographic shifts in Ontario and to be a part of creating real opportunities for people who have the fundamental right to contribute fully to Canadian society. This bill, if passed, will be one vital step to decreasing the growing disparities between those professionals who have access to the registration process and system and those who don't.

CASSA's proposed amendments to Bill 124 are based on three overarching principles that we feel should be enshrined in the entire registration process. These are: equity, accountability and the public interest.

We define equity, with regard to the registration process in particular, as something that's carried out in compliance with the regulatory bodies' legal obligation not to discriminate and therefore to consider skills, knowledge, credentials and competency to practise without regard to an applicant's race, ancestry, place of origin, colour, ethnic origin, nationality, citizenship, creed, gender, sexual orientation, age, marital status, family status or disability. Further, registration processes are carried out in compliance with the regulatory bodies' ethical obligation not to discriminate and therefore to consider skills, knowledge, credentials and competency to practise without regard to an applicant's country of training, socio-economic status or employment status, and also without regard to labour market demand.

Both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms now enshrine equality and the right to live free from discrimination. The obligation today is that the registration process within professional regulation be done in a way that upholds this foundational democratic principle.

The second principle is accountability, in that we need to place a high value on public accountability to ensure that we don't merely talk about the principles and values but that we actually act on and enforce them. Registration processes should be seen to ensure and demonstrate publicly that registration is carried out in the public interest.

The third principle is redefining public interest. We see it as in the public interest to include the idea that it is a basic human right and that all people have the right to participate in society equitably. This would include providing equitable access to systems without unreasonable discrimination. It should be added at this point that some assume that regulators assume the public interest is just a consumer safety issue, but I would like to point out that

it's a bit more than that. It is also about foreign-trained professionals having equal access to the same registration processes as everyone else.

**The Chair:** You have about a minute left.

**Ms. Adamali:** As such, the role of regulators is to increase access to the system, thereby being primary players in reducing systemic barriers for foreign-trained professionals.

So we submit under section 6(c) that the equity lens described above be considered in determining the objective requirements for registration by the regulated profession.

With regard to assessment of qualifications, in section 9, CASSA submits that "transparent, objective, impartial and fair" be defined in such a way that it takes into account a broader definition of public interest, as described above, and one that includes the right that all people have to participate in society equitably, which includes providing equitable access to systems without unreasonable discrimination.

The third one is the role of the fairness commissioner, clause (3)(d), that we should monitor third parties retained by regulated professions to assess the qualifications of individuals applying for registration by a regulated profession to ensure that their assessments are based on the obligations of regulated professions under this act and the regulations. CASSA would like to submit that the fairness commissioner shall apply the above function (3)(d) to the provisions of internal review of appeal, assessment of qualifications and training.

**The Chair:** Thank you very much. We've run out of time, unfortunately, but I think you've made those last three points that you were hoping to make. Unfortunately, there isn't any time for committee members to ask any questions, but we certainly do appreciate your thoughtful presentation and thank you for coming to be a witness to committee.

1100

#### INSTITUTE OF CHARTERED ACCOUNTANTS OF ONTARIO

**The Chair:** Next we have the Institute of Chartered Accountants of Ontario. Is anyone here? Welcome. Please take a seat at the end of the table. As you've seen from other presentations, you have a 10-minute time slot. Please begin your presentation by introducing yourself and your colleague. If you leave time during your 10-minute presentation, at the end members of committee will have the chance to ask you some questions. So welcome and thank you for coming.

**Mr. Tom Warner:** I'm Tom Warner; I'm the vice-president and registrar with the institute. With me today is Edwina McGroddy, who is our director of admissions, licensing and membership for the institute.

We are here today on behalf of the institute and the 32,000-strong CA profession in Ontario, with a two-part message as you review Bill 124, Ontario's Fair Access to Regulated Professions Act, 2006. The first part deals

with the central importance of access to the professions for internationally trained professionals to Ontario's economy and our competitiveness from our perspective, as well as our views on some specific aspects of the legislation as it seeks to reflect this reality. The second part deals with the ways the institute is doing its part to advance this priority in our processes and policies. This may serve as a useful benchmark for you.

First, the issue as it relates to Ontario's prosperity and our related thoughts on Bill 124: We don't need any more studies to tell us that our workforce, including our knowledge-based workforce, is going to grow smaller as the baby boom cohort approaches a retirement wave. Ontario needs skilled immigrants, and more of them, if we are to sustain current workforce levels and keep our economy on the move. Nowhere is this requirement more evident than in financial services, which is increasingly the backbone of our economy, and especially so in Toronto. But it's one thing to support this as a matter of principle; it's quite another to live this principle as we in the CA profession seek to do every day.

This is because chartered accountants work at the heart of our business and capital markets in an age in which investment capital crosses time zones at the push of a button. By definition, as business goes global, so too is our profession an increasingly globalized one. The nature of our work therefore demands that Ontario CAs be able to work abroad and that internationally trained accountants be able to work in Ontario. So we have developed a number of processes to enable the evaluation of internationally trained accountants, as my colleague Edwina will outline in a moment.

That's why we support this legislation, which in our view strikes the right balance between fair access and continued high professional standards, which is central to the public interest. It is also why the institute's director of government affairs, Chris May, has a seat at the minister's advisory round table to help guide policy development in this area.

On that point, let me now offer a few specific comments on the bill which we have previously expressed through our involvement in the Ontario Regulators for Access consortium, comprised of 38 self-regulated professions in Ontario that have all publicly committed to transparent, objective, impartial and fair registration practices.

First, we concur with the overall premise of section 5 that regulated professions have a duty to provide registration practices that are transparent, objective, impartial and fair. This premise is embedded in the tenets of what the Ontario Regulators for Access consortium has done in their long-standing work.

Second, we are pleased that the ministry proposes to establish an access centre for internationally trained individuals to provide information and assistance on the requirements for registration, procedures for applying for registration and opportunities for internships and mentorships. We hope that there will be not only provincial and federal coordination, but also appropriate linkage to our

well-established organizations to ensure information accuracy.

And third, while we question the necessity of an audit, we support public accountability in registration practices. We note, however, the importance of taking into account differences between professions when creating classes of regulated professions. Given that so many different professions are subject to legislation, we hope that the ministry will consider background and contextual information about each regulator when establishing classes of regulators.

Having said that, I now turn to my colleague Edwina McGroddy for a few comments on the processes and polices used by the institute to ensure fair access for internationally trained accountants.

**Ms. Edwina McGroddy:** Good morning. My colleague Tom has explained why the institute and the Ontario CA profession need to ensure fair access for internationally trained accountants. I'd like to take a moment to highlight how we do this through processes that have been recognized by successive Ontario governments at best practice levels for many years. These are detailed in an institute backgrounder we have available here for you this morning called Access CA. We'll make sure that you each get a copy. There's much more information for you on our website, [www.icao.on.ca](http://www.icao.on.ca), under "Become a CA."

In a nutshell, though, the institute ensures fair access to the CA profession for internationally trained applicants through a rigorous, sophisticated assessment process. It examines the qualification standards of the candidate's home accounting body and it assesses the individual merits of a candidate's education and experience.

We also play a central role in a CA profession body called the International Qualifications Appraisal Board, or IQAB. This body is responsible for assessing the qualification and admission standards of international accounting bodies. IQAB then recommends to the provincial institutes of chartered accountants in Canada whether the education, examination and experience requirements for qualification are equal to those in this country. In cases where IQAB has not yet assessed the standards of an accounting body in another country or has found them not equivalent to Canadian standards, candidates will fall into the non-recognized or non-assessed categories.

So if you are a member of a recognized accounting body, you are eligible for membership in the institute under our reciprocity provisions, pending the completion of the chartered accountant reciprocity examination, what we also call CARE. If you are a member of a non-recognized accounting body, you are still eligible to receive exemption from some of the normal requirements of the CA qualification program in Ontario. But in most cases, you must complete the School of Accountancy program; the uniform evaluation, UFE; and the requisite amount of public accounting experience.

That said, IQAB is committed to assisting non-equivalent accounting bodies in meeting its standard. For

example, the institute of public accountants in Mexico recently upgraded its qualification process to meet the IQAB standard, so candidates who qualify through the Mexican body are now recognized in Canada. As well, those who have exceptional educational and experience backgrounds may apply to the institute's applications committee, which includes members who are not CAs, to receive additional exemptions.

Finally, if applicants believe that any of these processes have erred in reaching their decisions, they may request to have the decision reviewed by the appeal committee, which also includes representatives of the public.

I would emphasize that these are only brief highlights. As mentioned, a much more comprehensive body of information is available online, in part to ensure that those who would seek access to the CA profession while still abroad have access to all the information they need to make informed decisions before they leave for Canada.

Thank you. If we have time, we'll take questions.

**The Chair:** In fact, we do. We have just over a minute—almost two minutes, actually. I believe we start with Mr. Klees.

**Mr. Klees:** Thank you very much for your presentation. At the outset, let me commend your organization for your initiative in this regard. I think, frankly, you should be one of the best practices examples that the government should take for the work you have done and continue to do. I think you are one of the very few, if in fact there are any others, where someone can, while they're still in the country of origin, actually know before they come here as to whether or not they will qualify and be recognized. That really is where I think we should be going. Given the technology we have, with the Internet and all of the other information technology, there is no reason that potential immigrants to this country shouldn't be going through this process while they're actually waiting to hear whether they've been approved to come to this country. Many times, it takes two and three and four years, and they could be using that period of time to go through this process.

So my question to you is, with regard to the experience you actually have when people get qualified, what is your experience of their actually getting a job, getting tied in with an employer and becoming engaged in the profession? What kind of gap do you see there, or do you have any statistics that can help us with that?

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**Mr. Warner:** Now when you say "qualified," I'm assuming you mean qualified as chartered accountants in Ontario?

**Mr. Klees:** Yes.

**Mr. Warner:** There certainly are no problems. Once someone has become a chartered accountant, whether it's through the normal student process and exams or as an internationally trained accountant who's become a CA in Ontario, there's no difficulty we are aware of that individuals have experienced. In fact, there is a demand for chartered accountants in the marketplace right now. There are no issues there.

**The Chair:** Thank you very much. Unfortunately, we've run out of time for these witnesses, but thank you for joining us. We appreciate your comments and insights. Thanks again.

#### CONSORTIUM OF AGENCIES SERVING INTERNATIONALLY TRAINED PERSONS

**The Chair:** Our next witness is the Consortium of Agencies Serving Internationally Trained Persons. Are the representatives from that group here? Great.

Before we actually begin the presentation, there was a request from the Chinese media who are outside wanting to know if it would be all right to bring in cameras to take some pictures. If it's all right with the committee members, I'll invite them in with the understanding that they are not to interfere with any of the proceedings—unless there's a problem. Are there any concerns?

**Mr. Sergio:** Is this normal?

**The Chair:** Pardon me? I leave it up to the committee—I mean, it's totally up to the committee as to whether or not it's appropriate.

**Mr. Klees:** It's fine with me.

**Mr. Ramal:** No problem.

**The Chair:** Okay, that's fine.

**Mr. Klees:** No problem, unless the government has something to hide.

**Mr. Ramal:** No, we have nothing to hide.

**Mr. Levac:** Frank, we would never hide anything from you, because we couldn't get away with it. You know that.

**The Chair:** Thank you, committee members. I'm sure they'll appreciate the opportunity.

*Interjections.*

**The Chair:** If I can call the committee back to order, please. Thank you very much.

Welcome. Thank you for coming in. You'll have 10 minutes for your presentation. You can start off by introducing yourselves for the purposes of Hansard. As you know, you'll have 10 minutes, and if you leave any time within that 10 minutes, we'll rotate through the members for questions and comments. Please go ahead.

**Ms. Allison Pond:** Good morning. Members of the committee, thank you for this opportunity to convey to you on behalf of CASIP, the Consortium of Agencies Serving Internationally Trained Persons, our support of Bill 124, Fair Access to Regulated Professions Act.

My name is Allison Pond, and I am the executive director of ACCES Employment Services, a community-based agency that provides employment services to new Canadians across the GTA. I am here with my colleague Jane Cullingworth, the executive director of Skills for Change, representing CASIP, a consortium of eight organizations that provide employment and training services to immigrants in Toronto, Etobicoke, Scarborough, North York, Mississauga, Brampton, York region and Richmond Hill.

Along with ACCES and Skills for Change, CASIP members include COSTI Immigrant Services, JVS,

JobStart, MicroSkills, Humber College and Seneca College. We all have a long history of delivering employment services to new Canadians in our communities, and together we serve thousands of internationally trained professionals annually across the GTA. We came together as CASIP over eight years ago with the shared vision to improve access for skilled immigrants to employment in their professional occupations.

Collectively, we work with some licensing bodies in Ontario in the delivery of services that help to remove barriers and improve access to licensing and to employment in licensed professions, including projects for teachers, engineers, accountants and health care professionals. In partnership, we deliver other services such as sector-specific language training, mentoring partnership and career bridge, all projects to support skilled immigrants to access their professional fields of expertise.

Finally, we work closely with a number of associations that represent internationally trained professionals themselves seeking fair and equitable access to their licensed professions, such as AIPSO, the Association of Internationally Trained Physicians and Surgeons of Ontario; CAPE, the Council for Access to the Profession of Engineering; and PROMPT, the Policy Roundtable Mobilizing Professions and Trades.

We are here before you today because we, as a consortium of direct service deliverers, know too well that despite all of our work and our efforts over the years, the internationally trained professionals we are serving across the GTA every day are continuing to face many of the same barriers to licensure and to fair and equitable access into their professions through the licensing and registration process. We have many stories, and we know the individuals. We strongly believe that the proclamation of Bill 124 is a critical step in addressing the inequity faced by internationally trained Ontarians and in establishing ongoing practices that will ensure fair access to their licensed professions.

At this point, my colleague Jane will continue with our presentation.

**Ms. Jane Cullingworth:** CASIP applauds the government on this bill. While all governments have talked about the confounding complexity of licensing and registration processes, none has put forward comprehensive legislation to tackle these challenges. This legislation respects the principle of self-regulation while also taking strong and necessary government leadership to ensure that the occupational regulatory bodies are being held accountable to standards of practice that are transparent, objective, impartial and fair. It is in the public interest not only that regulators ensure that all licensed individuals are competent but, more broadly, to ensure that all competent individuals are licensed. We believe this legislation will help shift the current paradigm.

This legislation creates the foundation to ensure that the framework in which occupational registration processes operate is one that is based on equity. Regulatory bodies play a vital public function in our society. It is in

the public interest that the practices and policies of our occupational regulatory bodies are transparent and are made available to the public, whom the regulatory bodies are there to protect. This legislation achieves this without undermining the independence or integrity of regulators.

We are aware that this bill has its critics, from those who believe that the bill does not go far enough to those who believe that the bill has gone too far. At CASIP, we consider this bill to be bold legislation, legislation which takes us further as a society than we have ever been before in creating clear accountabilities and standards in the relationship between the state and occupational regulatory bodies. Again, we applaud the government for taking leadership in this legislation and breaking new ground. This is contentious terrain. We know that there will always be resistance to this kind of controversial legislation, but it is legislation that must be supported because it creates a new era of transparency.

As a community, we have worked alongside internationally educated professionals for over two decades to try to create change in the system. We have waited eagerly for legislation. We were hopeful when the former Minister Mary Anne Chambers announced that there would be a review of the appeals processes. We were profoundly impressed with the Thomson report and its comprehensive analysis, not only of the need for independent appeals but, more significantly, of the need to ensure first and foremost that fair registration practices exist. We feared inaction, particularly given how far-reaching those recommendations in the Thomson report were.

Bill 124, the result of this process and many other initiatives and efforts, is one that we are thoroughly impressed with. It has actually gone further than we had expected. And while we would like to have seen an independent appeals process, we do support the focus on creating equity in registration practices. This approach will create systemic change that will reduce the need for appeals. This focus will have a greater impact than an independent appeals process that would benefit a small handful of people in that it will actually create systemic change in processes that will impact on a greater number of people.

We urge all members of this committee to support this legislation and to ensure its quick passing so that we can move now to create equity across the board in the registration processes of our occupational regulatory bodies. The unanimous support of this legislation from all parties, not just the government of Ontario, will distinguish this Legislature as one that was willing to take real leadership in addressing systemic issues in occupational licensing that have stymied the efforts of internationally educated professionals for many, many years.

This legislation sets a new standard of accountability that will not only have an impact economically but also in the arena of human rights. The legislation creates an equity framework that protects and promotes the human rights of internationally educated professionals. CASIP urges you all to do what is right, not only for

internationally educated professionals but for all citizens of Ontario.

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**The Chair:** You've left a couple of minutes for questions. We've got about three minutes left. We'll start with Mr. Tabuns.

**Mr. Tabuns:** I have no questions.

**The Chair:** The government side?

**Mr. Ramal:** Thank you very much for your presentation. I want to thank you for the job you do on a daily basis through your organization to support the many individuals who want to fit and be great contributors to the economy and the community of Ontario.

You listed all the stuff, and I agree with you; I share the thought with you. We held so many meetings across Ontario. This issue has been impassioned to my heart, and I've dealt with it on an individual basis too. I immigrated to Canada in 1989—I'm a foreign-trained professional and my wife is the same; she is a medical doctor—facing the same situation. So that's why our government brings this issue forward, in order to break down those barriers. I want to thank you again, on behalf of my colleagues and on behalf of the government, for continuing your job to make sure all the foreign-trained professionals fit and integrate very well in this community.

**Mr. Levac:** Thank you very much for your presentation. For clarity purposes, we heard earlier that someone made mention that the present presenter might have been an apologist for the government. You do not see yourself—you've worked independently in your assessment of the bill—

**Ms. Cullingworth:** Absolutely.

**Mr. Levac:** —and it is your opinion, your group's opinion and the umbrella group's opinion that this is the right way to go in legislation?

**Ms. Cullingworth:** Absolutely.

**Mr. Levac:** Thank you very much for that clarity.

**The Chair:** Thank you for bringing your concerns to the committee. We really appreciate your presentation.

We'll now move on to the next presenter.

**Mr. Klees:** While the next presenters are coming up, could I put a question to research, please?

**The Chair:** Certainly.

**Mr. Klees:** We had a presentation earlier from the College of Medical Laboratory Technologists of Ontario, and in their presentation, at the bottom of the first page, they made reference to some statistics from 1999 to 2000, inclusive. They gave the number of applications that were reviewed by their registration committee. They gave the number of those applications that were then approved for registration, and the balance that were left for appeal.

It would be very helpful if we could have those statistics for all of the regulatory bodies for which we had requested information. If you could please look into that for us, I'd appreciate it.

**The Chair:** Thank you, Mr. Klees.

It's okay, Elaine? You've got the details? Great.

## CHINESE CANADIAN NATIONAL COUNCIL

**The Chair:** If I can now ask for the Chinese Canadian National Council to come to the table. Welcome. As you are getting settled, you will know that you have a 10-minute time frame. If you leave any time within that envelope, members will be able to ask questions. So please begin your presentation with an introduction of yourselves.

**Mr. Victor Wong:** Thank you, Madam Chair, honourable members. My name is Victor Wong. I am the executive director of the Chinese Canadian National Council, and with me is our immediate past president, Cynthia Pay.

CCNC is a community leader for Chinese Canadians in promoting a more just, respectful and inclusive society. We are a national non-profit organization with 27 chapters across Canada and 10 chapters in Ontario. Our mandate is to promote the equality rights and full participation of our community members in all aspects of Canadian society. There are close to 1.2 million Chinese Canadians in this country and we are the third-largest ethnocultural group in Canada. There are more than 550,000 Chinese Canadians living in Ontario today.

Canada is currently facing a shortage of skilled workers, specifically in many of the skilled professional areas. The current unemployment rate is 6% and lower for working adults over the age of 25. Studies suggest that Canada's future net labour force growth will be reliant almost entirely on immigration due to demographic realities, including our aging workforce and low birth rate.

Over the past five years, some 210,000 Chinese have immigrated to Canada, an average of 42,000 per year. These newcomers, like our previous generations, arrive in Canada with hopes and dreams of a new beginning. They bring a diverse range of talent, experience and professional credentials, and have the ability to greatly contribute to Canadian society. But for many, these dreams are not realized because they face barriers in their efforts to find work in their chosen field or profession. Canada's current immigration policies make it easier to immigrate as a trained and skilled professional. But once in Canada, these very same skills are not recognized, and these individuals often end up underemployed or unemployed. Canada, and specifically Ontario, must end this problem. Ontario must ensure that newcomer professionals gain fair access to registration with their respective professional bodies and that the assessments of their credentials are conducted objectively and fairly.

**Ms. Cynthia Pay:** CCNC supports the important aim of this bill, but upon analysis, we do have suggestions on how to improve this important legislation. We'd like to highlight four areas of concern for the committee.

The first area relates to appeal rights. The bill provides for either an internal review or appeal from registration decisions. Because of the importance of those types of decisions, we believe that appeal rights should be available to all applicants. It's our experience that an appeal is

generally a much more rigorous and transparent process. In my day job as a lawyer at a community legal clinic, we find that internal reviews are often merely a rubber stamp of decisions. So we'd like to see a more rigorous, full appeal process available.

Further, we'd also like to see information about the type of grounds that would be available for doing an appeal; for example, whether it's an error of law, mixed fact and law or procedural errors—things like that. We'd like to see more information about possible appeal rights in the bill.

Secondly, we'd like to make some suggestions around legal support or representation. The government has made a commitment to provide an access or information centre to applicants for registration. But we'd also like to see a commitment for support or legal representation to those individuals who are trying to appeal a decision around their registration. Obviously, without that support, an appeal right or even an internal review right is less meaningful and people will be less able to access their rights.

Thirdly, we have some comments around the appointment of the fairness commissioner. As you know, the bill says, "The Lieutenant Governor in Council may appoint an individual to act as the fair registration practices commissioner." We'd like to see section 12 amended to say that this commissioner "shall" be appointed, and we'd also like to see that this commissioner report to the Legislature directly.

Finally, obviously the bill sets out a process where professions are required to report on their practices and provide regular audits. Beyond general language around practices that are "transparent, objective, impartial and fair," there are not many details about what those practices should be to meet the standards. So, to further flesh out the details, we'd really like to see some kind of fair practices code included in the bill. Many of those elements of a fair registration practice have been set out by the Thomson report, which many people have referred to. We think it would be helpful to see those elements in the bill.

**Mr. Wong:** To do an effective job on this file, we have to look beyond Bill 124. We further recommend that the government of Ontario work closely with the Canadian government and the other provinces to establish an Internet portal or database for prospective applicants regarding the labour force conditions, both locally and nationally, so that they can realistically assess their chances of accreditation and employment before they decide to immigrate to Canada. This information should be updated on a regular basis with input from the professional regulating bodies; for example, for engineers, let's say, to see how many jobs are actually available. This would help prospective applicants before they begin the immigration process.

**The Chair:** We have about four minutes left, so we're going to start with Mr. Murdoch. Any questions, Mr. Murdoch?

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** No.

**The Chair:** Questions, Mr. Tabuns?

**Mr. Tabuns:** Yes. Thank you, Cynthia and Victor, for coming and making a presentation today. On the question of a best practices code and definition of "open, transparent" etc., can you give us some sense of the kind of wording that you think would be effective here, if we're actually going to amend this bill?

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**Ms. Pay:** I guess the more information in the bill, the better, at least to have some language around the fact that this kind of code would maybe be set out in regulations. But the more specifics, the better. We like the language in the Thomson report and the very specific examples they provide in terms of the types of things that would make up a best practice code. We mentioned some of those in our written submission; for example, the fees should be reasonable, there should be alternative means of providing credentials, your criteria should be published and very clear to everybody—things like that.

**Mr. Tabuns:** Thank you very much.

**The Chair:** Do you have any questions? Mr. Levac.

**Mr. Levac:** You have made it clear that the overall intent and the concept of what we're trying to accomplish in the bill are laudable and that you support it. In terms of the effective changes, does it really matter to you whether they're done by amendment or regulation, or are there specifics on some of the changes? The one I assume you want in legislation is "shall" instead of "may," those types of things. But what about within regulations versus the legislation itself?

**Ms. Pay:** All the suggestions we make are targeted towards changing the actual bill itself. As you know, those rights will be enshrined in the bill and much harder to change later on. We'd like to see things around the guarantee of appeal rights and the grounds for appeal in the bill, as well as changing the language around the fairness commissioner. Around support or legal representation, that's more of a public commitment policy thing, I think, and also a budgetary decision of the province. I don't think that necessarily has to be in the bill, but we'd like to see all the other suggestions we made included, just to improve the effectiveness of the bill.

**Mr. Levac:** Thank you.

**The Chair:** Thank you for your presentation. We really appreciate that.

#### BRAMPTON BOARD OF TRADE

**The Chair:** I now would like to call the next presenter, the Brampton Board of Trade. Welcome. As you're getting comfortable, you know you'll have a 10-minute time slot, and if you leave any time within that framework, members of committee will be able to ask you some questions. Please introduce yourself and begin your presentation.

**Mr. Sheldon Leiba:** Good morning, committee members. My name is Sheldon Leiba. I'm the general manager of the Brampton Board of Trade. Thank you for providing this opportunity to present on Bill 124, Fair Access to Regulated Professions Act.

The Brampton Board of Trade is the pre-eminent business association in the city of Brampton, with a long and well-established history of leadership in our community. It is estimated that the 2006 census will rank the city of Brampton as Canada's 10th-largest city and the fifth-largest in Ontario, behind Toronto, Ottawa, Mississauga and Hamilton. Our organization currently represents 1,200 businesses and organizations in and around our community, representing all sizes and sectors and employing more than 35,000 people, many of whom are registered members of various regulated professions or require members of regulated professions. One of our core focuses is to advocate on behalf of the interests of our members and the business community in Brampton and to contribute to economic development and the quality of life in our community.

Over the past two years, the Brampton Board of Trade has been very active on the issue of the employment integration of immigrants, developing policies at the Canadian Chamber of Commerce on this subject and participating in numerous local and regional initiatives. This past spring, we commenced a very active employer awareness campaign on the benefits of hiring immigrants, entitled *Skills without Borders*, which includes: a study of local labour demands; exploring barriers for employers to hiring immigrants; employer awareness seminars and activities; employer focus groups; and the dissemination of information on resources and services to assist employers in attracting, recruiting and retaining immigrants as employees.

The Brampton Board of Trade prides itself on the work that we have done, and will continue to do, in this area, hopefully setting a strong example for business associations throughout Ontario and Canada in supporting the effective employment integration of immigrants.

With Brampton being one of the fastest-growing communities in Canada, our city is also very fortunate to be attracting a large and growing pool of skilled, talented and experienced immigrants who want to make a significant social, economic and cultural contribution to our community.

We know very well about the skill shortages our economy is currently experiencing and the labour demands that will become an increasingly significant issue in the future, affecting every industry, sector and profession, and the need for attracting immigrants and foreign-trained professionals to fill these needs to sustain a strong local domestic workforce. We know about the high academic credentials, skills and experience that our country's active immigration system is able to attract to our country and province. In an increasingly globalized economy, countries from all over the world are competing for what we have, and we cannot take for granted that foreign-trained professionals will continue to be attracted to Canada and Ontario. And we know that we all, as a collective—government, settlement agencies and related organizations, the education system and the business community—must play a strong role in breaking down barriers and supporting the gainful employment of

immigrants so that our society and economy can capitalize on their full potential.

Bill 124, the Fair Access to Regulated Professions Act, is one very important step in the right direction. If we are successful in effectively integrating immigrants and foreign-trained professionals into our labour force in the professions in which they are trained, skilled and experienced, Canadian society and our economy as a whole will gain by providing employers, our economy and society with the skills we need and by providing immigrants the opportunity to contribute fully in their professions to optimize their earnings, stimulate our economy with their consumer spending and contribute to the social and cultural development of our community and, ultimately, to our overall quality of life. If we are not successful, we will all lose. This should not be an option.

The Brampton Board of Trade is a non-partisan organization, but we are a political organization that will speak out loudly against government on issues that we deem not to be in the best interests of our members and the business community, which we often do. Conversely, we will also speak out loudly to support good government policy. In this circumstance, we congratulate the provincial government, Minister Colle and the Ministry of Citizenship and Immigration for taking a very progressive and proactive step to address a major employment barrier for internationally trained professionals, that is, the recognition of foreign credentials and access to regulated professions.

The case in favour of Bill 124 is less a social case for the Brampton Board of Trade but, rather, a very strong business and economic case that has tremendous implications for Brampton and communities throughout Ontario.

We are here as a leading business association to say that business and professional bodies cannot afford to be part of the problem. The fair, effective and expedient employment integration of immigrants is absolutely critical to strengthening our economic future, and thus business and professional regulatory bodies must be part of the solution.

While the focus of my presentation here today relates specifically to the beneficial impact of this legislation as it relates to immigrants, achieving fairness, transparency, and efficiency in licensing and registering professionals, whether for immigrants or not, makes good sense.

In business we understand the need to meet standards and be efficient to compete. The same should be applied to professional regulatory bodies so that Ontario can remain competitive with the growing economies that we compete with throughout the world.

It is for these many reasons outlined that the Brampton Board of Trade is pleased to express our broad support for this important piece of legislation. Thank you.

**The Chair:** You've left about four minutes for questions. Mr. Murdoch? No? The government?

**Mr. Ramal:** I was listening to your presentation, and you listed all the details about how many people who

want to be full citizens and contribute to the economy are not able to do it because of so many obstacles, so many barriers. You think this bill will help those individuals to overcome those barriers and be full citizens. I know you support the bill, but how do you think we can actually enhance it and do better?

**Mr. Leiba:** I'm really here to speak in broad support of the legislation. We haven't really assessed the details. I know there have been comments before about more details that are probably required to be included in the legislation. Having read it, I see that myself. It's just to flesh out some of the details around the very specific requirements that will be required of the various regulatory bodies. It will be very interesting to see some of that in the legislation.

**Mr. Ramal:** Thank you very much.

**The Chair:** Thank you very much for your presentation. We appreciate your coming in.

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#### WINDSOR WOMEN WORKING WITH IMMIGRANT WOMEN

**The Chair:** Our next group of presenters is Windsor Women Working with Immigrant Women. Welcome. Thank you for coming in. As you've seen, there's a 10-minute time frame, and if you leave time at the end of your presentation, members can ask you some questions. Please begin by introducing yourself.

**Ms. Sungee John:** My name is Sungee John. I'm currently a board member and the immediate past president of Windsor Women Working with Immigrant Women. We welcome this opportunity to appear before the standing committee on regulations and private bills concerning Bill 124. The Immigrant Women's Centre, as we're also known, is an organization that provides assistance and empowerment to immigrant and first-generation Canadian women and their families so that they may be fully participating members of Canadian society. We strive to achieve such goals through a combination of funded programs and volunteer services. In fact, this year, we have a newly funded partnership with Teach in Ontario to work with internationally trained teachers.

Windsor Women working With Immigrant Women is also a member group of the Ontario Council of Agencies Serving Immigrants, better known as OCASI, and we endorse their position and recommendations presented earlier this morning.

This brief will focus on four sections of the bill: fair registration practices, the fairness commission, the access centre and reports.

Fair registration practices and specific duties: Under subsection 8(1), "Internal review and appeal," we echo concerns raised by previous submissions regarding the inclusion of internal review or appeal as options when inquiries into or challenges to the decision-making process of the regulated professions are made. Opening the door to internal reviews will only raise questions over transparency, something the bill seeks to improve. To

that end, and to ensure impartial judgments, a neutral third party is the logical course.

Regarding access to records, the section entitled "Limitations," clause 11(2)(c), as currently written in Bill 124, would not further the goals of transparency. ITIs should have reasonable access to all information within their files, if not the identity of the person providing the information deemed confidential. Not allowing such access would only reinforce barriers. ITIs could very likely be making numerous failed applications at quite an expense to their pockets and never know the true circumstances of their lack of success. Moreover, clause 11(2)(d) continues this slippery slope of decision-making in secrecy by invoking public safety. ITIs have already been put under the security microscope during the process of applying for landing. Raising the spectre of public safety, either as a threat or potential threat, can seriously damage an ITI's professional reputation and career future.

Windsor Women recommends that clause 11(2)(c) be amended to allow for access by ITIs to confidential information while keeping the identity of the information provider confidential. We further recommend that clause 11(2)(d) be amended to specify the definition of "negatively affect public safety or ... undermine the integrity of the registration process," and also entail with it that the burden of proof be squarely placed on the regulating body.

Regarding the registration practices of the fairness commissioner under section 13, the issue of creating classes: This opens the door to define and impose conditions on regulated professions through a number of categories that are yet to be defined in the bill. What is the intent of this particular role of identifying classes assigned to the fairness commissioner, and why does the fairness commissioner need to create more hierarchy or layers of bureaucracy? Windsor Women fails to see the relevance of this particular job description under the fairness commissioner.

In subsection 15(1), the fairness commissioner has the flexibility to staff his or her office. However, due to the special challenges faced by access to regulated professions, it is critical that appropriate consideration and training be given to potential employees of this office. Therefore, we recommend that the fairness commission's staff be provided with sensitivity training upon being hired.

Under the "Access Centre for Internationally Trained Individuals," the establishment of the access centre is an important step to removing barriers and providing some sort of universal system to assess their credentials and provide some guidance about which routes they should take to pursue their careers in this country. However, as presented in Bill 124, the access centre for ITIs appears to operate independently of any specific oversight, whether governmental or non-governmental.

It's also imperative to include community involvement, especially stakeholder involvement, in this access centre. So we recommend that stakeholders be consulted and involved at every step during the establishment of the

access centre, and also that procedures and mechanisms are in place to identify and address systemic barriers such as discrimination based on gender, race, ability, sexual orientation etc., as well as provide sensitivity training for the staff.

Finally, under “Reports,” there needs to be better integration of the issues of systemic barriers in the legislation. It also needs to be included in periodic reviews on how effectively the legislation is working. In particular, we would recommend that a gender and race analysis be part of that review and that, perhaps in a five-year period, an overall review of the legislation and the impact it has had be made by the committee. As a women’s centre, we are particularly concerned about the barriers faced by women who are seeking to regain their careers in their chosen professions. Addressing areas of gender impact is critical in this legislation, and we would like to see that.

In conclusion, this bill holds much promise for many ITIs—more promise than they’ve been given in the past. Given sustainable resources, regulating bodies can and do assist ITIs re-entering the workforce in their career of choice. We are seeing this working through our partnership in Teach in Ontario with the Ontario College of Teachers.

It can work, and with more clarification and better revisions made, and the inclusion of some of the recommendations made by earlier presenters, this bill can be very effective. Thank you.

**The Chair:** You’ve left just over a minute or so. Mr. Murdoch?

**Mr. Murdoch:** I want to thank you for coming.

If none of your changes were accepted, would you still want us to pass this bill in its present form?

**Ms. John:** It’s better than nothing—

**Mr. Murdoch:** Okay.

**Ms. John:** —but I would like to see—especially with gender impact.

**Mr. Murdoch:** And I’m sure some will change, but I just wanted to make sure that, if nothing happened, the bill would be better than what we have.

**Ms. John:** Right now, there is a mishmash of things.

**Mr. Murdoch:** Okay. That’s fine. Thanks.

**The Chair:** Thank you very much. I appreciate your presentation. Thank you for coming.

#### COLLEGE OF NURSES OF ONTARIO

**The Chair:** I don’t believe our next presenter is here yet, so we’re going to the College of Nurses of Ontario. Thank you, and welcome. As you know, you have a 10-minute time slot. If you leave some time within that framework, members of committee will have a chance to ask you some questions. Please state your name and begin your presentation.

**Ms. Anne Coghlan:** Thank you very much, Madam Chair and members of the committee, for the opportunity to present. My name is Anne Coghlan, and I am the executive director of the College of Nurses of Ontario, which is the regulatory body for registered nurses and

registered practical nurses in the province. I am here today to reinforce that the College of Nurses is supportive of registration practices for regulated professionals that are transparent, objective, impartial and fair. The College of Nurses strives to embody these principles within its own registration practices.

My presentation today will highlight our concerns with the impact of the bill on self-regulation and public protection. Health regulatory colleges will be affected by section 34 of the bill, the proposed amendments to the Regulated Health Professions Act.

My comments relate to three areas: the role of the college, the authority of the new fairness commissioner and the new audit of college registration processes.

The principal mandate of the College of Nurses of Ontario is to protect the public interest by ensuring that Ontario nurses provide safe, effective and ethical care to clients. The college sets requirements to enter the profession, establishes and enforces standards of nursing practice, ensures the quality of practice of the profession and the continuing competence of nurses and responds to concerns about nursing practice.

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Specific requirements for entry to the nursing profession have been established by the college. They are necessary for a nurse to practise safely and effectively in Ontario. For example, to be eligible for registration in Ontario, applicants must complete an approved nursing or practical nursing program or an equivalent program. Assessing equivalency of out-of-province applicants’ educational programs to Ontario’s programs is important because the competencies embedded in Ontario’s curriculum are foundational to a nurse’s success in the workplace and patient safety.

The college of nurses recognizes that a number of additional requirements are necessary for nurses to be ready to practise in Ontario’s health care system. One of these requirements is evidence of recent, safe nursing practice. Applicants must demonstrate that they have recently practised in a health care environment to ensure current knowledge and competence. Demonstration of currency may include a recent nursing program which combines theory and clinical practice or work experience in or outside of Ontario. Another requirement is the ability to communicate fluently in French or English. This is vital to successful practice in our health care system.

All applicants for registration also write a national exam. Our role as a regulator is to ensure that all applicants are ready to practise in Ontario’s complex health care environment. This role is fulfilled when all entry-to-practice requirements are met, ensuring the public that applicants will, upon registration, provide the public with safe, competent care.

With respect to the authority of the fairness commissioner, Bill 124 provides the commissioner with the authority to influence the entry-to-practice requirements of a self-regulated profession. We believe that the entry requirements I have described are critical to ensuring that

nurses entering practice in Ontario are adequately prepared to deliver safe, effective and ethical care to everyone, regardless of age, care setting or severity of illness. We are concerned that the new authority of the fairness commissioner may erode our ability to set these requirements and to ensure that they are met.

The college of nurses recommends that the fairness commissioner's authority be limited to reviewing procedural matters that relate to an applicant's right to administrative fairness. The responsibility for setting entry-to-practice requirements should remain with the college of nurses, given our expertise in nursing self-regulation. When considering changes to entry-to-practice requirements, the college assesses the constantly changing role of the nurse in the current health care environment. The competencies embodied in educational programs have been developed in collaboration with nurses in practice, nurse educators and health care administrators and reflect the needs of today's complex practice environment.

The college has invested considerably in ensuring the success of internationally educated nurses applying for registration in Ontario. We have collaborated with the Creating Access to Regulated Employment Centre for internationally educated nurses since its inception. Known as the CARE Centre, it has increased the pass rate for internationally educated nurses on the national exam and helped over 700 nurses from 50 countries feel confident and prepared for a nursing career in Ontario. The college of nurses has also worked with the Ministry of Training, Colleges and Universities and other stakeholders to develop an interactive web-based guide for internationally educated nurses. This guide provides applicants with the information they need to assess their practice and education against requirements for registration in Ontario. A paper-based registration package is also available to those applicants who do not have Internet access.

I would also like to address the issue of the regular audits proposed in Bill 124. Our governing legislation, the Regulated Health Professions Act, mandates independent oversight of college registration decisions and reporting of registration committee activity. The college of nurses meets these requirements by sharing registration data and policy decisions with our council at open meetings, in our annual report to the minister and by making public applicant and membership statistics. Independent oversight of our registration decisions is provided by the Health Professions Appeal and Review Board. At no cost, an applicant can request that the board review a registration decision. Between 2002 and 2005, the Health Professions Appeal and Review Board issued 39 decisions on our college's registration matters and upheld 38 of the 39 decisions.

The college of nurses strives to ensure that our registration practices are fair and unbiased. It is our recommendation that the proposed bill be modified to provide the commissioner with the authority to order an audit only when a reasonable belief exists that an applicant's right to procedural fairness has not been met, or when a

college is non-compliant with the principles of the legislation. Should an audit of college registration processes be warranted on such grounds, then colleges should be provided with specific information as to the audit's scope and standards. We are requesting that this information be provided by the commissioner prior to any audits taking place.

On a final note, should the proposed bill become law, the college of nurses will need time to prepare for its requirements on an operational level. For example, the way that information is collected and reported may need to be adapted depending on the assessment criteria. Our recommendation is that the enforcement of the bill be staggered, with an initial focus on regulators who do not currently have an independent appeal mechanism for applicants.

In conclusion, the College of Nurses of Ontario believes strongly in the concept of self-regulation. We believe that it is in the interest of Ontarians that self-regulation be preserved. Our main concern with Bill 124 is that it will begin to erode the college's legislated privilege and demonstrated expertise in setting entry-to-practice requirements for Ontario's nurses. We recommend that the health regulatory college's authority on this matter be respected, and that the college's expertise in establishing professional competencies be utilized. Further consultation on the impact of this bill is welcomed, and we would be pleased to work with the government on subsequent drafts.

In closing, the College of Nurses of Ontario is appreciative of the opportunity to provide input. I'd be pleased to answer any questions you may have relating to our submission.

**The Chair:** Thank you very much. We have just over a minute, so one quick question is probably all we have time for. Mr. Tabuns?

**Mr. Tabuns:** The independent appeals tribunal that exists for health professions, has that been problematic for the nurses? Is this actually something that you've just been able to accept as part of normal practice?

**Ms. Coghlan:** Absolutely. It has not been a problem for us at all.

**Mr. Tabuns:** Do you think, then, that other professions should have an independent tribunal where there's a question about certification or registration as well?

**Ms. Coghlan:** Certainly.

**Mr. Tabuns:** Thank you very much.

**The Chair:** We appreciate that. We're going to move on to the next presenter. Thank you very much for your comments. Thank you for coming in.

OLIVIA CHOW

**The Chair:** Our next presenter is Olivia Chow, member of Parliament. Welcome, Ms. Chow. Please take your seat. You have a 10-minute time slot. If you leave time within that framework, the members of committee will have an opportunity to ask you questions. So please go ahead when you're ready.

**Ms. Olivia Chow** Thanks very much for this opportunity to participate in this hearing. It's a very good opportunity for us to have a dialogue. I can't begin to tell you how important it is to get Bill 124 right. By recognizing foreign credentials effectively, Ontario has the opportunity to help immigrants in my riding and across the province to achieve a better life and make a badly needed contribution to our economy. I say this as an immigrant myself, as the member of Parliament in Trinity-Spadina, where thousands of immigrants make their home, and as the NDP deputy immigration critic.

With Bill 124, if you get it right, you have a chance to show leadership in helping to overhaul Canada's badly neglected and badly broken immigration system, and Ontario has a chance to lead the way. For thousands of immigrants, we have reached a crisis point in Canada, in Ontario and in Toronto: Thousands of new immigrants a year and a growing proportion that are highly qualified and educated professionals and only a fraction of them are able to qualify to work here within the professions. Every year, thousands more are unable to practise their skills, and for too many people that means poverty, a burden on society, frustration rather than a contribution to our society.

I believe, in the House, you've heard my counterpart in my riding, Rosario Marchese, talk on this issue and you probably have heard from Peter Tabuns, who has a really good understanding of this issue and who has offered some real solutions.

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What I actually want to do right now is bring you a bit of a view from Ottawa. We know that immigration has changed. We're looking at 60% or so of university degrees—a huge influx of people with much to offer but not allowed to offer it. So far, what you would have noticed in the immigration system is that every year we seem to be getting more professionals in the economic class and less family unification, family-class immigrants. This means that in the last five to 10 years there is more and more skilled labour coming into the country, and the regulation seems to be that that is the projection.

So far, what is the federal government doing? You know that the feds have started a foreign credential recognition program. There is a lot of consultation that the federal government has also been doing. They are spending \$18 million—we, they—to set up an agency to coordinate activities across the country on this issue.

But one of the things that we're looking at is the five areas: Fair—individuals wishing to have credentials assessed will be treated equitably; accessible—individuals wishing to have their credentials assessed will have access to appropriate services; coherent—so that the process is coherent across Canada; transparent—so that individuals will understand how to have their credentials assessed and recognized before they arrive in Canada, and if they don't meet the requirements, they'll know what to do; and rigorous—of course, high standards for preserving the quality.

What we are looking at right now, when we are trying to coordinate, facilitate and work together—we need to

really add some teeth to Bill 124. I think Mr. Tabuns has mentioned that there needs to be an independent appeal tribunal so that when an immigrant has their certificate rejected, they understand how to appeal; they can get backed up for support so that they can get professional advice and be very clear on what professions are being covered. Make sure that the code is registered, that there's a practice code, and also have the access centre being established in the act to evaluate the comparison of regulatory standards between Ontario and other parts of Canada and other countries. Give the minister the power to eliminate any practices that are contrary to the fair registration practice code, and make sure that the fairness commissioner who has been suggested report annually so that we can all look at what's happening. Then, perhaps we can even do more and perhaps the federal government can then connect. Of course, you need a fairness commissioner in the first place.

With these kinds of amendments, I believe that you will be the leader. You will be able to have thousands of underemployed immigrants in communities that need professionals and skilled workers in different disciplines. You will give them hope, you will give them a productive life and you will change the lives not just of the worker, but also of the families, the children who are suffering because their mom or dad, or both of them, are feeling really underemployed, undervalued and not working to their full potential.

So getting it right is vital for the province and it is vital to people who live in my riding, across Ontario and across Canada, because we need leadership here. Every day we hear the frustration from people in my constituency office. It's really a human tragedy. Please take the lead, address it and send Ottawa a message at the same time. Believe me, if you do it right, I will happily drive that message home on Parliament Hill.

Thank you for taking the time to listen to me.

**The Chair:** Thank you very much. You've left a good couple of minutes for some questions, if anyone wants to ask. We'll start with the government side, Mr. Ramal.

**Mr. Ramal:** Thank you for your presentation and thank you for showing interest in this topic. Do you know how much our Premier and our minister are fighting for immigrants in Ontario? As you know, an immigrant who comes to different parts of the country receives \$3,800 in support. An immigrant who comes to Ontario gets only \$800 and some change. I wonder if you, as an MP, and your leader, as leader of the fourth party, supported our Premier's effort on Parliament Hill through motions, a bill, resolutions to aid and support us to give us the ability to support the newcomers who want to be great Ontarians.

**Ms. Chow:** I actually know Minister Colle quite well, because we were both Metro councillors and our offices were actually next door to each other. I have in fact been speaking to Minister Monte Solberg and basically my message is very clear: "Show me the money. You signed the agreement last November and the money needs to flow." The last conversation I had with him was a week

and a half ago, and the word that he gave me is, "It's imminent." So I was thinking that you would have gotten the money by now.

*Interruption.*

**Ms. Chow:** I don't know; you haven't gotten it yet, eh? It's coming, it's coming.

In fact, the HRSDC Minister Finley was in the House and I asked her the same question: "What about this \$18 million put aside?" Could we not take some of that money and provide Ontario with an agency to do some bridging programs, mentorship programs? While we're establishing all this, let's get the action on the ground, because we know that there are some practices, like the Maytree Foundation and other groups that are doing good work. Let's get the funds to the people on the front line so that the immigrants themselves can immediately get the bridging programs and the mentorship programs that are needed.

We know that in 2005 alone, over 130,000 skilled workers were admitted to Canada. That's a huge number. A lot of them come to Ontario and they need the funds. I think this year it's \$160 million for federal transfer to the province, to the local agencies. I agree; you need the funding. We're pushing it as hard as we can. If you have more suggestions as to how I could be more effective in Ottawa defending the rights of Ontarians and immigrants, let me know and I'll be willing to—in fact, a few days ago I put in a petition. I sent in a petition saying that the funding for the province for immigrants needs to be released now.

**Mr. Ramal:** So we're looking forward to seeing your support on Bill 124, especially at Parliament Hill, to get the money in order to implement our agenda, which will allow these many newcomers to fit in and integrate. I thank you.

**Ms. Chow:** We need two things. It's like building a house; you need the structure. This bill is part of the structure, but what I'm saying is that the structure is not complete. You need a good foundation. That's why you need to strengthen the bill to make it work. Right now, it's a bit nebulous. The money is like the roof and walls; then it builds the house. But if you don't have the foundation, if you don't have the structure done right, then it won't be complete. It won't work as well.

**The Chair:** Thank you very much. Unfortunately, we ran out of time. The last question was quite a long one, so we'll have to get you on the next go around. Sorry, Mr. Murdoch.

Thank you for your presentation. I appreciate your coming in to share your insights.

#### TAMIL EELAM SOCIETY OF CANADA

**The Chair:** We now have our final presentation for the morning, which is the Tamil Eelam Society of Canada. Do we have someone here from that organization?

Please join us at the table. As you are getting comfortable, you'll know that you have a 10-minute presentation. If you leave any time at the end, members will be able to ask you some questions. As you take your

seats, please introduce anybody in your party and begin as soon as you are seated.

**Mr. Anton Philip:** My name is Anton Philip. I'm representing the Tamil Eelam Society of Canada, which has served immigrants for the last 25 years. I'm here with Sri-Guggan Srikandarajah, a settlement counsellor who has been working on this issue for a long time. He'll be giving the presentation.

I have also brought two people here who are professionally trained and who are still going through this process. One has been a medical doctor for the last 22 years, working in Sri Lanka. He came in the skilled workers category and for one year has been sitting exams and studying and all that. And we have a professional engineer in IT who has been here for the last year and is in the same category.

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**The Chair:** Could you mention their names.

**Mr. Philip:** Kalavathy Sabanayakar and Vadivelu Ponnalagan.

**The Chair:** Thank you.

**Mr. Philip:** I yield the floor to Sri-Guggan Srikandarajah.

**Mr. Sri-Guggan Srikandarajah:** Good afternoon, and thank you very much for receiving this delegation. I'm going to be quite brief.

The Tamil Eelam Society endorses the purpose and objective of the legislation as it has been drafted. The support that has been demonstrated towards the legislation is amply published. Having gone through all of them, there's nothing much else that we would do other than support the legislation in principle. There are, however, several suggestions that I think the committee should take very seriously in order to make sure that people don't fall into the cracks that exist. The reason I say this is that the task force that was set up to look at the issue of access to trades and professions was, I believe, under the last Liberal provincial government. It reported and nothing meaningful has happened since then until this legislation has been drafted.

Taking up the situation of doctors, if they were unable to qualify to practise their profession within a limited period of time, they effectively became ineligible to sit exams etc. It's important to make sure that those people are not left behind. So when Ms. Chow talks about mentoring or programs that enable people to keep their skills honed, that's an important thing to take into consideration, so that if and when the regulations are put together, things of that nature are addressed. It would be helpful to people who have been lamenting here for far too long. The earlier idea was that the private volunteer sector will make the necessary moves and accommodations to enable people to practise their professions. That effectively has not happened, except in the case of the civil engineers and a few other professions that have made some adjustments.

I note that the Institute of Chartered Accountants has been very supportive of this legislation. I believe they see the benefit of facilitating the re-entry into that profession

of people who have been qualified elsewhere. That's a very laudable thing.

I also heard a while ago issues about transfer of monies and what is going to happen with them. I'm a director at the Ontario Council of Agencies Serving Immigrants, and at a conference a few weeks ago, the federal bureaucracy and the provincial bureaucracy were represented. I asked what I think is a very pertinent question: What happens with ESL monies that have been earmarked to help people settle, qualify, learn the skills of learning and understanding by achieving a good level of the English language? I asked the question because—let me go back a little bit. We know that boards of education have been taking monies that have been earmarked for ESL and moving them from that line to something else, to apply those monies for other purposes. When I asked the question of the federal and provincial bureaucrats as to what has happened in the last six years to rectify that situation, all I got was an answer to the effect of, "We're still talking. Nothing has been worked out." In those circumstances, I think it's imperative that if you are helping new immigrants to adjust and providing them with the possibility of learning a language, that it is incumbent, whether it be the federal or the provincial government, to absolutely insist that that line is not shiftable, that the monies earmarked for that purpose have to stay for that purpose and be applied in that manner. It's not good enough if boards of education are starting to juggle monies because they can't do their budgets. It's imperative, in my view and the view of my community, that those monies should be applied for that purpose and nothing else.

There was one other area I wanted to talk about, and maybe some consideration can be given to it. There's a dire need for doctors. There are, for example, people who qualify in the Indian subcontinent as much as there are people who qualify like this woman here in the Sri Lankan context. I see advertisements on television which talk about the unique quality of medicine and surgery on the Indian subcontinent and how it costs a fraction of what it costs in North America. I think some serious attention should be paid to that because, if you're basically saying that people who qualify elsewhere are not skilled, that they don't have the technological knowledge or wherewithal, that is being differential and treating people in a detrimental manner. To me, that advertisement is a really good example of how we

undervalue external professional qualifications. Please pay attention to that. I know that the British Royal College of Surgeons conducts primary exams and so on overseas at locations that give people who qualify there a first step into becoming a fellow of the royal college and becoming a consultant etc. There is a need to think in those terms. There is a need to provide meaningful, workable programs that address the immediacy of the need in Ontario. We talk about a thousand doctors being needed. I think we've got to find innovative ways of achieving that. Simply making more space isn't in itself the answer; it's a very long-term answer.

I will end at that and be quite willing to answer questions.

**The Chair:** Do you have any questions, Mr. Murdoch?

**Mr. Murdoch:** No.

**The Chair:** Mr. Tabuns?

**Mr. Tabuns:** Yes. Thanks for the presentation. In the report done by Judge Thomson, he calls for an independent tribunal to consider rejections by regulatory bodies of registration submissions by professionals. Would you support the creation of those independent tribunals?

**Mr. Srikandarajah:** I've had the pleasure of being a vice-chair of three tribunals at the provincial level. I would gladly support it because there is many a slip between the cup and the lip, and if erroneous decisions are made, I think people should have a fair opportunity to rectify that.

**The Chair:** That concludes the presentation. Again, I want to thank you for your insights and comments.

Members of committee, that concludes all of the hearings for today. I want to thank all of the witnesses who took time out to come and provide information and insights to our committee. I want to thank the members—I have some business that I need to let you know about—for your attention to the witnesses, and as well the staff. You need to know that the deadline for the Hamilton hearings is 5 o'clock today. The clerks are going to send out the list to the members of the parties if it's over-subscribed, and if we could then have the choices of the parties back to the clerk by 5 o'clock tomorrow, we would appreciate that and go from there. So thank you very much, everyone. The committee now stands adjourned until 6 o'clock on Tuesday, November 21, 2006.

*The committee adjourned at 1220.*





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