

Issue: Expectations from Fair Access to Regulated Professions Act, 2006 and the Office of the Fairness Commissioner, Ontario

Adopted by CAPE

CAPE Council for Access to the Profession of Engineering is a membership-based organization serving immigrants with engineering backgrounds. We have nearly fifteen hundred members. We have also formed a coalition of over fifteen community associations serving immigrants with engineering backgrounds.

Engineering is legislated as a regulated profession in Canada under the Professional Engineers Act R.S.O. 1990, CHAPTER P.28. Licensing of engineers in Canada is a provincial responsibility. The authority to regulate this profession in the province of Ontario has been delegated to Professional Engineers Ontario, hereby referred to as Engineers Ontario. The purpose of Fair Access to Professions Act (2006) is to help ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair.

Under this Act, The Office of the Fairness Commissioner established in April 2007, is an arm's-length agency of the government of Ontario, Canada that is mandated is to ensure that certain regulated professions of which engineering is one, have registration practices that are transparent, objective, impartial and fair.

CAPE and our coalition welcome the recognition of this important issue by the Government of Ontario. It is our expectation the in pursuing its mandate the Office of the Fairness Commissioner will consider the following position that has been adopted by our membership.

Given the Engineers Ontario position that "It is in the public interest to maintain the current Canadian regulatory model for the practice of engineering, which relies on one act and one regulatory body within provincial and territorial jurisdictions, to promote transparency and accountability and that the public is best served by having those taking responsibility for engineering practice meet an appropriate and consistent high standard of education and experience, with one body determining standards of practice."

CAPE expects that the Office of the Fairness Commissioner in accepting this position will ensure that in the name of transparency Engineers Ontario will clearly define the practice of engineering that is to be subjected to licensing, publicly document how, why and by who the engineering standards of practice are determined and clearly articulate how these serve the public interest.

Over the last 30 years not only has the scope, complexity, and size of the profession changed but the applicants who are applying to practice engineering in Ontario have also changed from

mainly being graduates of Canadian engineering schools to a highly diverse group in terms of country of origin, academic background, and work experience.

CAPE expects that the Office of the Fairness Commissioner in accepting this position to ensure that in the interests of an objective registration process, Engineers Ontario has a competent process in place to publicly document and define criteria for academic and particularly experience of all applicants is in place

In its registration practices, Engineers Ontario takes the stand that the ‘time-honored’ peer review process cannot be questioned and Engineers Ontario licensees should voluntarily engage in activities to assess applicant qualifications for licensure through participation in reviews and interviews of the academic requirements committee (ARC), experience reviews and interviews of the experience requirements committee (ERC), registration hearings of the Registration Committee (REC), administration of Professional Practice Examinations (PPEs), acting as supervisors, monitors, and referees for engineering interns, and acting as members of visiting teams for CEAB accreditation. The assumption is that all Engineers Ontario licensees possess the education and breadth and depth of experience to assess the education and experience that this diversity is bringing to Ontario.

CAPE’s position is that placing new applicants at the mercy of Engineers Ontario licensees without putting these licensees to the proof of demonstrating that they possess the depth and breadth of knowledge to be able to assess the widely diverse knowledge that new entrants to the profession are bringing would be a selective application of the principle of fairness. CAPE expects that the Office of the Fairness Commissioner will ensure that the registration practices include processes to demonstrate that the depth and breadth of knowledge required for these assessments exists within the peer group, to ensure a fair process.

This engineering peer review process as it stands relies totally on the principle of equivalency on an individual by individual assessment consisting of two parts; academic review and experience review. To ensure that an fair and independent appeal mechanism is available to the applicant, publicly documented criteria against which these reviews take place must be made available. Further, there needs to be additional mechanisms put in place (e.g. videotaping interviews) that are used in regulatory systems in other countries to ensure that individual bias is eliminated as part of the registration process.

CAPE’s expects that the Office of the Fairness Commissioner will in the interests of objectivity, fairness and transparency, ensure that an independent appeal and additional mechanisms will be explored and implemented in the interests of public accountability.

Further, the institutional capacity of Engineers Ontario relying as it does on volunteers to undertake the peer review process is already stretched. The new licensing process task force recommendations will introduce a more onerous process including an assessment of knowledge, skills and attitudes, as well as a formal internship. Requiring every applicant to go through this new process will overburden Engineers Ontario licensees.

CAPE's position is that this new process will draw in inexperienced newly-licensed volunteers with inadequate post-licensing experience into the peer review process putting the public safety at risk. CAPE expects that the Office of the Fairness Commissioner will ensure that the regulator has the capacity to implement the registration practices it puts in place.

In addition, the new process includes a new formalized, mandatory internship. The onus of obtaining an internship in this new registration practice will rest with the new entrant. Devoid of social, cultural and professional networks, which the local engineering graduates will already have, will mean that the newcomers from outside of Canada will be placed in a severely disadvantaged and unfair position as regards these internships.

CAPE expects the Office of the Fairness Commissioner to ensure that no such biased process is allowed to be implemented under the fairness and impartiality principles of the Fair Access to Regulated Professions Act.

Engineers Ontario also does not recognize the Mutual Recognition Agreements signed by Engineers Canada to facilitate foreign credential recognition. Yet, Engineers Ontario is a member of Engineers Canada. This indicates a clear unwillingness to recognize foreign credentials and this is repugnant to the whole ideal of the fair, transparent, objective and impartial registration practice, indicating as it does an already biased position.

CAPE expects that the Office of the Fairness Commissioner will address this bias towards recognition of foreign credentials in the interests of impartiality.