Solutions for Access

A report on the access to licensure in regulated professions for internationally trained professionals in British Columbia
As an organization that works with immigrants and refugees, MOSAIC’s vision is “of a Canada that welcomes all people, that supports their rights to equality and choice...”. Our commitment is to working with all stakeholders, cooperatively and proactively, to identify issues affecting immigrants and refugees, and develop solutions to those issues.

We are pleased to have guided this report and deeply grateful to everyone involved in the research and recommendations for their commitment to taking a critical look at the process to licensure in regulated professions in BC for internationally trained professionals.

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Sandy Berman and Suzu Matsuda are responsible for the on-site research and are the authors of the related analysis. A special thank you to Sandy Berman for her extraordinary work towards removing barriers of access to professions for internationally trained professionals.

Thank you to Gwen Brodsky and Kim Stanton, the authors of the legislative and legal analysis. They invested far more time than they originally anticipated in order to make the analysis as comprehensive and informative as possible.

This project wouldn’t have been possible without the commitment of the professional associations that participated on the Advisory Committee and as research sites. They are all true leaders:

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EXECUTIVE SUMMARY
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1. Introduction

Canada is facing demographic challenges as the population ages and the labour force shrinks. Immigration, which contributes to population growth in both the short and long term, is important to address the labour shortfall. By 2011, it is estimated that 100 percent of Canada’s net labour force growth will depend on immigration. Canada has and will continue to benefit enormously from immigration. The contribution of immigrant business investment and immigrant talent and skill to the labour force has enhanced Canada’s economic prosperity and contributed to Canada’s identity as a diverse nation. Attracting and integrating skilled immigrants into Canada’s labour market is therefore essential to sustaining Canada’s social and economic interests.1

While immigrant and refugee communities make up more than 32% of the population of the Lower Mainland, they are not in the local labour market in numbers and at levels of employment that are representative. For immigrant professionals, this lack of participation in the local labour market is even more discouraging. Unemployment and underemployment are critical problems for these immigrants. Depending on their profession, many are forced to work in “survival jobs” because they face significant obstacles in the Canadian labour market that “deny them the opportunity to use their skills and be compensated commensurate with their training and experience.”2 This is devastating to the individual and a loss to society as a whole, especially in light of present and anticipated labour shortages in many professions. The Conference Board of Canada reported that if this major learning recognition gap in Canada was eliminated, it would give Canadians an additional $4.1 billion-$5.9 billion in income annually. Also, it is a matter of statutorily and constitutionally protected human rights that all British Columbians are entitled to live in a society that is free from discrimination. To remove the barriers to equal access to licensure and employment for internationally trained professionals, action by governments, employers and regulators of professions is needed.

Previous research has documented systemic barriers and initiatives to address these barriers. This project expands the existing research in British Columbia by analyzing the impact of provincial legislation along with the policies and practices of regulatory bodies in relation to access to licensure for internationally trained professionals. The research included a review of governing statutes for 38 British Columbia regulatory bodies and five national regulatory bodies. In addition, human rights and Charter of Rights case law were reviewed and analyzed to determine what legal obligations regulatory bodies have, particularly with regard to anti-discrimination norms as they relate to the inclusion of internationally trained professionals.

The research also specifically focused on the practices related to licensure of ten regulatory organizations and identified regulators’ promising practices for addressing barriers to access for internationally trained professionals. This research provides regulatory bodies with a mechanism for reflecting on their own policies and procedures to determine if they are free of discrimination.

2. Methodology

A Project Advisory Committee was set up and included five representatives from Health Regulatory bodies, four from other regulatory bodies, one representative from a non-profit agency and one Provincial government representative. Also included were two representatives from the BC Internationally Trained Professionals Network Roundtable. Representatives from the Ministry of Health and the Ministry of Advanced Education agreed to review the draft report.

A research plan and tools for the legislative and case review and for the on-site policy and practices review was developed with input from the advisory committee. Ten research sites were identified: four health regulatory bodies and six other regulatory bodies. Representatives were interviewed with questions that focused on assessment and licensing requirements, factors that impact the assessment and licensing process, barriers to access for ITPs and promising practices. Relevant documents were also reviewed.

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A wide range of research reports describing the barriers to the participation of internationally trained professionals (ITPs) in the labour market and the promising practices in BC and other jurisdictions were examined as part of a literature review. This description of barriers provides background and context for this research.

2.1. Project Context
Many research reports have identified barriers to the participation of ITPs in the labour market. These research reports have examined the barriers related to education and training, registration and licensing, and employment. This report focuses on barriers to access in the registration and licensing process. Some examples of barriers identified in the literature are: lack of information about the requirements for registration and licensure, English language tests that do not adequately assess language competency required for job performance, difficulties related to the verification of credentials, lack of upgrading/bridging programs, lack of access to supervised practice opportunities, cultural bias in examinations, and high costs to applicants for assessment and registration. The literature review regarding barriers informed the direction of the legal and on-site research.

3. Research Findings
3.1. Legal Statutes Governing Professional Regulatory Bodies in BC
Professional regulatory bodies are entities to which governmental regulatory powers have been delegated. Self-regulating professions, rather than being regulated by government, have been granted the responsibility to regulate themselves. Professional regulatory bodies are akin to a level of government. As such, they have a duty to act in the public interest. This duty extends to licensing. A central goal of this report is to shed light on the content of the legal duties that apply to regulatory bodies in the exercise of their authority to establish and administer licensing requirements.

3.1.1. Regulatory Structure
The examination of the legislation through which regulatory bodies and their powers are established has led to the following conclusions: All self-regulating bodies are obligated to act in the public interest. The delegating statutes do not define the public interest or in any way limit the duties and powers of self-regulating bodies, so as to prevent them from addressing discrimination in licensing requirements. Nor do the delegating statutes prescribe the particularities of licensing requirements or the means by which competence will be assessed. Establishing standards, assessment tools and procedures required for licensing internationally trained professionals constitutes an exercise of discretion by regulators. This discretion must be exercised in accordance with the public interest, the content of which is not determined by delegating statutes. Thus, any deficiencies in the legality of licensing requirements are not the fault of delegating legislation but rather are a function of how the delegated authority is particularized and exercised by the regulators.

3.1.2. Mobility Agreements
A number of the regulatory bodies (both medical and non-medical) have implemented interprovincial mobility agreements pursuant to the Labour Mobility Chapter of the Agreement on Internal Trade (the “AIT”). Its purpose is to foster improved interprovincial trade by addressing obstacles to the free movement of persons, goods, services and investments within Canada.

A “Post July 1, 2001 Strategy” was announced by Deputy Ministers working with the AIT that broadened the Labour Mobility chapter implementation activities, including to review current recognition agreements to determine the extent to which the foreign trained workers are excluded, and to determine approaches for recognition of foreign qualifications between jurisdictions. The 2003-2004 annual report on the AIT indicated that the parties planned to continue to work toward resolving the inadequate recognition of foreign trained workers in Mutual Recognition Agreements.
Concerns with respect to liability of regulatory bodies who accepted candidates from other provinces but did not accept candidates from other countries would likely be addressed by the provisions in articles 705, 707 and Annex 708. These sections provide that parties have the right to establish occupational standards and requirements, and that access to licensure will principally relate to competence.

3.1.3. Selected National Regulatory Organizations
The national regulatory organizations reviewed differ from the provincial regulatory bodies in that they are not typically created by statute. With the exception of the Canadian Architectural Certification Board, all of the national bodies reviewed are incorporated under the Canada Corporations Act.

The research did not uncover associated statutes, regulations, rules or bylaws readily available for review for these national organizations. It is unclear how the policy and processes for the accreditation and examination functions performed by the national organizations arise. Further research would be required to determine the existence of such documents, and to study more national bodies to establish whether national bodies are doing anything in particular to exclude or to facilitate membership of ITPs.

The lack of a statutory basis for these national organizations (other than registration as not-for-profit corporations) means that the organizations are not accountable to government in a direct sense and have a reduced degree of accountability with respect to the policies and procedures that they create. It appears that all the national regulatory organizations are empowered to make their own rules with respect to examination, accreditation, and/or evaluation of applicants. There do not appear to be any statutory or regulatory prohibitions that would prevent the national regulatory organizations from facilitating access to registration by internationally trained professionals.

3.2. Access to Licensing for Internationally Trained Professionals and Human Rights Law
The legal analysis addresses the responsibilities of professional regulatory bodies under human rights law, and particularly, the provisions of the British Columbia Human Rights Code and the Canadian Charter of Rights and Freedoms (the “Charter”) that apply to professional licensing, and place of origin as a ground of discrimination. A discussion of the relationship between the duty of professional regulatory bodies to act in the public interest and to adhere to human rights norms is also provided. The analysis identifies the legal principles that define the concepts of discrimination, undue hardship, and the duty to accommodate, and concludes with a discussion of the implications of human rights law for regulatory bodies licensing requirements.

3.2.1. The Scope of Human Rights Legislation and the Charter, and the Responsibilities of Professional Regulatory Bodies
Professional regulatory bodies are subject to a legal obligation to ensure that the requirements for licensing adhere to human rights norms of non-discrimination and equality under the British Columbia Human Rights Code and under s. 15 of the Charter. The British Columbia Human Rights Code applies to professional licensing in that licensing falls within the prohibitions against discrimination by occupational associations. It may also fall within the ambit of prohibitions against discrimination in services and employment.

Licensing requirements of professional regulatory bodies are also subject to the requirements of s. 15 of the Charter, in that licensing constitutes the exercise of a delegated governmental decision-making authority. Discrimination based on place of training is encompassed by the Human Rights Code and s. 15 of the Charter, because there is a strong correlation between place of training and place of origin. If professional licensing requirements conflict with the Human Rights Code or the Charter, human rights laws take precedence and licensing requirements must be amended. Internationally trained professionals who believe that their rights are being infringed may initiate litigation against a regulator, pursuant to the Human Rights Code and the Charter.

3.2.2. The Duty of Professional Regulatory Bodies to Act in the Public Interest and to Adhere to Human Rights Norms

The duty of regulatory bodies to act in the public interest is multi-faceted, and includes both a duty to ensure competence of practitioners and to uphold human rights norms. Further, it is not appropriate to regard these duties as contradictory. Discrimination is contrary to the public interest. As part of their duty to protect the public interest, regulators have a duty to ensure that standards, assessment tools, and procedures are consistent with the human rights norms of non-discrimination and equality.

This does not mean that conflicts will never arise between the public interest duty of a regulator to ensure the competence of practitioners and the public interest duty to uphold human rights norms. Rather, such conflicts must be resolved within the human rights framework, having regard to the legal principles that have been established concerning the meaning of discrimination, the duty to accommodate, and undue hardship.

3.2.3. Developments in the Law with Respect to Discrimination, Undue Hardship and the Duty to Accommodate

Discrimination analysis requires a substantive equality approach that examines the effects of licensing requirements, not merely their form. Discrimination is a question of adverse effects rather than a question merely of form or intention. Discrimination may arise because of the application of a facially neutral requirement. A requirement may be discriminatory because it is based on a standard that has adverse effects. Individual testing is not an answer to discrimination if the test is based on a discriminatory standard. However, the avoidance of discrimination may require that some individuals be individually assessed.

The question is not whether stringent standards of competence are necessary, but whether particular standards, assessment tools and/or procedures that have the effect of excluding people from licensure, or of placing burdens on them because of their place of origin, are necessary.

3.2.4. The Defence of Undue Hardship and the Duty to Accommodate

If a licensing requirement has discriminatory effects the regulator has a duty to accommodate, up to the point of undue hardship. Accommodation means making alternative arrangements or adjusting a requirement in order to remove the discriminatory effects on an individual or group. Only if it is impossible to provide a less exclusionary alternative will a discriminatory requirement be sustained. The burden of showing that it is impossible to adjust a requirement to eliminate its discriminatory effects rests with the regulator.

As this report shows, there are widespread concerns about requirements for licensing that affect access by internationally trained professionals to self-regulated professions in Canada. Increasingly, the concerns of internationally trained professionals about licensing standards, assessment tools, and procedures, that have the effect of blocking access to professional membership, and ultimately employment and service provision for internationally trained professionals, are posed as questions of discrimination, and as violations of human rights laws.
Currently, various professional organizations in various Canadian jurisdictions are respondents in human rights complaints and Charter litigation that challenge licensing requirements. All professions have an interest in ensuring that their licensing requirements are consistent with applicable provisions of human rights and the Charter. There are many proactive measures that regulatory bodies can take to ensure that their licensing requirements are compliant with any applicable human rights laws, and to engage the support of other institutions that may be needed to address issues that may not be within the sole control of regulatory bodies, but which nonetheless may affect licensing practices. Suggestions regarding key measures that should be taken by any regulatory body that is concerned with ensuring compliance with any applicable human rights laws are set out in the recommendations of this report (see 4.2 Assessment and Recognition).

3.3. Assessment and Licensing Practices of the Research Sites

3.3.1 Principles and Values Guiding Assessment and Licensing Practices

The overarching principles and values that guide the registration process within the participating regulatory organizations are defined as “the fundamental basis and belief system from which regulatory organizations operate,” and values are “the underlying moral standards that guide the actions” of the regulatory organizations. These are guiding principles for all procedures of regulatory bodies and have been the underlying basis for the establishment of standards for registration and licensing and professional responsibility and competency of members.

The principle of the protection of the public and the maintenance of professional standards are in fact complementary to the principle of access to licensure for all qualified and competent persons. Both principles serve the public interest. Access to licensure does not imply the lowering of standards or the undermining the safety of the public. It increases the diversity in a profession, and thereby provides the public with better service in this multicultural society.

3.3.2 English Language Assessment

To assess English language competency three medical regulatory bodies and one non-medical regulatory body require applicants to take a variety of English language tests. Five non-medical organizations and one medical regulatory body had no formal English language assessments; instead, it was thought that the ability to pass examinations implied English language competency. There are a number of problems with the existing options for English language competency assessment. For example, most testing options are designed to measure competency for an academic setting rather than for the workplace and there is no profession/sector related content. There are also differences as to how regulatory bodies determined their English language scoring levels. Some have based their scores on a systematic comparison with other regulatory bodies, colleges or university programs, while others do not have a clear rationale for their scoring levels. Where English language tests are not a requirement, English language competency is assumed if an individual can pass the licensing examinations. This raises concerns regarding the pass and fail rates on licensing examinations of internationally trained professionals.

3.3.3 Credential Evaluation

The evaluation of international credentials and experience was seen as a challenge for many of those interviewed. Some organizations lacked the resources to do in depth and ongoing research on international credentials. There is difficulty in getting official documents sent directly from some countries, and there is a lack of information about educational institutions in some countries. Different strategies have been used to address these challenges, for example some have used external organizations or their national organization to evaluate international credentials and experience.

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3.3.4. Education Requirements Prior to Licensure

Education requirements of regulatory organizations vary. For some, a completed accredited degree is needed before applying for licensure. Other regulatory organizations have profession-specific education programs integrated into their licensing process and applicants are assessed on their past education, credentials and experience to determine which courses they must take. There are also profession specific courses that are required by all applicants.

3.3.5. Competency Assessment

Competency-based assessments attempt to establish what individuals know and whether they can perform competently in the profession. None of the regulatory bodies have what they referred to as a formal competency assessment, although several had requirements that could be included in this category, such as: written submissions, oral interviews, and assessment/clinical examinations. Unintended cultural bias, lack of familiarity with profession-specific norms and practices, lack of profession-specific English language competency and a lack of familiarity with competency assessment processes can inhibit an internationally trained professional’s ability to demonstrate skills and knowledge. On the other hand the competency-based assessment has been identified by some of the regulatory bodies as an effective mechanism for individuals to demonstrate their professional competency.

3.3.6. Licensing Examinations

There are licensing examinations that examine specific knowledge of technical information, substantive information, skills and ability and examinations of knowledge of local rules and regulations, professionalism, and professional ethics. Problems identified by the regulatory bodies with regard to examinations include: costs, lack of familiarity with the testing format such as multiple choice, and perceived cultural bias.

3.3.7. Oral Interviews

The oral interview is used by some regulatory bodies as a mechanism to elicit information about an applicant’s past employment experiences in the profession and as a method to evaluate English comprehension and communication skills. Oral interviews can provide an alternative means of evaluating education and experience and can give the applicant an opportunity to demonstrate professional knowledge and skills. Some of the concerns identified by regulatory bodies about oral interviews as an assessment tool are the bias and/or preconceived beliefs of the interviewer(s) regarding the applicant’s place of education and work experience and the lack of criteria for English language assessment.

3.3.8. Internship with Professional Supervision

A number of the regulatory bodies have practice or work requirements for a designated time period. In all cases it is the responsibility of the candidate to find their practice position, and in most cases their supervising professional. This requirement presents a number of challenges to internationally trained professionals such as: a lack of job opportunities, discrimination by employers, an inability to earn an income during this time period, lack of employment networks, and lack of exposure to Canadian cultural norms. In some cases there is little training given to supervisors and a lack of clarity about their role. As a result ITPs may not be exposed to the full scope of professional practice. Some regulatory bodies are working in partnership with colleges and universities to locate supervised practice sites. Others have instituted provisional licenses to address those situations when an ITP cannot get employment without a license.

3.3.9. Fees Related to Registration

Each regulatory body has fees related to the registration and assessment requirements and these fees differ from organization to organization. These fees can be a barrier for internationally trained professionals because many of them have limited incomes. In addition if an individual fails any step of the process they have to pay fees for an appeal, and/or for retaking courses or examinations.
3.3.10. **Specific Feedback Practices**
Regulatory bodies provide feedback for specific assessment processes such as: credential review, examination(s), and interviews. Providing specific feedback is a very important mechanism for ITPs when they do not meet the criteria of any of the steps or when they fail an exam. Feedback enables them to know specifically what their knowledge and skill gaps are and what the expectations of the regulatory bodies are. Assessment processes that are under the control of provincial regulatory bodies tend to provide more detailed feedback than those under the control of national organizations.

3.3.11. **Appeal Practices**
Regulatory bodies have differences regarding their internal appeal mechanisms. There are appeal processes in some cases for all the assessment steps and in others for specific assessments such as credential evaluation and examinations. Concerns have been raised about appeals regarding the perception of unfairness. To remedy this concern some regulatory organizations have involved different staff and or external professionals for the appeals and not those who made the original decision. Concern has also been raised by regulatory bodies that access to appeal is limited to only certain assessment processes. In addition, grounds for appeal are in many cases restricted to narrow criteria such as an adverse examination environment that affected a candidate’s performance.

3.3.12. **Review, Audits and Evaluation of Tools**
Some provincial and national regulatory bodies review their requirements for course work, credential evaluation, and various examinations on an ongoing basis; others do a formal review of specific processes when needed. Some of these reviews involve surveying practicing members of their organization, faculty of a university, supervising professionals, examiners, and candidates. Organizations conduct this type of survey every one to five years. Another approach described by one regulator involved the hiring of a consultant to review the practice examination in order to establish the minimum requirements which are based on the professional competencies. Several of the regulatory organizations’ representatives indicated that there was a need for a more regularized, formal review process because changes have come about as a result of the reviews.

There is variation in the above assessment tools and practices. This variation should cause regulatory bodies to question to what extent their specific practices are valid and effective.

3.3.13. **Factors that Impact the Assessment and Licensing Process of Regulatory Bodies**
Some regulatory organizations have experienced pressure from internationally trained professionals to make their licensing processes more transparent and accessible. Others have been pressured by employers to address the skill shortage in specific professions. Addressing the skill shortage was identified by respondents as a complex problem because there were many factors that contribute to this problem and many stakeholders with different agendas. As a result this report does not address the issue of skill shortage in-depth.
Reciprocal or mutual recognition agreements are an important means of facilitating access for internationally trained professionals, and demonstrate the ability of regulatory bodies to be flexible in order to reach agreements with other jurisdictions. Several of the regulatory organizations have mutual recognition agreements with their counterparts in many of the provinces of Canada. Some of the regulatory bodies are also signatories to, or are working towards agreements between Canada and other countries such as the United States, Mexico, the United Kingdom, Australia, New Zealand, Ireland, Hong Kong, South Africa, and France. Where there is such an agreement applicants may be required to take only those courses that address local needs, or may be granted an exemption from examinations and a reduction in work experience requirements. Attaining reciprocal agreements takes time and in the interim regulatory bodies can work with their provincial counterparts to establish recognition tools to more effectively evaluate the equivalency of programs and courses in other countries, which will facilitate access for internationally trained professionals.

3.3.14. Barriers to Access for Internationally Trained Professionals Identified by Regulatory Bodies
The regulators identified many barriers faced by internationally trained professionals in their dealings with them. There were barriers that related to the immigration process where ITPs were given misleading information and where the immigration of certain professions was encouraged despite an insufficient employment demand. There were barriers that related to the difficulties ITPs had in navigating the processes of registration and licensing. There were challenges that regulatory bodies themselves faced in evaluating such diverse credentials and work experiences. Regulatory bodies also identified barriers that resulted from a lack of English language competency and/or a lack of awareness about the Canadian workplace culture.

3.3.15. Promising Practices
Promising practices are examples of strategies that regulatory bodies can use to improve access to their professions. They draw attention to initiatives that address some of the barriers to access identified in the literature review and by the research participants. The promising practices section of the report highlights a number of key themes: collaboration of regulatory bodies; policies and practices review and the development of transparent standards and processes, centralized information and assessment, flexible approaches to assessment and licensing of ITPs, provision of information and support to ITPs, access to subsidy and loan programs, and reciprocal agreements. Regulatory organizations can use the information in this section to assess their own practices and develop new ideas for improving access to licensure for ITPs.

4. Recommendations

4.1. General Recommendations for Regulatory Bodies
4.1.1. Regulatory bodies should ensure that requirements for licensing comply with the anti-discrimination and equality prohibitions of the British Columbia Human Rights Code and the Canadian Charter of Rights and Freedoms and undertake a systemic review of all requirements for licensing and make reports of the results freely available.

4.1.2 Regulatory bodies should establish an internal mechanism to ensure that processes of credential evaluation are equitable and free from discrimination.

4.1.3. Regulatory bodies should identify and record the numbers of internationally trained professionals who have applied for licensure, their country of training and work experience and if they have been successful in becoming licensed.
4.1.4. Where their national organizations are responsible for credential assessment and review, regulatory bodies should work with these organizations to identify and record the numbers of internationally trained professionals who have applied for credential assessment, their country of training and work experience and whether their application for licensing was successful.

4.1.5. Regulatory bodies should explore whether they have a responsibility to encourage diversity within the profession so that the profession is representative of the diversity in the community.

4.2. Assessment and Recognition

4.2.1 Regulatory bodies should undertake a systemic review of all requirements for licensing, with the involvement of internationally trained professionals, to ascertain whether there are requirements for licensing that have discriminatory effects on internationally trained professionals, particularly in respect of standards, assessment tools, and procedures that have been repeatedly identified as barriers to licensing of internationally trained professionals.

4.2.2. Regulatory bodies should engage in a concerted, deliberative process to search for possible accommodations to eliminate the discriminatory effects of licensing requirements. The duty to accommodate entails effective problem-solving processes, and requires the participation and co-operation of all relevant stake-holders, decision-makers and experts.

4.2.3. Regulatory bodies should modify licensing requirements to eliminate discriminatory effects, to the extent possible.

4.2.4. Regulatory bodies should establish accessible processes for future accommodation requests and complaints, so that ITP’s requiring individual accommodation can make specific requests to a regulator and so that the regulator is informed of potential problems.

4.2.5. If it is not possible to fully eliminate all discriminatory requirements for licensure, regulatory bodies should document the rationale and methodology for making that determination, and periodically reassess possibilities for accommodation.

4.2.6. If, in the opinion of the regulator, there are parties, such as the universities, employers, and governments, whose assistance and participation is needed to address barriers to licensure, the regulatory bodies should initiate a process to engage their involvement.

4.3 Specific Recommendations for Licensing Requirements

4.3.1. English Language Assessment

a) Regulatory bodies need to benchmark English language competencies required for their professions in order to ensure that English language assessments are relevant.

b) Regulatory bodies should ensure that English language assessments meet the English language competency requirements of the profession and have specific and measurable criteria to evaluate English language competency.

4.3.2. Credential Review

a) Regulatory bodies should ensure that the credential evaluation process is free from discrimination with regard to place of origin/training and work experience and that it is flexible and transparent.

b) Regulatory bodies should work with their counterparts in other provinces to develop or expand their database of educational institutions in other countries, establish recognition tools to more effectively evaluate programs and courses or increase their use of external credential assessment organizations to authenticate or evaluate credentials.
4.3.3. **Competency Based Assessment**

   a) Regulatory bodies should explore the integration of competency-based assessments in their assessment processes and assist reviewers to gain awareness of their own potential biases and/or preconceived ideas about internationally trained applicants and their place of training and work experience.

   b) Regulatory bodies should work in partnership with educational institutions to develop bridging/transition programs to help orientate and better prepare internationally trained professionals to effectively demonstrate their skills and knowledge.

4.3.4. **Licensing Examinations**

   a) Measurements of competency skills and knowledge should be designed, analysed and tested to ensure that they are valid and measure what they are intended to measure.

   b) Regulatory bodies must ensure that there is no unwarranted cultural content in licensing examinations and should provide orientation and support for examination preparation.

4.3.5. **Oral Interview**

   a) Regulatory bodies must ensure that interviewers are aware of their own potential biases and/or preconceived ideas about internationally trained professionals and their place of training and work experience.

4.3.6. **Feedback Mechanism**

   a) The results of each step in the assessment process should be clearly communicated to the applicant, with strengths and limitations identified. Applicants should be able to identify areas in which they require upgrading or training needed to fill gaps in order that they can complete the registration process successfully.

   b) Provincial regulatory bodies should work with their national organizations to develop systematic feedback mechanisms for applicants with regard to the assessment process.

4.3.7. **Supervised Practice**

   a) Regulatory bodies should foster partnerships and opportunities to help ITPs find supervisors or mentors.

   b) Regulatory bodies should build partnerships with academic institutions, professional associations and employers to improve the perception of ITPs because many do not see their value to the Canadian labour market.

   c) Regulatory bodies should ensure that supervisors and mentors are adequately trained to work with applicants and have clear expectations of their roles.

4.3.8. **Fees**

   a) Regulatory bodies should ensure that the fees for assessment and licensing are reasonable and relate to the cost of administering the assessment.

   b) Regulatory bodies need to provide information on loan programs to assist internationally trained professionals who have limited funds to pay registration and licensure fees.

4.3.9. **Appeals**

   a) Regulatory bodies should implement appeal processes that are fair and accessible for all steps of the assessment process.
4.4. **Information and Communication**

4.4.1. Information about assessment and licensing requirements should be clear and understandable. The information must describe the competencies required, the assessment methods and process used, the duration of the assessment process, and all associated fees.

4.4.2. All communications with applicants should be free from unnecessary language and cultural barriers. Documentation should be analysed to determine if the information is communicated in the clearest and simplest way possible.

4.5. **Collaboration**

4.5.1. The project advisory committee in partnership with MOSAIC should develop a communications plan for the distribution and promotion of the Improving Access to Licensure for Internationally Trained Professionals final report.

4.5.2. The project advisory committee in partnership with the BC Regulators for Access and MOSAIC should hold a forum in the fall of 2005 to present the findings of this research to regulators and other key stakeholders. The forum should develop a plan of action for the implementation of the recommendations that all regulators can agree to. The forum should also make a commitment to organizing bi-annual meetings to share information about promising practices and strategies.

4.5.3. Regulatory bodies should work with their national organizations to develop reciprocal agreements with regulatory organizations and/or education institutions in other countries.

4.5.4. Regulatory bodies should work with other provincial regulatory bodies and their national organizations to research programs and registration systems in other countries in order to determine whether these programs meet the necessary requirements.

4.5.5. Regulatory bodies should work with employers to improve access to employment for internationally trained professionals.

4.5.6. Regulatory bodies should develop partnerships with immigrant serving agencies and with internationally trained professional organizations to improve access to employment for internationally trained professionals.

4.5.7. Regulatory bodies in partnership with MOSAIC should draft a proposal for funding for the development of a self-assessment tool to assist regulatory bodies to implement a systemic review of all requirements for licensing. The tool should also include a list of consultants who can assist regulators in this process.

4.6. **Governments**

4.6.1. The Provincial government should provide financial aid to ITPs for assessment and licensing costs, tuition fees.

4.6.2. Citizenship and Immigration Canada should tie immigration policy to the labour market and track immigrants after landing to determine whether their employment positions match their training and work experience.

4.7. **Need for Further Research**

4.7.1. There is a need for more research with regard to national regulatory organizations to explore whether their policies and practices exclude or facilitate the licensing of ITPs.

4.7.2. There is a need for further research about the issue of skill shortages. Discussions should also take place between regulatory bodies, Federal and Provincial governments, and employers to explore the question of who has the responsibility to address the skill shortage problem.
IMPROVING ACCESS TO LICENSURE FOR INTERNATIONALLY TRAINED PROFESSIONALS
1. Introduction

Immigrant and refugee communities make up more than 32% of the population of the Lower Mainland, yet they are not in the local labour market in numbers and at levels of employment that are representative. For immigrant professionals, this lack of participation in the local labour market is even more discouraging. Unemployment and underemployment are critical problems for these immigrants. Many internationally trained professionals (ITPs) are unable to gain access to their professions, and, as a result, are forced to work in “survival jobs.” This is devastating to the individual and a loss to society as a whole, especially in light of present and anticipated labour shortages in many professions.

Previous research has documented systemic barriers and initiatives to address these problems. This project expands the existing research in British Columbia by analyzing the impact of provincial legislation along with the policies and practices of regulatory bodies in relation to access to licensure for internationally trained professionals. The research included a review of governing statutes for 38 British Columbia regulatory bodies and five national regulatory bodies. In addition human rights and Charter case law were reviewed and analyzed to determine what legal obligations regulatory bodies have, particularly with regard to anti-discrimination norms as they relate to the inclusion of internationally trained professionals.

The research also specifically focused on the practices related to licensure of ten regulatory organizations and identified regulators’ promising practices for addressing barriers to access for internationally trained professionals. This research provides regulatory bodies with a mechanism for reflecting on their own policies and procedures to determine if they are free of discrimination.

1.1. Research Objectives

1.1.1. Overall Objectives

To review the legislation governing specific regulated professions and its impact on regulator policies and practices, and to determine legislation’s, policies’ and practices’ influence on access to licensure for internationally trained professionals.

1.1.2. Specific Objectives

a) Examine the policies and practices of a sample of BC regulatory bodies, and how the various legislative acts that govern these regulatory bodies influence these policies and practices.

b) Determine the impact of legislation, policies and resulting practices on access for internationally trained professionals to membership in the regulated professions. Identify “promising practices” concerning access by internationally trained professionals to membership in regulated professions.

c) Identify the capacity of the regulatory bodies to adopt some of these promising practices.

d) Analyze the work that has been done towards identifying and adopting promising practices in other jurisdictions within Canada (Ontario, Quebec, and Manitoba), and internationally (Australia).

1. “A promising practice is one that is innovative and has improved, or has the potential to improve, access for international candidates while maintaining standards,” Access to Ontario’s Regulated Professions by International Candidates Research Report & Compendium of Promising Practices, Ontario Regulators for Access, July 2003. p.38
Improving Access to Licensure for Internationally Trained Professionals

1.2. Project Context

Many research reports have identified barriers to the participation of ITPs in the labour market. These research reports have examined the barriers related to education and training, registration and licensing, and employment. This research focuses on barriers to access in the registration and licensing process and the legal implications of these barriers.

The BC Internationally Trained Professionals Network Community Consultation highlighted the fact that ITPs lack information about the requirements for licensure and in many cases do not understand the complicated steps required. A lack of fluency in English combined with a lack of communication skills, and more specifically, a lack of occupation-specific language skills has been identified as a significant barrier to internationally trained professionals, gaining licensure in their professions.

The methods for testing English language competency are also seen as problematic not only for ITPs but also for regulatory organizations and employers. Almost all language tests currently in use are standardized tests that measure general and not occupation-specific competency, and standardized tests do not adequately assess performance on the job and may be biased against non-North American test takers. Rigid cut-off scores and a lack of a clear rationale for choosing certain tests or score requirements have also been cited as problematic.

The MOSAIC Inventory of Assessment Tools for Skilled Immigrants report indicated that it can be difficult for regulators to get information about some international educational institutions and/or programs. Therefore, assessing an individual’s transcripts and specific course content is challenging and can lead to rejection of an application.

There are also barriers related to the verification of credentials. ITPs have raised concerns about the onerous requirement of some regulators that the original transcripts, statements of professional standing, and employer reference letters be sent directly from the educational institutions, licensing bodies, and employers. Although this requirement addresses concerns regarding fraudulent documents, it is sometimes impossible or time consuming to achieve. Immigrant professionals sometimes experience duplication in the process of having their credentials assessed by immigration and by regulatory organizations.

References:

2. BC Internationally Trained Professionals Network Community Consultation. April 2003
3. Partnering on Access Solutions to Regulated Health Professions: Regulators, Community, and Internationally Educated Professionals: Specific focus on Examination and Supervised Practice, March 2004
7. Fulfilling the Promise: Integrating Immigrant Skills into the Canadian Economy, Naomi Alboim and the Maytree Foundation, April 2002
8. An Inventory of Assessment Tools for Skilled Immigrants, MOSAIC Employment Programs, May 2004
9. BC Internationally Trained Professionals Network Community Consultation. April 2003
10. An Inventory of Assessment Tools for Skilled Immigrants, MOSAIC Employment Programs, May 2004
11. Brief to the Standing Committee on Citizenship and Immigration Regarding Bill C-11, April 2001
If ITPs have gaps in their education or experience, there are currently limited opportunities to fill these gaps. This is true for most professions. The Maytree Foundation report, Fulfilling the Promise: Integrating Immigrant Skills into the Canadian Economy\textsuperscript{12} indicates that individuals are often forced to take whole courses or examinations over again. This problem is compounded by the fact that some regulators do provide detailed feedback regarding assessment and examination results, but others do not. This can adversely affect the ability of ITPs to identify what they are lacking and where they should focus their studies\textsuperscript{13}.

Many regulatory organizations lack a mechanism to recognize the skills, knowledge, and years of work experience an individual has acquired after graduating. Many informants in the qualitative survey in the Canadian Race Relations Foundation study also suggested that decisions regarding access to professional employment for the internationally trained are often not based on an objective assessment of their competency but on outmoded attitudes held by regulators and employers about the general competencies of immigrants and their countries of origin\textsuperscript{14}. Although some regulatory organizations have competency based assessments that allow ITPs to demonstrate that they are qualified and competent to practice, Catherine Laurier\textsuperscript{15} points out that the process can be intimidating and stressful. ITPs therefore need orientation and preparation for these assessments if they are going to be successful. ITPs have difficulty getting supervised practice opportunities or jobs with appropriate organizations for a range of reasons, including job shortages, lack of Canadian work experience, lack of access to existing networks or lack of a license. An apparently irresolvable problem arises, when they cannot get licensed without working in Canada for a specified number of hours, months, or years. This gives ITPs a distinct disadvantage compared with Canadian educated candidates\textsuperscript{16}.

Potential barriers with regard to licensing examinations arise when additional examinations are required for those with foreign credentials. Barriers are also created when test questions reflect a North American cultural bias and when the examiner is unaware of the different cultural responses or styles of communication that an ITP may demonstrate in a test.\textsuperscript{17} ITPs also lack exposure to Canadian examination methods, formats, and expectations and may therefore be unable to demonstrate their knowledge and experience in a practical/clinical examination, or may lack the English language reading or writing skills to understand what is being asked of them and to respond appropriately\textsuperscript{18}.

\textsuperscript{12} Fulfilling the Promise: Integrating Immigrant Skills into the Canadian Economy, Naomi Alboim and the Maytree Foundation April 2002
\textsuperscript{13} Partnering on Access Solutions to Regulated Health Professions: Regulators, Community, and Internationally Educated Professionals: Specific focus on Examination and Supervised Practice, March 2004
\textsuperscript{14} Working Precariously: The Impact of Race and Immigrants Status on Employment Opportunities and Outcomes in Canada, Cheryl Teelucksingh & Grace-Edward Galaburti, Canadian Race Relations Foundation, May 2005 p. 24
\textsuperscript{15} Competency Based Assessment Programs for Internationally Trained Professionals Session Proceedings, Catherine Laurier, December 2000.
\textsuperscript{16} BC Internationally Trained Professionals Network Community Consultation. April 2003
\textsuperscript{17} Access! Task Force on Access to Professions and Trades in Ontario, Cumming, Lee & Oreopolous, 1989
\textsuperscript{18} Regulators’ Guide for Promoting Access to Professions by International Candidates, Ontario Regulators for Access, May 2004 Foreign Trained Nurses Occupational Mobility
Costs of registration applications, credential evaluation, alternative assessments, English language tests, licensing examinations, and courses to be taken create a heavy financial burden for ITPs. The Foreign Trained Nurses Occupational Mobility Research Project Report pointed out that many ITPs have families to support and must earn a living while they are going through this process.\textsuperscript{19} To address these financial pressures ITPs are often forced to take service jobs in order to support their families. Their skills and experience are underutilized and their sense of self-worth negatively affected.\textsuperscript{20} The Canadian Task Force on Mental Health Issues stated that the significant obstacles to trades and professions led to an “erosion of skills, loss of technical idiom and diminishing confidence in one’s capabilities.”\textsuperscript{21} Many ITPs just give up trying to re-qualify.

Meeting the criterion of Canadian work experience also limits access to some professions\textsuperscript{22}. The Brief to the Standing Committee on Citizenship and Immigration Regarding Bill C-11, (April 2001) emphasizes that there is often no coordinated approach between the regulatory body and the employers to enable an immigrant professional to obtain the requisite Canadian experience without a license.

A strategy for addressing barriers has been bridging programs or mentoring opportunities which can prepare ITPs to work in a Canadian environment. They also can provide profession specific English language training, examination preparation, information on the “culture of practice” and networking opportunities.\textsuperscript{23} Unfortunately these programs are often “pilots” and lack ongoing funding to sustain them.

The Canadian Race Relations Foundation report indicates that the systemic barriers facing internationally trained professionals need to be addressed by governments, in partnership with regulators, educational institutions, assessment agencies, trade unions, employers and service providers. This should include a review of the professional regulators and relevant government agencies to identify and remove the obvious barriers to equality of opportunity and outcome \textsuperscript{24}.

This review of the literature provides the context for the Improving Access to Licensure for Internationally Trained Professionals research and helps guide the analysis of the data gathered.

\begin{flushleft}
\textsuperscript{19} Foreign Trained Nurses Occupational Mobility Research Project Report, prepared for the BC Ministry of Multiculturalism and Immigration. March
\textsuperscript{20} Brief to the Standing Committee on Citizenship and Immigration Regarding Bill C-11, April 2001
\textsuperscript{21} Canadian Task Force on Mental Health Issues. \textit{After the Door has Been Opened: Mental Health Issues Affecting Immigrants and Refugees in Canada: Health and Welfare Canada, 1988, p. 33}
\textsuperscript{22} Brief to the Standing Committee on Citizenship and Immigration Regarding Bill C-11, April 2001
\textsuperscript{23} BC Internationally Trained Professionals Network Community Consultation. April 2003
\textsuperscript{24} Working Precariously: The Impact of Race and Immigrants Status on Employment Opportunities and Outcomes in Canada, Cheryl Teelucksingh & Grace-Edward Galabuzi, Canadian Race Relations Foundation, May 2005
\end{flushleft}
1.3. Research Methodology and Structure

1.3.1. Recruitment of the Project Advisory Committee Members

a) The consultants sent an introductory letter to 16 regulatory organizations inviting them to participate in the project as advisory committee members and/or as research sites. The letter outlined the objectives and role of the advisory committee members and provided a description of what the on-site research would involve.

The initial goal was to recruit six individuals willing to participate on the advisory committee. Sixteen regulatory organizations were contacted and asked to participate. This included eight health and eight mixed sector regulatory organizations. These organizations were selected on the basis of size, sector, and previous involvement in the issue of access for internationally trained professionals. There was a positive response from the majority of the organizations contacted and as a result the number of regulatory organizations on the committee was increased from six to eight.

This Advisory Committee was made up of 12 members. This included five representatives from health regulatory organizations, three from other regulatory organizations, the Acting Executive Director from the Immigration Division, Ministry of Community, Aboriginal and Women’s Services, and the project manager from MOSAIC. In consultation with MOSAIC, this group was expanded to include two representatives of the BC Internationally Trained Professionals Network Roundtable on Access to Professions for Internationally Trained Professionals.

See Appendix 1 for Advisory Committee Members.

b) A representative from the Ministry of Advanced Education and a representative from the Ministry of Health agreed to review the draft report.

1.3.2. Advisory Committee Meeting

The advisory committee first met on Wednesday, 8 December 2004, to review the research plan and tools. The Advisory Committee members also provided input regarding additional research sites. The initial plan was for the Advisory Committee to meet in late February or early March 2005 to review the preliminary summaries of the research findings and the draft report outline. However, the expansion of the research led to an extension of the original time line; as a result, the committee met in early May to review the draft of the report. The committee also met after the final report was completed to discuss possible actions and next steps with regard to the project’s findings and recommendations.

1.3.3. Recruitment of Research Site Participants

An introductory letter was drafted in order to provide information about the project. Contact was made by phone and email to 18 regulatory bodies. The initial goal was to recruit five research sites and because of the positive response, the number was expanded to 10. Six representatives of these bodies also served on the advisory committee. The research sites included four medical and six mixed regulatory bodies.
1.3.4. Development of Research Plan and Tools

The consultants developed a research plan and tools for the legislative and case review and for the policy and practices review. The advisory committee gave input on these plans and tools.

The consultants also developed on-site document review parameters and research questions. The questions focused on assessment and licensing requirements, factors that impact the assessment and licensing process, barriers to access for ITPs and promising practices. A draft was presented to the advisory committee for feedback and additions.

*See Appendix 2 for Research Tools.*

1.3.5. Research Process

The legal consultant reviewed governing statutes, bylaws and regulations for 38 regulatory organizations. A review of the governance structures of five national regulatory/examining bodies was also included. The five national organizations that were reviewed correspond to five of the project research organizations. Human rights, Charter of Rights case law, and related legislation were also reviewed and analyzed.

Representatives of the 10 regulatory organizations were interviewed, and relevant documents were reviewed. Additional data was also collected from each organization’s website. Two drafts of the report were prepared and presented to the Advisory Committee for input. Suggested changes were integrated into the final report.
2. Description of Legal Statutes Governing Professional Regulatory Bodies in BC

Professional regulatory bodies are entities to which governmental regulatory powers have been delegated. Self-regulating professions, rather than being regulated by government, have been granted the responsibility to regulate themselves. Professional regulatory bodies are akin to a level of government. As such, they have a duty to act in the public interest. This duty extends to licensing. A central goal of this report is to shed light on the content of the legal duties that apply to regulatory bodies in the exercise of their authority to establish and administer licensing requirements.

This chapter focuses on the legislation through which regulatory bodies and their powers are established, setting the stage for a closer examination of the duties of regulators that arise under human rights law, in Chapter 3.

This chapter seeks to ascertain whether through its delegating legislation, the provincial government has either defined the public interest or in any way limited the duties and powers of regulatory bodies, so as to prevent them from addressing discrimination in licensing requirements.

In addition, because this chapter aims to provide an overview of the regulatory environment that governs the regulators, it identifies avenues of appeal from licensing decisions, touches on mobility agreements, and considers the role of national professional bodies.

The chapter is organized as follows: 1) medical regulatory bodies; 2) regulatory structure of medical regulatory bodies; 3) appeals of registration decisions by medical professionals; 3) non-medical regulatory bodies; 4) regulatory structure for non-medical regulatory bodies; 5) appeals of registration decisions by non-medical regulatory bodies; 6) mobility agreements; 7) national professional associations. Detailed information is available in Appendices 3, 4, 5, 6, and 7. This chapter represents a summary of those appendices.

2.1. Medical Regulatory Bodies

Many of the medical regulatory bodies are governed by the Health Professions Act with occupation-specific regulations establishing each college so governed.

Section 16 of the Health Professions Act states

16 (1) It is the duty of a college at all times
(a) to serve and protect the public, and
(b) to exercise its powers and discharge its responsibilities under all enactments in the public interest.

(2) A college has the following objects:
(c) to establish standards of academic or technical achievement and the qualifications required for registration as a member of the college

Those medical regulatory bodies that are not governed by the *Health Professions Act* typically have very similar sections describing their duties and objects as colleges. Indeed, many of the non-*Health Professions Act* bodies exactly mirror the section 16 language.

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25. Please note that the information upon which this section is based is current to December 2004 and is subject to errors on internet resources.
The statutes governing each regulatory body include general provisions regarding registration of applicants to the colleges; however, the detailed registration requirements are usually found in subsidiary legislation and/or in policies established by the governing body. That is, although the statute may state that the applicant must show he or she has the appropriate academic background and practical training, and that he or she has passed an examination, it is unlikely that the statute will contain information on what specific qualifications are required. Such information sometimes appears in regulations, but is most often found in rules or bylaws promulgated by councils or boards of the bodies reviewed.

The regulations promulgated under the Health Professions Act do not include registration information pertinent to this project. Instead, the registration requirements for the bodies regulated under this Act are typically found in bylaws or rules created by the colleges. Section 19 of the *Health Professions Act* provides for the creation of bylaws by the colleges under the Act. Through the bylaws, the colleges may establish registration requirements (s. 19(1)(i)). Pursuant to s. 19(3), these bylaws have no effect until approved by the Lieutenant Governor in Council. The Lieutenant Governor in Council must not approve a bylaw unless satisfied that appropriate provision has been made respecting the public interest (s. 19(4)).

Pursuant to s. 20 of the Health Professions Act, once a person applies to the college for registration, satisfies the registration committee that he or she is qualified to be a registrant, and pays the required fees, the registration committee must grant registration in its college to that person. The registration requirements will be determined by the bylaws established by the college. Therefore, the regulatory bodies retain the discretion to create registration requirements that accord with the duty to protect the public interest.

### 2.1.1. Regulatory Structure

The medical regulatory bodies all have boards composed of several elected members and a lesser number of ministerial appointees.

In addition, each college typically has an examining board and/or a registration committee. All of the bodies under the Health Professions Act RSBC 1996, c.183, have a registration committee. Some of the regulatory bodies require certification by a national body, which generally entails a national examination. The provincial body’s rules usually set out this requirement.

Often a college’s legislation provides that its board may make rules or bylaws with respect to the registration of applicants to the college, the admission of applicants to practice in BC, establishment of the qualifications of persons to be admitted and registered, and the proof of education, good character, and experience that must be provided. The board may also make rules establishing the fees for examination and registration of applicants, and for the examination of credentials of applicants who apply to become registered.

In almost every case, the college board’s rules or bylaws require some sort of approval by the Lieutenant Governor in Council. The Veterinary Medical Association stands out as not requiring governmental approval of its bylaws. Rather, its bylaws must be approved by either an annual or special general meeting vote called to consider that bylaw, amendment or repeal.
2.1.2. Appeals of Registration Decisions

Section 20(4) of the Health Professions Act provides for an appeal process for unsuccessful registration applicants:

A person whose application for registration as a member of a college is refused by the registration committee may appeal the refusal to the Supreme Court and, for this purpose, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.

Some colleges (such as the College of Pharmacists of BC) also provide for an internal appeal process before the unsuccessful applicant may proceed to the Supreme Court.

The Registered Nurses Association of BC is not yet under the auspices of the Health Professions Act, and section 44 of its Nurses (Registered) Act RSBC 1996 c. 335 provides for an appeal to the board of directors if a person has been refused examination by the board of examiners. However, appeals for a refusal of registration are not identified.

The College of Physicians and Surgeons of BC does not have a clearly defined appeal structure in its statute, although it appears from section 41 of the Medical Practitioners Act RSBC 1996, c. 285 that a denial of registration may be appealed to the College’s council.

The statutes of the podiatrists and the veterinarians state that unsuccessful applicants may appeal to the Supreme Court within one month of the impugned decision.

See Appendix 3 for a detailed table of these findings.

2.2. Non-Medical Regulatory Bodies26

Unlike the medical regulatory bodies, the non-medical regulatory bodies tend not to refer to the public interest in their statutes (although the agrologists, foresters, teachers, and lawyers do). However, they may do so on their websites (e.g. Board of Registration for Social Workers).

Section 3(2) of the Agrologists Act RSBC 1996, c. 12, explains what is meant by protecting the public interest for agrologists:

The purpose of the institute is

(a) to uphold and protect the public interest by
   (i) preserving and protecting the scientific methods and principles that are the foundation of the agricultural and natural sciences,
   (ii) upholding the principles of stewardship that are the foundation of agrology, and
   (iii) ensuring the integrity, objectivity and expertise of its members, and

(b) subject to paragraph (a),
   (i) to govern its members in accordance with this Act and the bylaws, and
   (ii) to cooperate with other professional or occupational bodies charged with governing the conduct or competence of their members on a matter the institute considers relevant to agrology.

26. Please note that the information upon which this section is based is current to December 2004 (except for the Real Estate Council of BC, current to January 1, 2005) and subject to errors on Internet resources.
The Certified General Accountants of BC do not refer to “public interest” or “public safety” in the Accountants (Certified General) Act RSBC 1996, c. 2; however, these objects may be inferred from s. 5(1) of the Act:

(1) The objects of the [Certified General Accountants Association of British Columbia] are as follows:

(a) to provide means and facilities by which its members may increase their knowledge, skill and proficiency in all things relating to the business or profession of an accountant or an auditor;

(b) to hold examinations and establish tests of competency to qualify for admission to membership;

(c) to discipline a member guilty of default or misconduct in the practice of the member’s business or profession;

(d) to establish and enforce standards of professional conduct, competence and proficiency to be maintained by its members and students;

(e) to represent the interests of its members and students.

The statutes governing each non-medical regulatory body usually contain only general provisions regarding registration of applicants to the colleges. Most of the regulations for the non-medical regulatory bodies are not helpful with respect to determining registration requirements. Rather, the necessary information is more likely to be in the rules and bylaws. Frequently, different or more detailed information respecting registration requirements may be found on the bodies’ Internet applicant information pages.

See Appendix 4 for a detailed table of these findings.

2.2.1. Regulatory Structure

The non-medical regulatory bodies typically have boards composed of several elected members. In addition, most of the non-medical regulatory bodies have an examining board and/or a registration committee.

Some of the regulatory bodies require that candidates pass an examination administered by a national body.

The legislation for each regulatory body generally provides that it may make rules or bylaws with respect to the registration of applicants, the admission of applicants to practice in British Columbia, the establishment of the qualifications of persons to be admitted and registered, and the proof of education, good character, and experience that must be provided. Usually, the board is empowered to make rules establishing the fees for examination and registration of applicants, and for the examination of credentials of applicants who apply to become registered.

The regulations governing social workers and notaries public are subject to the approval of the Lieutenant Governor in Council. Other bodies, such as the architects, simply provide that bylaws or regulations may be annulled by the Lieutenant Governor in Council, or disallowed within a certain number of days (often 45) of filing. Several bodies require that their bylaws be approved by a general meeting of the society before they can take effect. The Real Estate Council simply requires that the council provide a 30-day period for notice and comment to licensees.
2.2.2. Appeals of Registration Decisions

Unlike the medical regulatory bodies, the non-medical regulatory bodies rarely provide an appeals process in their legislation or subsidiary legislation.

*See Appendix 4 for a detailed table of these findings.*

One potential avenue of appeal for applicants used to be a complaint to the provincial ombudsperson. However, this possibility was significantly curtailed for applicants due to budget cuts at the provincial ombudsperson’s office. According to the 2003 Annual Report of that office, the budget cuts meant that the office would no longer investigate complaints about professional associations unless the complaint raised an “exceptional issue” or denoted “exceptional circumstances”. The office declined to investigate 74 complaints against professional associations in 2003 as a result of budget cuts. It is unknown how many of these may have been related to ITPs.

The reduced ability of the ombudsperson to investigate complaints against professional associations except in “extraordinary circumstances” likely means that ITPs lack recourse through that office. The definition of “extraordinary circumstances” is undefined in the ombudsperson’s report, but should be explored so that regulators and applicants alike may be informed as to its scope.

2.3. Mobility Agreements

A number of the regulatory bodies (both medical and non-medical) have implemented interprovincial mobility agreements pursuant to the Labour Mobility Chapter of the Agreement on Internal Trade (the “AIT”). The AIT is an intergovernmental agreement signed by Canadian First Ministers that came into force in 1995. Its purpose is to foster improved interprovincial trade by addressing obstacles to the free movement of persons, goods, services and investments within Canada. The AIT is intended to reduce trade barriers within 11 sectors, including investment, procurement, and labour mobility.

A “Post July 1, 2001 Strategy” was announced by the Forum of Labour Market Ministers (FLMM) Deputy Ministers that broadened the Labour Mobility chapter implementation activities, including to review current recognition agreements to determine the extent to which the foreign trained workers are excluded, and to determine approaches for recognition of foreign qualifications between jurisdictions and to provide options to senior officials on how to deal with these issues. However, there was no detail provided as to how these activities were to be accomplished.

The 2003-2004 annual report on the AIT states that the Parties “established criteria for determining which occupations have an unresolved issue with regard to foreign credential recognition within Mutual Recognition Agreements (“MRAs”) and assessed the MRAs against the criteria to identify relevant occupations”. According to the report, the parties planned to continue to work toward resolving the inadequate recognition of foreign trained workers in MRAs. Concerns with respect to liability of regulatory bodies who accepted candidates from other provinces but did not accept candidates from other countries would likely be addressed by the provisions in articles 705, 707 and Annex 708. These sections provide that parties have the right to establish occupational standards and requirements, and that access to licensure will principally relate to competence. Annex 708 provides that parties are to assess the occupational qualifications and requirements of occupations that they regulate in order to determine the degree of commonality in the different jurisdictions. Where there is a high degree of commonality, mutual recognition is expected to occur. Where there is a low degree of commonality, the Parties may pursue the development of mutually acceptable occupational standards. In the interim, it is understood and agreed that a moderate or low level of commonality will allow a Party to assess incoming workers against its own standards.

*See Appendix 6 for a detailed summary of the agreement.*
2.4. **Selected National Regulatory Organizations**

Under the Canadian constitution, education and licensing for professional practice fall within provincial jurisdiction. Therefore, where national organizations exist that relate to these areas, they are typically associations formed by agreement between various provincial regulatory bodies. Accordingly, the national regulatory organizations reviewed differ from the provincial regulatory bodies in that they are not typically created by statute. With the exception of the Canadian Architectural Certification Board, all of the national bodies reviewed are incorporated under the Canada Corporations Act, Part II (R.S. 1970, c. C-32) (the “CCA”). Section 154(1) of the CCA, Part II, provides:

The Minister may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who apply therefore, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on, without pecuniary gain to its members, objects, to which the legislative authority of the Parliament of Canada extends, of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like objects.

There is no requirement under the CCA to provide bylaws with respect to the entity’s purpose. Section 16 of the CCA, Part I, applies pursuant to s.157(1)(b) of the CCA, Part II. Section 16 states that the powers of a corporation include “the power to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the company.”

The research did not uncover associated statutes, regulations, rules or bylaws readily available for review for these national organizations. It is unclear how the policy and processes for the accreditation and examination functions performed by the national organizations arise. Presumably they are developed pursuant to agreement by the member bodies. Further research would be required to determine the existence of such documents, and to study more national bodies. Only a sample of such bodies has been reviewed here and therefore it is difficult to draw any conclusions as to whether national bodies are doing anything in particular to exclude or to facilitate membership of ITPs.

The lack of a statutory basis for these national organizations (other than registration as not-for-profit corporations) means that the organizations are not accountable to government in a direct sense with respect to their policies. They are accountable to their member organizations, which are in turn governed by their respective statutes. Nonetheless, the national organizations have a reduced degree of accountability with respect to the policies and procedures that they create. While the provincial bodies are typically required to have their rules or bylaws approved by the Lieutenant Governor in Council, or at least their membership, no such accountability mechanisms appear to apply to the national organizations reviewed.

Some of the national organizations have instituted appeal mechanisms for candidates and applicants who are assessed by these bodies and denied entrance. The appeal mechanisms are typically a rather recent development.

It appears that all the national regulatory organizations are empowered to make their own rules with respect to examination, accreditation, and/or evaluation of applicants. There do not appear to be any statutory or regulatory prohibitions that would prevent the national regulatory organizations from facilitating access to registration by internationally trained professionals.

*See Appendix 5 for a detailed table of these findings.*

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27. Please note that information upon which this section is based is current to March 2005 and subject to errors on internet resources.

28. Each national body was searched on the Corporations Canada Data on-line website: http://strategis.ic.gc.ca/cgi-bin/sc_mrksv/corpdir/dataOnline/search.cgi?lang=e
2.5. Conclusion

The central conclusions of this chapter are as follows. All regulatory bodies are obligated to act in the public interest. The delegating statutes do not define the public interest or in any way limit the duties and powers of regulatory bodies, so as to prevent them from addressing discrimination in licensing requirements. Nor do the delegating statutes prescribe the particularities of licensing requirements or the means by which competence will be assessed. Establishing standards, assessment tools and procedures required for licensing internationally trained professionals constitutes an exercise of discretion by regulators. This discretion must be exercised in accordance with the public interest, the content of which is not determined by delegating statutes. Thus, any deficiencies in the legality of licensing requirements are not the fault of delegating legislation but rather are a function of how the delegated authority is particularized and exercised by the regulators.

An argument that will be developed in Chapter 3 is that protecting the public interest is a multi-faceted legal responsibility that encompasses both ensuring the competence of applicants to a profession and adherence to the norms of non-discrimination and equality embodied in human rights legislation and the Charter.

3. Access to Licensing for Internationally Trained Professionals and Human Rights Law

Introduction

We noted in Chapter 2 that regulatory bodies derive their authority from licensing statutes, and that they are required to exercise their authority in accordance with the law. This chapter considers the implications for professional licensing requirements of human rights law, that is, human rights legislation, the Charter, and relevant case law.

This chapter is organized to address, first, the responsibilities of professional regulatory bodies under human rights law, and particularly, the provisions of the Human Rights Code and the Charter that apply to professional licensing, and place of training as a ground of discrimination.

Second, this chapter discusses the relationship between the duty of professional regulatory bodies to act in the public interest and to adhere to human rights norms. Next, this chapter identifies the legal principles that define the concepts of discrimination, undue hardship, and the duty to accommodate. The chapter concludes with a discussion of the implications of human rights law for regulatory bodies’ licensing requirements.

3.1. The Scope of Human Rights Legislation and the Charter, and the Responsibilities of Professional Regulatory Bodies

Professional regulatory bodies are subject to a legal obligation to ensure that the requirements for licensing adhere to human rights norms of non-discrimination and equality, under the British Columbia Human Rights Code, and under s. 15 of the Canadian Charter of Rights and Freedoms.

3.1.1. The British Columbia Human Rights Code

Professional regulators in British Columbia have legal obligations under the Human Rights Code, as bodies that determine access to professional organizations. Licensing may also be regarded as a service customarily available to the public within the meaning of the Human Rights Code. Professional licensing may also engage the Code’s prohibition against discrimination in employment in some circumstances. The section of the Code that will apply to professional licensing most often is probably s. 14 which states:
Discrimination by unions and associations

14 A trade union, employers’ organization or occupational association must not
   (a) exclude any person from membership,
   (b) expel or suspend any member, or
   (c) discriminate against any person or member
       because of the race, colour, ancestry, place of origin, political belief, religion, marital
       status, family status, physical or mental disability, sex, sexual orientation or age of that
       person or member, or because that person or member has been convicted of a criminal or
       summary conviction offence that is unrelated to the membership or intended membership.

However, it is important for regulators of professions to understand that they may be considered to
be providing a service to the public or to be making decisions regarding employment. The relevant
provisions of the Code state:

Discrimination in accommodation, service and facility

8 (1) A person must not, without a bona fide and reasonable justification,
   (a) deny to a person or class of persons any accommodation, service or facility customarily
       available to the public, or
   (b) discriminate against a person or class of persons regarding any accommodation, service
       or facility customarily available to the public because of the race, colour, ancestry, place
       of origin, religion, marital status, family status, physical or mental disability, sex or
       sexual orientation of that person or class of persons.

Discrimination in employment

13 (1) A person must not
   (a) refuse to employ or refuse to continue to employ a person, or
   (b) discriminate against a person regarding employment or any term or
       condition of employment because of the race, colour, ancestry, place of origin, political
       belief, religion, marital status, family status, physical or mental disability, sex, sexual
       orientation or age of that person or because that person has been convicted of a criminal
       or summary conviction offence that is unrelated to the employment or to the intended
       employment of that person.

   (2) An employment agency must not refuse to refer a person for employment for any reason
       mentioned in subsection (1).

   (3) Subsection (1) does not apply
       (a) as it relates to age, to a bona fide scheme based on seniority, or
       (b) as it relates to marital status, physical or mental disability, sex or age, to the operation
           of a bona fide retirement, superannuation or pension plan or to a bona fide group or
           employee insurance plan.

Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference
based on a bona fide occupational requirement.
Case law in British Columbia confirms that professional licensing falls within the ambit of Human Rights Code prohibitions against discrimination in membership in occupational associations, and leaves open the question of whether the prohibition against discrimination in the provision of services also applies. The leading case in British Columbia concerning the obligations of a professional regulator is Bitonti v. British Columbia (Ministry of Health), a decision of the British Columbia Human Rights Tribunal. Bitonti involved a complaint of discrimination, brought by internationally trained doctors, regarding access to licensing in British Columbia. The respondents were the College of Physicians and Surgeons of British Columbia, the University of British Columbia, various hospitals in British Columbia, and the Ministry of Health. The College of Physicians and Surgeons was found to have violated the Human Rights Code by requiring that doctors from certain countries complete an additional year of training.

The Tribunal held that the membership provision of the Code was applicable. The Tribunal held that the 'services' provision of the Code was not applicable, but that the holding was “for the purposes of this case alone.” On behalf of the complainants, the application of the services provision was not fully argued. Further, the Tribunal expressed “concerns” about its own conclusion that ‘services’ did not apply, even for the purpose of the Bitonti case.

In Bitonti, the Tribunal found that the complaint did not fall within the scope of the prohibition against discrimination in employment. The connection between the allegations and employment was viewed by the Tribunal as too remote, and the Tribunal had a concern about the fact that many doctors are in private practice and therefore are not employees. The Tribunal reasoned, “the mere possibility of employment with some unidentified third person” would stretch the scope of the employment provision of the Human Rights Code unduly. However, Bitonti does not stand for the proposition that a licensing issue will never constitute an issue that triggers the employment provision of the Human Rights Code. Clearly, it may. In Bitonti, itself, the Tribunal endorsed the approach in British Columbia Council of Licensed Practical Nurses v. Mans, which was upheld by successive reviewing courts.

Although the regulatory scheme at issue in Bitonti is no longer in effect, the decision is of continuing relevance for British Columbia regulators because it provides direction regarding the framework that applies to the scrutiny of barriers to licensure of internationally trained professionals, and it is binding on all British Columbia regulators.

In Bitonti, the Tribunal held that the challenged barrier, namely the additional year of training requirement imposed by the College on doctors from certain countries, known as rule 73, was covered by the Human Rights Code prohibition against discrimination in membership.

30. Formerly the B.C. Human Rights Tribunal.
31. Regarding remedy, the Tribunal found in Bitonti v. British Columbia (Ministry of Health) (No. 4) (2002), 44 C.H.R.R. D/113, 2002 BCHRT 29: …that two of the doctors suffered loss of income that was attributable to the operation of Rule 73. It awarded Rosa Bitonti $51,719 with interest, and Gabriele Salvadori $60,372 with interest as compensation for lost income. The Tribunal also ordered the College to pay Rosa Bitonti, Adina Alexescu, Teofil Goyengo and Raminder Randhawa $7,500 each as compensation for injury to dignity, and to pay Gabriele Salvadori $2,000 for injury to dignity. Finally, it ordered the College to cease discriminating on the basis of place of origin. On the evidence, the claims of discrimination against the remaining respondents were held not to have been established.

Although the regulatory scheme at issue in Bitonti is no longer in effect, the decision is of continuing relevance for British Columbia regulators because it provides direction regarding the framework that applies to the scrutiny of barriers to licensure of internationally trained professionals, and it is binding on all British Columbia regulators.

In Bitonti, the Tribunal held that the challenged barrier, namely the additional year of training requirement imposed by the College on doctors from certain countries, known as rule 73, was covered by the Human Rights Code prohibition against discrimination in membership.

33. It may be noted that the prohibition against discrimination with respect to services only applies to a service that is “customarily available to the public.” However, it appears that this would not be an obstacle to a claim that discrimination in professional licensing violates s. 8 of the Code. In obiter in Bitonti, the Tribunal explained, “The College is a public institution, which is responsible for according the right to practice medicine in British Columbia. There can be no doubt that its relationship with applicants is a public one. I reject the College’s submission that its use of eligibility criteria results in the complainants falling outside of the “public”. This submission is entirely inconsistent with the reasoning in University of British Columbia v. Berg (1993), 18 C.H.R.R. D/310 (S.C.C.).”

Quite apart from Bitonti, there is another way of thinking about professional licensing as an issue that could engage the ‘services’ provision of the Human Rights Code. An argument could be made, on behalf of one or more members of the public, that licensing constitutes the provision of a service to the broader public, as distinct from those seeking entry to the profession. If there is discrimination in licensing, this may affect the composition of the profession to which the public has access, and, in turn, have consequences for users of the professional service. This is an argument that could be developed in a future case with an appropriate factual basis.
In that case, a practical nurse was offered a position at a hospital that was conditional upon her obtaining her LPN license. The Council of LPNs denied her application for a license because of her criminal convictions. Addressing the question of whether the complainant was discriminated against “with respect to employment or any term or condition of employment”, the Council Member held,

These words must be given their ordinary meaning governed, of course, by the context ... [I]t is my opinion that “with respect to” in the context of s. 8(1)(b) means “in relation to” or “concerning”, and “a term or condition” means a “stipulation” or a “prerequisite”. The prohibition in s. 8(1)(b) against discrimination “with respect to employment or any term or condition of employment” ... also applies to intended employment.

It is my view that the words of s. 8(1)(b) are broad enough to apply to a situation where B discriminates against A concerning or in relation to A’s intended employment with C ...

In the case at hand, the evidence is that the offer of employment to the complainant from [the hospital] was conditional upon the complainant obtaining her license from the respondent. The license was in relation to and concerned the complainant’s intended employment at [the hospital].

Moreover, the license was a stipulation and a prerequisite for that intended employment. Therefore, I conclude that, in these circumstances, the refusal of the respondent to license the complainant amounted to differential treatment with respect to the complainant’s intended employment or to a term or condition of that intended employment. This differential treatment constitutes discrimination.37

Summary

The British Columbia Human Rights Code applies to professional licensing in that it falls within the prohibitions against discrimination by occupational associations. Professional licensing may also fall within the ambit of prohibitions against discrimination in services and employment.

3.1.2. The Canadian Charter of Rights and Freedoms

Professional regulatory bodies are also subject to the obligations of non-discrimination and equality contained in the Canadian Charter of Rights and Freedoms.

Section 15 of the Charter states:

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

As noted in chapter 2, the establishment and administration of licensing requirements by professional regulatory bodies constitute the exercise of a delegated statutory authority.

It is well established that the Charter applies to the exercise of discretion by decision-makers as delegated by the legislature. Because s. 32 of the Charter is applicable to the federal parliament and the provincial legislatures, they are not permitted to enact laws that are inconsistent with the Charter. Nor are they permitted to delegate the authority to violate the Charter to any other body. The Charter applies to the exercise of delegated statutory authority, regardless of whether the actor is part of government or is controlled by the government. Professional bodies such as the Law Society and the College of Physicians and Surgeons, to which the authority to perform public regulatory functions has been delegated, are not permitted to violate the Charter.

In Eldridge, the Supreme Court of Canada provided some elaboration concerning the Charter’s application to delegated decision-makers. Where a statute mandates an unconstitutional decision by a delegated decision-maker, it is the legislation itself to which the Charter will apply. For example in Andrews v. The Law Society of British Columbia, the Supreme Court of Canada struck down a citizenship requirement for call to the bar in British Columbia, on the basis that it violated s. 15 of the Charter. The Court held that the Charter applied to the legislation that governed the Law Society and which prescribed the citizenship requirement. However, it will not necessarily be the case that the legislation mandates an unconstitutional decision. Rather, where discretion is exercised, it may be the delegated decision-maker to whom the Charter applies. Moreover, legislation conferring a discretion must be interpreted, in so far as possible, consistently with the Charter. Quoting from its earlier decision in Slaight Communications, the Court in Eldridge said,

As the Constitution is the supreme law of Canada and any law that is inconsistent with its provisions is, to the extent of the inconsistency, of no force or effect, it is impossible to interpret legislation conferring discretion as conferring a power to infringe the Charter, unless, of course, that power is expressly conferred or necessarily implied. Such an interpretation would require us to declare the legislation to be of no force or effect, unless it could be justified under s. 1. Although this Court must not add anything to legislation or delete anything from it in order to make it consistent with the Charter, there is no doubt in my mind that it should also not interpret legislation that is open to more than one interpretation so as to make it inconsistent with the Charter and hence of no force or effect. Legislation conferring an imprecise discretion must therefore be interpreted as not allowing the Charter rights to be infringed. Accordingly, an adjudicator exercising delegated powers does not have the power to make an order that would result in an infringement of the Charter, and he exceeds his jurisdiction if he does so.
The Court determined that the Medical Services Act could not be interpreted as mandating the failure to provide sign language interpreters because that violated s. 15 of the Charter. The Medical Services Commission had the discretion accorded to it by the Act to determine whether a service qualifies as medically required such that it qualifies as a benefit under the Act. The legislation did not either expressly or by necessary implication prohibit the Medical Services Commission from determining that sign language is a “medically required” service and hence a benefit under the Act.

The Court said the application of the Charter to the Medical Services Commission was straightforward because it was clear that in exercising its discretion it was implementing a government policy, and there was no doubt that when it exercised its delegated decision-making authority it was acting in a government capacity.43

**Summary**

Licensing requirements of professional regulatory bodies are subject to the requirements of s. 15 of the Charter, in that licensing constitutes the exercise of a delegated governmental decision-making authority.

### 3.1.3. Grounds

Under both the Human Rights Code and the Charter the duties of non-discrimination are defined by the concept of protected grounds. Particularly relevant for internationally trained professionals is the ground ‘place of origin.’ In some circumstances the grounds of race and national and ethnic origin may also be applicable. These grounds are explicitly protected under the Human Rights Code.

Tribunals have held that requirements for licensure that differentiate among individuals based on their place of training are encompassed by the ground place of origin.

In the Ontario credentials assessment case, Neiznanski,44 the Board of Inquiry explained:

Constructive or indirect discrimination describes the unequal treatment that foreign-trained people often receive. Ostensibly, they are discriminated against on the basis of their foreign credentials. However, the effect often is to exclude groups linked to their place of origin, race, colour, or ethnic origin. People generally obtain their education or training in their place of origin. Thus, place of education or training can generally be used as a proxy for place of origin. A candidate who has recently gained Canadian citizenship or landed immigrant status and who was excluded from consideration for a residency position because s/he is foreign-trained could complain that s/he is constructively or systematically discriminated against on account of place of origin, in contravention of s. 11(1) of the [Ontario] Human Rights Code.45

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43. In Eldridge, the Court also found that the Charter applied to the hospitals. On behalf of the hospitals it was contended that the Charter does not apply because they are not part of the apparatus of government. See: McKinney v. University of Guelph, [1990] 3 S.C.R. 229, and its companion cases, Harrison v. University of British Columbia, [1990] 3 S.C.R. 451, Stoffman v. Vancouver General Hospital, [1990] 3 S.C.R. 483, and Douglas/Kwantlen Faculty Assn. v. Douglas College, [1990] 3 S.C.R. 570 Douglas/Kwantlen Faculty Assn. v. Douglas College, [1990] 3 S.C.R. 570, wherein mandatory retirement policies of hospitals and universities were found not to be subject to the Charter. However, the Court distinguished its decisions holding that the Charter does not apply to mandatory retirement policies of hospitals or universities. The Court reasoned that in their role as public service providers determining what constitutes a medically necessary service, the hospitals “carry out a specific governmental objective,” and therefore are subject to the Charter, notwithstanding that for other purposes they are non-governmental institutions.


45. Ibid., at para 51
In British Columbia any doubt about the correctness of the conclusion that place of origin encompasses place of training was put to rest by the Tribunal decision in Bitonti. On behalf of the respondent the British Columbia College of Physicians and Surgeons it was argued that place of training is not protected under the British Columbia human rights legislation. The Tribunal agreed that place of origin does not include place of training per se. However, based on the evidence, the Tribunal found that the correlation between place of origin and place of training is high, and further that a barrier that is based on being trained outside Canada or having trained in particular countries, constitutes a distinction based on the protected ground of place of origin.

Place of training can also be covered by s. 15 of the Charter. The listed s. 15 ground of national origin is very similar to place of origin. Furthermore, a difference between the Human Rights Code and the Charter is that the Human Rights Code prohibits discrimination based on listed grounds, whereas the list of grounds under the Charter is open-ended. In addition to race, national or ethnic origin, and colour which are listed, s. 15 is understood to include analogous grounds.

Thus, for example, in Andrews the Supreme Court of Canada held that citizenship was an analogous ground.

Summary

Discrimination based on place of training is encompassed by the Human Rights Code and s. 15 of the Charter.

3.1.4. The Special Status of Human Rights Laws and the Relationship between the Human Rights Code and the Charter

The Charter is the supreme law of the land. The constitutional status of the Charter means that any law, practice or policy that is found to be inconsistent with the Charter is of no force or effect.

Similarly, human rights legislation has been held to be quasi-constitutional, and it is paramount over all other legislation, unless the legislature expressly indicates a contrary intention.

The special status of human rights legislation has led courts to certain conclusions about the interpretation that it should be accorded. In Canadian Odeon Theatres Ltd. v. Huck, the Saskatchewan Court of Appeal stated:

The interpretation of a statute which guarantees fundamental rights and freedoms and which prohibits discrimination to ensure the obtainment of human dignity should be given the widest interpretation possible.... Generally human rights legislation has been given a broad interpretation to ensure that the stated objects and purposes are fulfilled. A narrow restrictive interpretation which would defeat the purpose of legislation, that is, the elimination of discrimination, should be avoided.

46. Andrews, supra.

47. To provide another example, in Corbiere v. Canada (Minister of Indian and Northern Affairs), [1999] 2 S.C.R. 203 the Supreme Court of Canada held that Aboriginality-residence was an analogous ground.


50. Ibid., at para 22174.
To a similar effect, in *Canadian National Railway Co. v. Canada (Human Rights Comm.) and Action travail des femmes*, the Supreme Court of Canada said,

Human rights legislation is intended to give rise...to individual rights of vital importance, rights capable of enforcement, in the final analysis, in a court of law. I recognize that in the construction of such legislation the words of the Act must be given their plain meaning, but it is equally important that the rights enunciated be given their full recognition and effect. We should not search for ways and means to minimize those rights and to enfeeble their proper impact...[these] statutes are deemed to be remedial and are thus to be given such fair, large and liberal interpretation as will best ensure that their objects are attained.

Similarly, the Supreme Court of Canada has held that s. 15 of the Charter must be accorded a generous and purposive approach, aimed at fulfilling the purpose of the guarantee and securing for individuals the full benefit of the Charter’s protection.

The British Columbia *Human Rights Code* and the *Charter* are both relevant to understanding the human rights obligations of regulators. Regulators can be subject to legal proceedings under the *Human Rights Code* in the form of a complaint to the British Columbia Human Rights Tribunal, and under the *Charter* through litigation in a court of law. Typically, a suit under the *Charter* would also name the Provincial Government, as a respondent. The jurisprudential principles under the *Code* and s. 15 of the *Charter* are very similar.

**Summary**

If professional licensing requirements conflict with human rights laws contained in the *Human Rights Code* or the *Charter*, human rights laws take precedence and licensing requirements must be amended. Internationally trained professionals who believe that their rights are being infringed may initiate litigation against a regulator, pursuant to the *Human Rights Code* and the *Charter*.

3.2. **The Duty of Professional Regulatory Bodies to Act in the Public Interest and to Adhere to Human Rights Norms**

As we have seen the requirements for licensing by professional regulatory bodies in British Columbia are subject to the anti-discrimination and equality norms of the British Columbia *Human Rights Code* and the *Charter*. This part considers the multi-faceted nature of the responsibility that professional regulatory bodies have to act in the public interest, and its relationship to the duty that these bodies have to adhere to human rights norms.

3.2.1. **The Duty of Professional Regulatory Bodies to Ensure the Competency of Practitioners**

Professional regulatory bodies have a duty to act in the public interest. Protection of the public interest has been characterized as their raison d’être of self-regulating bodies. When the legislature confers self-regulating status on a profession, a central responsibility of that body is to ensure that entrance into the profession is governed by entry standards that will protect the public interest in accessing practitioners who can provide a particular service to the public competently and ethically. Screening applicants for admission to the profession is a key component of self-regulation.

53. Andrews, supra.
The content of the public interest duty in relation to admissions will vary having regard to the particular purpose for which the self-regulating profession was created. However, the following goals apply to all professions with respect to entry standards, assessment tests, and procedures: (1) to exclude from a licensing regime any practitioner who cannot provide the service to the public competently and ethically, and (2) to ensure that practitioners who can provide the service to the public competently and ethically are not excluded.\textsuperscript{55}

In its 1994 Report, the Law Reform Commission of Manitoba,\textsuperscript{56} quoted the Ontario Royal Commission Inquiry into Civil Rights, which stated that the goal of entry standards is ‘not only to see that all persons licensed are qualified, but that all qualified applicants are licensed.’\textsuperscript{57} The Manitoba Law Reform Commission explained that in the public interest of being protected from improper performance of the professional service, entry standards should not contain superfluous requirements, tests must be carefully designed to correspond to the qualities needed to provide a service properly, and entry standards must be set at levels that are neither too low nor excessively high.

3.2.2. The Relationship between the Duty of Professional Regulatory Bodies to Ensure Competency of Practitioners and to Uphold Human Rights Norms

The question arises then, what is the relationship between the public interest duty of professional regulatory bodies to screen applicants for competency and the duty to uphold human rights norms? It is not appropriate to regard these duties as contradictory, or to view the duty of ensuring the competence of practitioners as trumping the right of all British Columbians to be free from discrimination in service provision and employment. The better view is that the public interest encompasses both sets of duties, to ensure competency and to uphold human rights norms, and that these duties are complementary.

It is well established that discrimination is contrary to the public interest. British Columbia’s human rights legislation has been characterized by judges and adjudicators as a comprehensive statement of human rights in the province that provides the “mechanism for the protection and promotion of the broad public interest in the elimination of discrimination.”\textsuperscript{58}

The concept of ‘public interest’ or ‘public policy’ does not have a fixed content. Moreover, it is an evolving concept, and has come to encompass commitments to non-discrimination and equality, commitments that over time have become entrenched in society and in legal instruments. This is confirmed by judicial consideration of the relationship between the public interest and human rights norms. For example, in the case of \textit{Canada Trust Company v. Ontario (Human Rights Comm.)},\textsuperscript{59} the Ontario Court of Appeal was asked to determine whether the terms of a scholarship were contrary to public policy. The Leonard scholarship contained restrictions relating to race and religion. It is a principle of the common law that a trust may be declared void if it violates public policy. Prior to the human rights complaint at issue in this case, there had never been a finding by either a Canadian or a British Court that at common law a charitable trust established for scholarships to benefit a restricted class could be void as against public policy.

\textsuperscript{55} Regulating Professions and Occupations, Law Reform Commission of Manitoba, (Manitoba: 1994), at 33-34.
\textsuperscript{56} Ibid.
\textsuperscript{59} (1990), 12 C.H.R.R. D/184 (Ont. C.A.) [Leonard Trust].
In fact, prior to the enactment of human rights legislation, the tendency of the courts had been to treat discrimination as though it was not contrary to the public interest.60

However, a unanimous Court held that the Leonard Trust was “couched in terms so at odds with today’s social values as to make its continued operation in its present form inimical to the public interest.”61 For the Court, Robins J.A. stated,

To say that a trust premised on these notions of racism and religious superiority contravenes contemporary public policy is to expatiate the obvious. The concept that any one race or any one religion is intrinsically better than any other is patently at variance with the democratic principles governing our pluralistic society in which equality rights are constitutionally guaranteed, and in which the multicultural heritage of Canadians is to be preserved and enhanced. The widespread criticism of the Foundation by human rights bodies, the press, the clergy, the university community, and the general community serves to demonstrate how far out of keeping the trust now is with prevailing ideas and standards of racial and religious tolerance and equality and, indeed, how offensive its terms are to fair-minded citizens.

To perpetuate a trust that imposes restrictive criteria on the basis of the discriminatory notions espoused in these recitals according to the terms specified by the settlor would not, in my opinion, be conducive to the public interest.62

The concurring reasons of Tarnopolsky J.A. were to a similar effect.63

It may be argued that the reasoning in the Leonard Trust case to the effect that discriminatory eligibility requirements for a charitable trust are contrary to public policy and the public interest is no less applicable to the duty of professional regulatory bodies to adhere to human rights norms in the public interest.

The ruling of the Supreme Court of Canada in Trinity Western v. College of Teachers64 supports the view that the duty with which professional regulatory bodies are charged to uphold the public interest encompasses a requirement to adhere to human rights norms. The facts of the Trinity Western case are that the British Columbia College of Teachers refused to grant approval to Trinity Western University (a private institution in BC associated with the Evangelical Free Church of Canada) for its teacher education program. The BCCT refused to approve the application on public interest grounds because the TWU “Community Standards”, applicable to all students, faculty and staff, essentially condoned discrimination against homosexuals.

In the final analysis a majority of the Supreme Court of Canada concluded that there was a lack of evidence that TWU-trained teachers would not make good teachers. In the Court’s view, absent concrete evidence that training teachers at TWU fosters discrimination in the public schools of BC, the freedom of individuals to adhere to certain religious beliefs while at TWU should be respected.

60. Ibid., at paras 55-80.
61. Ibid., at para 33.
62. Ibid., at paras 35-36.
63. Ibid., at paras 80-91.
For our purposes, the important point to be gleaned from the reasons for judgement in Trinity Western is that the Court clearly rejected the contention of TWU that the duty of BCCT to establish standards for education in “the public interest” was limited to issues of proper training, competence, and good character, and excluded considerations arising under the Charter and human rights legislation. The Court said in obiter that:

[C]oncerns about equality were appropriately considered by the BCCT under the public interest component of s. 4 of the Teaching Profession Act. The importance of equality in Canadian society was discussed by Cory J. for the majority of this Court in Vriend v. Alberta, [1998] 1 S.C.R. 493 at para. 67 [31 C.H.R.R. D/1 at D/26]:

The rights enshrined in s. 15(1) of the Charter are fundamental to Canada. They reflect the fondest dreams, the highest hopes and finest aspirations of Canadian society. When universal suffrage was granted it recognized to some extent the importance of the individual. Canada by the broad scope and fundamental fairness of the provisions of s. 15(1) has taken a further step in the recognition of the fundamental importance and the innate dignity of the individual. That it has done so is not only praiseworthy but essential to achieving the magnificent goal of equal dignity for all. It is the means of giving Canadians a sense of pride. In order to achieve equality the intrinsic worthiness and importance of every individual must be recognized regardless of the age, sex, colour, origins, or other characteristics of the person. This in turn should lead to a sense of dignity and worthiness for every Canadian and the greatest possible pride and appreciation in being a part of a great nation.65,66

Further, it is probable that the Court would hold that a statutory duty to set professional standards in the public interest precludes the adoption of discriminatory standards, in the same way and for the same reason that the Ontario Court of Appeal found in the Leonard Trust case that the common law understanding of the public interest precludes the incorporation of discriminatory eligibility criteria in the terms of a charitable trust.

There is no basis for interpreting the concept of public interest as contradicting human rights norms. The “public interest” is an open-textured term that has long been a feature of our legal system referring to the relationship between private interests and the broader interests of the public. It has always been defined by the courts in a contextual manner. The fact that the elimination of discrimination is in the public interest and that the licensing practices of professional regulatory bodies are subject to the requirements of equality and non-discrimination norms are all contextual factors that strongly support the conclusion that the public interest duties of professional regulatory bodies must be interpreted in a manner that is consonant with human rights norms.

65. Ibid., at para 26.
66. It might be observed that the Court did not say that it was mandatory for the BCCT to take human rights legislation and the Charter into account, only that it was “entitled” to look at these instruments to determine whether it would be in the public interest to allow public school teachers to be trained at TWU. However, it would be wrong to infer that consideration of human rights norms by professional regulatory bodies is optional. The Court’s statement to the effect that TWU was entitled to look at human rights instruments must be viewed in the context of the legal challenge that was made by TWU, namely that the words “public interest” in the Teaching Profession Act were too limited to allow human rights factors to enter the picture.

If BCCT had granted the licensing approval to TWU without taking human rights considerations into account, it would have been open to a complaint of discrimination.

An administrative decision, such as that of a regulatory body may run afoul of administrative law principles as well as human rights legislation, if it is discriminatory.
There is an additional contextual factor that argues for a consistent reading of the public interest in the competency of professional practitioners and the public interest in the elimination of discrimination. In relation to professional licensing, there is a public interest in the removal of discriminatory barriers to entrance to the professions that includes both an interest in equality of opportunity with respect to employment, and an interest in access to non-discriminatory public services. In thinking about the public interest duties of the professions in relation to licensing, it is particularly important that the public service component of licensing not be overlooked. If there are segments of the population who do not see themselves represented in a profession, or they are underrepresented, this leads to suspicion that the lack of representation is due to discrimination, and in turn this undermines confidence that the profession is capable of serving all the members of the public in a non-discriminatory manner that is respectful of the diversity of the communities it serves.

In Touchstones for Change: Equality, Diversity and Accountability, a report published by the Canadian Bar Association because of its concerns about the legal profession’s human rights obligations to women, the task force chaired by former Supreme Court of Canada Justice Bertha Wilson put it this way:

> Discrimination is contrary to the public interest. Any practices that are contrary to law and established principles of human rights are clearly contrary to the public interest. The public interest is best served by providing an equal opportunity for women and by having women represented at all levels of the profession and on other bodies requiring the presence of trained lawyers.

> The legal profession’s role in the administration of justice gives rise to an obligation to ensure that it itself adheres to the principle of equality in dealing with its own members. If it does not, its integrity will be questioned as well as its ability to provide proper service to the community.

> The link between discrimination within the profession and the public perception of the integrity of the profession is very close. How an institution treats its female members is a reliable indicator of general institutional attitudes towards equality. If they are not perceived to be treated with equality by the justice system, then it is every woman’s credibility that is questioned by the system.

Those comments are apt for all professions and for all groups in the society, including internationally trained professionals who are members of Canada’s immigrant population.

Finally, the Charter’s supremacy over all laws, and the human rights doctrine of paramountcy both argue against interpreting a statutory duty of professional regulatory bodies to act in the public interest as intrinsically contradictory to human rights norms.

Does this mean that there can never be a conflict between the public interest duty on professional regulatory bodies to ensure the competency of practitioners and the public interest duty on the same bodies to uphold human rights norms? The answer to this question is clearly no, but rather that to resolve such conflicts recourse must be made to the human rights framework, having regard to the principles that have been established by human rights legislation and case law regarding the prohibition against discrimination, the duty to accommodate, and the defence of undue hardship.

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Summary

The duty of regulatory bodies to act in the public interest is multi-faceted, and includes both a duty to ensure competence of practitioners and to uphold human rights norms. Further, it is not appropriate to regard these duties as contradictory. This does not mean that conflicts will never arise between the public interest duty of a regulator to ensure the competence of practitioners and the public interest duty to uphold human rights norms. Rather, such conflicts must be resolved within the human rights framework, having regard to the legal principles that have been established concerning the meaning of discrimination, the duty to accommodate, and undue hardship.

3.3. Developments in the Law with Respect to Discrimination, Undue Hardship and the Duty to Accommodate

The Human Rights Code establishes the right to be free from discrimination. In assessing whether a given requirement is discriminatory regard must be had to contemporary developments in human rights and s. 15 Charter jurisprudence.68

Direct discrimination arises where a respondent adopts a policy or practice that discriminates on its face. The oft-quoted example given by the Supreme Court of Canada in O’Malley,69 is, “No Catholics or no women or no blacks employed here.”70

However, a policy or practice may be discriminatory notwithstanding that it is apparently neutral and applied to everyone, if it has adverse effects on an individual or group, based on a protected ground of discrimination. To establish adverse effects discrimination it is not necessary to show an intention to discriminate. Rather, it is the results of the policy or practice that are determinative. In O’Malley,71 the Supreme Court of Canada explained:

There [in the preamble] we find enunciated the broad policy of the Code and it is this policy, which should have effect. It is not, in my view, a sound approach to say that according to established rules of construction no broader meaning can be given to the Code than the narrowest interpretation of the words employed. The accepted rules of construction are flexible enough to enable the Court to recognize in the construction of a human rights code the special nature and purpose of the enactment (see Lamer J. in Insurance Corporation of British Columbia v. Heerspink, [1982] 2. S.C.R. 145, at pp. 157-8), and give to it an interpretation which will advance its broad purposes. Legislation of this type is of a special nature, not quite constitutional but certainly more than the ordinary — and it is for the courts to seek out its purpose and give it effect. The Code aims at the removal of discrimination. This is to state the obvious. Its main approach, however, is not to punish the discriminator, but rather to provide relief for the victims of discrimination. It is the result or the effect of the action complained of which is significant. If it does, in fact, cause discrimination; if its effect is to impose on one person or group of persons obligations, penalties, or restrictive conditions not imposed on other members of the community, it is discriminatory. [Emphasis added.]


70. Ibid., at para. 24772.

71. Ibid.
The Court said further,

[T]here is the concept of adverse effect discrimination. It arises where an employer for genuine business reasons adopts a rule or standard which is on its face neutral, and which will apply equally to all employees, but which has a discriminatory effect upon a prohibited ground on one employee or group of employees in that it imposes, because of some special characteristic of the employee or group, obligations, penalties, or restrictive conditions not imposed on other members of the work force.72

Adverse effect discrimination can manifest in various ways.73

Adverse effect discrimination may result where a rule or practice applies generally, but has a negative effect on a protected group because of a characteristic specific to that group. For example, in O’Malley, the rule required full-time employees to work Saturday shifts. Because of her religion, Ms. O’Malley could not work these shifts. In Bhinder v. CN Rail,74 the rule required employees to wear a hard hat. Mr. Bhinder, because of his religion, could not meet this requirement. He was fired. In each case, the Supreme Court of Canada held that the rule had a discriminatory impact on the complainant.

Discrimination may result where a rule or practice applies generally, but negatively affects a disproportionate number of members of a protected group. In Griggs v. Duke Power Co.,75 one of the pillars of human rights law that has been repeatedly referred to with approval by Canadian courts and tribunals, the U.S. Supreme Court considered the application of Title VII76 of the Civil Rights Act of 1964, 42 U.S.C., s. 2000e. Griggs was a class action brought by thirteen of Duke Power’s fourteen black employees. The Court framed the issue before it as whether an employer is prohibited from requiring a high school education or passing of a standardized general intelligence test as a condition of employment in, or transfer to, jobs when:

(a) neither standard was shown to be significantly related to job performance;
(b) both requirements operated to disqualify black applicants at a substantially higher rate than white applicants; and
(c) the jobs in question formerly had been filled only by white employees because of a long-standing practice of giving preference to whites.

Chief Justice Berger77 said that the objective in the enactment of Title VII was:

... to achieve equality of employment opportunities and remove barriers that have operated in the past to favour an identifiable group of white employees over other employees. Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to “freeze” the status quo of prior discriminatory employment practices.

72. at para 24772.
73. The discussion that follows is reflected in Bitonti supra, and much of the wording used here is drawn directly from that decision at paras 117-137.
75. 401 U.S. 424 (4th Cir. 1971).
77. Griggs supra at 429-30.
Proof of the disproportionate effect on Blacks was established through statistics showing that, in 1960, while 34 percent of white males had completed high school, only 12 percent of black males had done so. With respect to standardized tests, statistics showed that 58 percent of white persons passed as compared to 6 percent of black persons. The Chief Justice said, “This consequence would appear to be directly traceable to race”. Because they were black, the petitioners had “long received inferior education in segregated schools.”

In *Chapdelaine v. Air Canada*, the rule required that pilots must be at least 5’6” tall. The complainants, both women, possessed all of the qualifications necessary to be a pilot for Air Canada save only that they failed to meet the height requirement. A biostatistician testified that over 82 percent of all females in Canada between 20 and 29 in 1978 were less than five feet six inches tall, whereas only 11 percent of men in the same age category were shorter than five feet six inches. The evidence also showed that, of 525 pilots hired by the respondent between 1978 and 1980, only five were women. The respondent did not lead evidence as to the ratio of male and female applicants.

The Tribunal stated:

> As the Tribunal has already observed above, the effect of the respondent’s height policy, although perhaps “on its face neutral” in its application, operated to deprive 82 percent of all Canadian women and 11 percent of all Canadian men between the ages of 20 and 29 from the opportunity for employment as a pilot.

> Considerably more women than men were adversely affected by the respondent’s height policy. In this context, it may be said that the policy affected women “differently from” men (semble, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), approved in the Simpsons–Sears case [i.e., *O’Malley*], supra, at 549).

The Tribunal concluded that, on this basis, the complainants had established a prima facie case of discrimination based on sex. It then concluded that the respondent had not established that the height requirement was a bona fide occupational requirement.

Similarly, in *Meiorin*, the Supreme Court of Canada agreed with an arbitrator’s decision that the use of a fitness test based on a male standard discriminated against women employees, notwithstanding that the standard was neutral on its face. Tawney Meiorin was employed for three years as a member of the Initial Attack Forest Fighting crew. Although she did her work well, she lost her job when the government adopted a new series of fitness tests for forest firefighters. She passed three of the tests but failed a fourth one, a 2.5 km run designed to assess whether she met the government’s aerobic standards, by taking 49.4 seconds longer than required.

The arbitrator found that the aerobic standard constituted adverse effect discrimination based on sex because men as a group have a higher aerobic capacity than women, and consequently are more able to meet the standard. The average man, with training, could meet the standard. The average woman, with training, could not meet the standard. Consequently, the same standard applied to both sexes excluded more women than men.

78. *Ibid.*, at p. 420
The arbitrator also concluded that the government did not show that it had accommodated Ms. Meiorin to the point of undue hardship. The arbitrator ordered that Ms. Meiorin be reinstated and compensated for lost wages and benefits. This arbitral ruling was overturned by the British Columbia Court of Appeal.

The Supreme Court of Court said:

The narrow issue in this case is whether the government improperly dismissed Ms. Meiorin from her job as a forest firefighter. The broader legal issue is whether the aerobic standard that led to Ms. Meiorin’s dismissal unfairly excludes women from forest firefighting jobs. Employers seeking to maintain safety may err on the side of caution and set standards higher than are necessary for the safe performance of the work. However, if men and women do not have an equal ability to meet the excessive standard, the effect may be to exclude qualified female candidates from employment for no reason but their gender. Like human rights legislation throughout Canada, the British Columbia Human Rights Code seeks to counter this by requiring employers to justify their standards where prima facie discrimination is established. The question in this case is whether the Government has done so.82

The Court held that the government had not shown the standard was justified, and the order of the arbitrator was restored, as further discussed below.

The Court also held that the Court of Appeal mistakenly read the arbitrator’s reasons as finding that the aerobic standard was necessary to the safe and efficient performance of work. The arbitrator found, on the contrary, that despite her failure to meet the standard Ms. Meiorin did not pose a serious safety risk to herself, her colleagues, or the general public. The arbitrator did not find that meeting the aerobic standard was necessary to safe and efficient job performance.

The Court disagreed with the Court of Appeal that accommodating women by permitting them to meet a different aerobic standard necessarily discriminates against men. The Court also found that providing the same test to everyone individually does not negate discrimination.

Similarly, in Grismer,83 another case concerning standards and testing, the Supreme Court of Canada held that the Superintendent of Motor Vehicles erred when he refused licenses to all persons with a condition which restricts peripheral vision called homonymous hemianopsia, instead of providing the complainant, Terry Grismer, with an opportunity to prove that he could drive safely using glasses with prisms and mirrors. The Court found that the Superintendent abandoned his reasonable approach to licensing, which allowed many persons with various disabilities to be licensed, and adopted an absolute standard — “no persons with homonymous hemianopsia” —, which was not supported by convincing evidence. The Superintendent was obliged to accommodate Mr. Grismer by assessing him individually.

Discrimination may also manifest as systemic, that is system-wide practices of discrimination that lead to, perpetuate or reinforce, persistent patterns of inequality among groups that are disadvantaged when their overall conditions are assessed in the broader historical, legal and social context.

Systemic discrimination was first recognized by the Supreme Court of Canada in the Action travail des femmes84 case. As noted by the Tribunal in Bitonti, Dickson C.J. cited with approval the Abella Report on equality in employment:

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82. Ibid., at para 2.
84. Action travail des femmes, supra.

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... Although Judge Abella chose not to offer a precise definition of systemic discrimination, the essentials may be gleaned from the following comments, found at p. 2 of the Abella Report:

Discrimination ... means practices or attitudes that have, whether by design or impact, the effect of limiting an individual’s or a group’s right to the opportunities generally available because of attributed rather than actual characteristics ...

It is not a question of whether this discrimination is motivated by an intentional desire to obstruct someone’s potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory. This is why it is important to look at the results of a system.

In other words, systemic discrimination in an employment context is discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, none of which is necessarily designed to promote discrimination. The discrimination is then reinforced by the very exclusion of the disadvantaged group because the exclusion fosters the belief, both within and outside the group, that the exclusion is the result of “natural” forces, for example, that women “just can’t do the job” ...

Section 15 Charter jurisprudence reinforces the point that discrimination is a question of substantive results rather than a question of identical treatment or mere formal equality. In Eldridge,86 for example, the Court rejected an argument that section 15 does not require governments to take positive steps to make government services available to everyone in a way that provides substantively equal outcomes.

More particularly, the Court rejected the reasoning of the British Columbia Court of Appeal, denying government responsibility for providing interpreter services to enable deaf people to access medical services because government cannot be said to be discriminating when it provides the same medical services to the hearing and deaf populations. The Supreme Court stated at para. 73: “[T]his position bespeaks a thin and impoverished vision of s. 15.” The Court recognized that s. 15 may be implicated not only when harmful effects are caused exclusively by legislation but also when legislation reinforces the exclusion of a disadvantaged group from enjoying a benefit. The Court directed the government to rectify the situation by ensuring that, in future, interpreter services would be provided where they are necessary for effective communication in the delivery of medical services. Eldridge drives home the point that the requirement of non-discrimination is not primarily a question of treating people the same or treating people differently depending on whether they are “similarly situated.” Rather, it is a question of results.

Eldridge builds on the Supreme Court of Canada’s first s. 15 ruling in Andrews.87 The Court noted in Andrews that the similarly situate rule requires that persons who are “similarly situated be similarly treated” and conversely, that persons who are “differently situated be differently treated.” Significantly, the Court rejected a “similarly situated” test of equality, finding it deficient as a fixed rule or formula for the resolution of equality questions because it does not allow for consideration of the content of the law at issue, its purpose, or its impact. From Andrews onwards, the Court has affirmed its commitment to substantive equality rather than mere formal equality.88

85. Bitonti, supra at para 125 quoting from Action travail, supra, at paras 33248-49.
86. Supra.
87. Supra.
88. Law v. Canada (Minister of Employment and Immigration), [1999] 1 S.C.R. 497
An approach to the concerns of internationally trained professionals that relies on a similarly situated analysis must be rejected. In particular, Jamorski, an early s. 15 Charter decision of the Ontario Court of Appeal cannot be considered sound authority, and has been expressly overruled by the Tribunal in Bitonti. The complaint in Jamorski was that a distinction was drawn between graduates of “accredited” and “unaccredited” medical schools. Graduates of foreign medical schools who wished to obtain a license by the internship route were required to complete a pre-internship program and obtain one of the twenty-four internships available to foreign-trained doctors. The Ontario Court of Appeal held that there was no discrimination for two reasons. First, persons who have graduated from an unaccredited medical school are not similarly situated to persons who have graduated from an accredited medical school. Second, there was nothing invidious or pejorative in the system of classification of medical schools. Rejecting Jamorski, the British Columbia Tribunal said in Bitonti:

In Andrews, the Supreme Court of Canada specifically rejected the “similarly situated” test because it excludes any consideration of the nature of the law or the reason for the distinction. The Court also rejected an approach to s. 15 of the Charter which would require that those seeking its protection establish that the distinction was unreasonable or unfair, since this would leave virtually no role for s. 1. Therefore, Jamorski cannot be considered sound authority.

Summary

Discrimination analysis requires a substantive equality approach that examines the effects of licensing requirements, not merely their form. Discrimination is a question of adverse effects rather than merely a question of form or intention. Discrimination may arise because of the application of a facially neutral requirement. A requirement may be discriminatory because it is based on a standard that has adverse effects. Individual testing is not an answer to discrimination if the test is based on a discriminatory standard. However, the avoidance of discrimination may require that some individuals be individually assessed.

3.4. The Defence of Undue Hardship and the Duty to Accommodate

If a complainant in a human rights case establishes a prima facie case of discrimination, the respondent will be found to have violated the Human Rights Code unless it can show that its conduct was justified because it was a bona fide standard and accommodation is impossible.

What is accommodation? Accommodation means making adjustments or alternative arrangements, or changing a rule or a practice in order to remove the discriminatory effects on an individual or a group. The concept of accommodation arose in Canadian case law because adjudicators found that identical treatment of individuals and groups did not always eliminate discrimination.

In its 1999 decision in Meiorin the Supreme Court of Canada established what a respondent must prove in order to justify a standard that has discriminatory effects:

90. Bitonti No. 3, supra, at para. 182.
An employer may justify [an] impugned standard by establishing on the balance of probabilities:

1. that the employer adopted the standard for a purpose rationally connected to the performance of the job;
2. that the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfillment of that legitimate work-related purpose; and
3. that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.

This approach is premised on the need to develop standards that accommodate the potential contributions of all employees in so far as this can be done without undue hardship to the employer. Standards may adversely affect members of a particular group, to be sure. But as Wilson J. noted in *Central Alberta Dairy Pool, supra*, at 518 [*Central Alberta Dairy Pool v. Alberta (Human Rights Commission), [1990] 2 S.C.R. 489, 12 C.H.R.R. 417 at D/436, para. 56*], “[i]f a reasonable alternative exists to burdening members of a group with a given rule, that rule will not be [a bona fide occupational requirement (“BFOR”)].” It follows that a rule or standard must accommodate individual differences to the point of undue hardship if it is to be found reasonably necessary. Unless no further accommodation is possible without imposing undue hardship, the standard is not a BFOR in its existing form and the prima facie case of discrimination stands.91

Justice McLachlin added the following pointers regarding each of the three steps.92

**Step One**

The first step in assessing whether the employer has successfully established a BFOR defence is to identify the general purpose of the impugned standard and determine whether it is rationally connected to the performance of the job...

. . .If there is no rational relationship between the general purpose of the standard and the tasks properly required of the employee, then there is of course no need to continue to assess the legitimacy of the particular standard itself. Without a legitimate general purpose underlying it, the standard cannot be a BFOR.

**Step Two**

...the employer must [now]...demonstrat[e] that it adopted the particular standard with an honest and good faith belief that it was necessary to the accomplishment of its purpose, with no intention of discriminating against the claimant...If the imposition of the standard was not thought to be reasonably necessary or was motivated by discriminatory animus, then it cannot be a BFOR.

**Step Three**

The employer’s third and final hurdle is to demonstrate that the impugned standard is reasonably necessary for the employer to accomplish its purpose, which by this point has been demonstrated to be rationally connected to the performance of the job. The employer must establish that it cannot accommodate the claimant and others adversely affected by the standard without experiencing undue hardship...

91. *Meiorin, supra*, at paras. 54-55.
92. *Ibid.,* at paras. 57-62
On behalf of the Court, Justice McLachlin added these comments about how inquiries regarding accommodation should be made (D/278, para 64):

Courts and tribunals should be sensitive to the various ways in which individual capabilities may be accommodated. Apart from individual testing to determine whether the person has the aptitude or qualification that is necessary to perform the work, the possibility that there may be different ways to perform the job while still accomplishing the employer’s legitimate work-related purpose should be considered in appropriate cases. The skills, capabilities and potential contributions of the individual claimant and others like him or her must be respected as much as possible. Employers, courts and tribunals should be innovative yet practical when considering how this may best be done in particular circumstances.

The Court emphasized that if those negatively affected can be accommodated then the discriminatory rule should be abandoned and a new non-discriminatory rule which incorporates the accommodation into it should be put in place. In short, rules and standards should be as inclusive as possible (Meiorin, supra, at D/274, para. 50).

In Meiorin, the aerobic standard, discussed above, was developed for the government by University of Victoria researchers. The Court found that two aspects of the researchers’ methodology were problematic. First, it was primarily descriptive, based on measuring average performance levels and converting this data into minimum performance standards. Therefore, it did not demonstrate that these performance standards were in fact necessary to the safe and efficient performance of the job. Second, it did not seem to distinguish between male and female test subjects. The record did not show whether women and men require the same minimum level of aerobic capacity to perform this job safely and efficiently. The Court determined that the respondent had failed to show that the discriminatory standard was reasonably necessary. The respondent did not show that it would experience undue hardship if a different standard were used. The Court also found that while Tawney Meiorin was tested individually, she was tested against a discriminatory standard, and that individual testing, on its own, does not negate discrimination. The Court found that Tawney Meiorin and other women firefighters could have been accommodated, and it struck down the discriminatory standard.

In Grismer, discussed above, the Supreme Court of Canada reaffirmed its approach in Meiorin and applied it to the provision of a service. The Court articulated the three-step test in a more generic way. It said (at D/136, para. 20):

...the defendant must prove that:

1. it adopted the standard for a purpose or goal that is rationally connected to the function being performed;

2. it adopted the standard in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal; and

3. the standard is reasonably necessary to accomplish its purpose or goal, in the sense that the defendant cannot accommodate persons with the characteristics of the claimant without incurring undue hardship.
While in *Meiorin* the Court found that individual testing does not negate discrimination when individuals are tested against a discriminatory standard, in *Grismer*, individual testing was precisely what the duty to accommodate required.

Accommodation can take many forms, including the modification of standards, tests, and procedures. Although early cases concerned accommodation with respect to disability and religion it is clear that the duty to accommodate can apply to any human rights ground.93

The search for accommodation has been characterized as a “multi-party inquiry.” In *Meiorin* the Court emphasized the importance of the employer (or respondent) engaging in detailed inquiry to determine whether a particular rule is necessary or whether it can be altered to accommodate those who are negatively affected by it. The Court identified some of the important questions that may be asked about this inquiry (D/278, para. 65):

(a) Has the employer investigated alternative approaches that do not have a discriminatory effect, such as individual testing against a more individually sensitive standard?

(b) If alternative standards were investigated and found to be capable of fulfilling the employer’s purpose, why were they not implemented?

(c) Is it necessary to have all employees meet the single standard for the employer to accomplish its legitimate purpose or could standards reflective of group or individual differences and capabilities be established?

(d) Is there a way to do the job that is less discriminatory while still accomplishing the employer’s legitimate purpose?

(e) Is the standard properly designed to ensure that the desired qualification is met without placing an undue burden on those to whom the standard applies?

(f) Have other parties who are obliged to assist in the search for possible accommodation fulfilled their roles?

**Summary**

If a requirement has discriminatory effects, the respondent has a duty to accommodate, up to the point of undue hardship. Accommodation means making alternative arrangements or adjusting a requirement in order to remove the discriminatory effects on an individual or group. To establish that a discriminatory requirement is justified, the respondent must prove that it is impossible to make an accommodation without incurring undue hardship.

**3.5. Overview of Implications of Jurisprudence for Licensing of Internationally Trained Professionals**

The jurisprudence described above has crucial implications for the assessment requirements for licensing that apply to internationally trained professionals.

Regarding discrimination, an approach which asks only whether internationally trained professionals are “similarly situated” to domestically trained professionals is not sufficiently incisive. Further, whether internationally trained professionals are treated the same as or differently from domestically trained professionals is not determinative.

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The question is whether requirements for licensing have adverse effects on internationally trained professionals.

Requirements for licensure may be discriminatory even if they are apparently neutral on their face. In *Bitonti*, the Tribunal found that the challenged rule (rule 73) though neutral on its face with respect to place of origin, adversely affected graduates of particular countries.

The question of whether a rule has adverse effects is a question of evidence. In *Bitonti*, a claim that the Test of English as a Foreign Language (TOEFL) was a discriminatory barrier was rejected for want of evidence that it has adverse effects on internationally trained professionals. Four of the five applicants had obtained the required score on the TOEFL. The fifth testified that he had not studied. No evidence that the TOEFL had adverse effects based on place of origin was adduced by the complainants. The Tribunal said that the University of British Columbia’s reliance on the TOEFL was “cause for concern,” but in the absence of evidence of adverse effects based on place of origin, no finding of discrimination could be made. In a human rights case the complainant bears the burden of proving adverse effects. In another case with appropriate evidence, the outcome might be different.

One of the lessons of *Bitonti* is that blanket assumptions about competence based on place of training, must be regarded as suspect. The Tribunal in *Bitonti* found it “particularly troubling” that graduates of “Category I” medical schools (in primarily English-speaking countries) were assumed to be qualified based on one year of training, whereas graduates from other countries (“Category II” schools) were not assumed to be qualified even if they had completed two years of post-graduate training.

“Moreover,” said the Tribunal, “there was no mechanism in place by which graduates from category II schools could demonstrate their training met the standards demanded of Canadian doctors.”

The point that individually adapted assessments of competency are to be preferred over blanket assumptions of incompetency is reinforced by the fact that the Tribunal in *Bitonti* did not make a finding of discrimination against the hospitals. The Tribunal found, based on the evidence adduced in this case, that no adverse effects had been proven. The evidence relied on by the Tribunal was that because of the difficulty of assessing foreign trained applicants in the same manner as Canadian trained graduates, the respondent hospitals had adjusted their selection processes. Moreover, several of the adjustments entailed an increased element of individualization in assessment. The Tribunal contrasted the individualized approach to assessment of internationally trained professionals described by the University of British Columbia with an approach that assumes that persons graduating from institutions in some countries are qualified while refusing to consider others at all. Such an approach imposes burdens on graduates on some medical schools that are not imposed on others.

Where requirements for licensure have discriminatory effects, the substance of the requirements must be examined to determine whether they are more onerous than necessary and whether they could be adapted to remove the discriminatory effects. There is a duty on regulators to investigate alternatives. Only if it is impossible to provide a less exclusionary alternative will a discriminatory standard be sustained.

Similarly, assessment tools that operate as barriers to candidates demonstrating their true abilities to perform the functions of a profession must be adapted, subject to the regulator establishing the impossibility of making such an accommodation.

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The correct approach for determining whether a discriminatory requirement for licensing is justified is that which was set out in Meiorin, and applied by the Tribunal in Bitonti. Regarding the College’s rule 73 which was found to be discriminatory, the Tribunal held that the rule satisfied the requirements of rational connection, and met the subjective element of the analysis, but that the rule was not reasonably necessary to accomplish its purpose. The Tribunal was alive and sympathetic to the concern that stringent standards for registration to practice medicine are important to the safety of the public. The Tribunal’s statement of this concern from a human rights law perspective is apt. The Tribunal said, “The issue is not whether standards are reasonably necessary; rather, it is whether the impugned distinction based on place of medical training is reasonably necessary.”

To a similar effect the Board of Inquiry said in obiter in Neiznanski, which arose under the Ontario Human Rights Code,

If constructive discrimination results, why are the unequal requirements (place of training) utilized? Is the exclusion of foreign-trained physicians (who are Canadian or landed immigrants) necessary to protect the public interest?

A respondent to such a complaint would undoubtedly assert a defence that the purported ground of discrimination is “reasonable and bona fide in the circumstances” (s. 11(1)(a)) for the protection of the public interest in respect of society’s concerns relating to safety, health and welfare. The Ministry of Health and its surrogates administering the selection process for entry to the residency program might argue that they cannot assess accurately the foreign training and to license the foreign-trained person in these circumstances would jeopardize the public interest. Such an asserted defence that a requirement is “reasonable and bona fide in the circumstances” cannot succeed unless “…the needs of the group of which the person is a member cannot be accommodated without undue hardship … considering the cost, outside sources of funding, if any, and health and safety requirements, if any” (s. 11(2)).

Clearly, the maintenance of necessary public standards is a reasonable and bona fide ground for discrimination on the basis of jurisdiction of education or training, but the question then is — can the public interest be protected while at the same time the foreign-trained person’s application for licensure is accommodated without undue hardship? Is there available an alternative, less onerous, approach that would ensure the public interest is protected? The obvious answer to this question, as seen from the case at hand, is that the residency program itself will only graduate those residents who meet the medical profession’s standards and those who successfully complete the residency program must then pass the Royal Society’s exams. To have a fair system, and one that produces the most qualified specialists, the admissions process should consider all candidates on the merits whatever their place of education or training.

95. Ibid., at para 210.
96. Neiznanski, supra.
97. Ibid., at para 52-55. On the evidence, no discrimination was found to have occurred with respect to Dr. Neiznanski. The Board of Inquiry found that at the time of the complaint, foreign-trained doctors and Canadian-trained doctors were in open competition with each other for the spaces in Canadian residency programs and for the funded positions. Though Dr. Neiznanski was at a disadvantage because he did not have the same opportunity as Canadian and other western-trained doctors to have exposure during his medical school years to prominent ophthalmologists who could provide him with references, the Board of Inquiry found that there was no discrimination in the competition for admission or for the funded positions.

While it may be the case that Dr. Neiznanski was unsuccessful in his residency program because he was in an unfunded position and had to work to support his parents and children at the same time as carrying out his residency, the Board of Inquiry found that Dr. Neiznanski chose to take the unfunded position and cannot be said to have been discriminated against on the basis of his ethnic origin or place of origin because of being in this difficult and stressful position.

The Board of Inquiry also found that Dr. Neiznanski was terminated from the residency program because he failed exams on a number of occasions. He was evaluated fairly and was unable to meet the standards of the program.
The comments of the Ontario Board of Inquiry apply with equal force to other professions.

Not all distinctions in requirements for licensing that may appear to be based on place of training or place will constitute discrimination. For example, in the field of law there are marked jurisdictional variations in the systems of law used. Some countries are governed by the common law system, whereas others are governed by a civil law system. Common law training programs for lawyers differ from civil programs. Thus, to require a lawyer who is trained to practice in a civil law jurisdiction to undertake additional training to qualify to practice in a common law jurisdiction may be necessary to ensure competence. Such a distinction is not actually based on place of training, but rather content of training. This example illustrates the importance of detailed fact-specific inquiry about the rationale for applying more or less onerous requirements on applicants who have trained outside the jurisdiction where they seek to become licensed.

As this report shows, there are widespread concerns about requirements for licensing that affect access by internationally trained professionals to self-regulated professions in Canada. Increasingly, the concerns of internationally trained professionals about licensing standards, assessment tools, and procedures, that have the effect of blocking access to professional membership, and ultimately employment and service provision, for internationally trained professionals, are posed as questions of discrimination, and as violations of human rights laws. Currently, various professions in various Canadian jurisdictions are respondents in human rights complaints and Charter litigation that challenge licensing requirements. All professions have an interest in ensuring that their licensing requirements are consistent with applicable provisions of human rights and the Charter. There are many proactive measures that regulatory bodies can take to ensure that their licensing requirements are compliant with any applicable human rights laws, and to engage the support of other institutions that may be needed to address issues that may not be within the sole control of regulatory bodies, but which nonetheless may affect licensing practices. Some suggestions are offered below, in the conclusion of this chapter. A crucial first step for any professional regulatory body that is uncertain about whether its licensing requirements measure up to any applicable human rights norms, is to engage in a rigorous process of critical self-examination and deliberation, that involves the affected individuals and groups, to identify potentially discriminatory barriers to licensing and approaches that can serve as effective, non-discriminatory determinants of competence, and ensure inclusive professions.

3.6. Conclusion

Professional regulatory bodies are subject to a legal obligation to ensure that the requirements for licensing adhere to human rights norms of non-discrimination and equality, under the British Columbia Human Rights Code, and under s. 15 of the Canadian Charter of Rights and Freedoms.

The British Columbia Human Rights Code applies to professional licensing in that it falls within the prohibitions against discrimination by occupational associations. It may also fall within the ambit of prohibitions against discrimination in services and employment.

Licensing requirements of professional regulatory bodies are subject to the requirements of s. 15 of the Charter, in that licensing constitutes the exercise of a delegated governmental decision-making authority.
Discrimination based on place of training is encompassed by the *Human Rights Code* and s. 15 of the *Charter*, because there is a strong correlation between place of training and place of origin.

If professional licensing requirements conflict with the *Human Rights Code* or the *Charter*, human rights laws take precedence and licensing requirements must be amended. Internationally trained professionals who believe that their rights are being infringed may initiate litigation against a regulator, pursuant to the *Human Rights Code* and the *Charter*.

The duty of regulatory bodies to act in the public interest is multi-faceted, and includes both a duty to ensure competence of practitioners and to uphold human rights norms. Further, it is not appropriate to regard these duties as contradictory. Discrimination is contrary to the public interest. As part of their duty to protect the public interest, regulators have a duty to ensure that standards, assessment tools, and procedures are consistent with the human rights norms of non-discrimination and equality.

This does not mean that conflicts will never arise between the public interest duty of a regulator to ensure the competence of practitioners and the public interest duty to uphold human rights norms. Rather, such conflicts must be resolved within the human rights framework, having regard to the legal principles that have been established regarding the meaning of discrimination, the duty to accommodate, and undue hardship.

Discrimination analysis requires a substantive equality approach that examines the effects of licensing requirements, not merely their form. Discrimination is a question of adverse effects rather than a question of form or intention. Discrimination may arise because of the application of a facially neutral requirement. A requirement may be discriminatory because it is based on a standard that has adverse effects. Individual testing is not an answer to discrimination, if the test is based on a discriminatory standard. However, the avoidance of discrimination may require that some individuals be individually assessed.

The question is not whether stringent standards of competence are necessary, but whether particular standards, assessment tools and procedures that have the effect of excluding people from licensure or of placing burdens on them because of their place of origin, are necessary.

If a licensing requirement has discriminatory effects, the regulator has a duty to accommodate, up to the point of undue hardship. Accommodation means making alternative arrangements or adjusting a requirement in order to remove the discriminatory effects on an individual or group. Only if it is impossible to provide a less exclusionary alternative will a discriminatory requirement be sustained. The burden of showing that it is impossible to adjust a requirement to eliminate its discriminatory effects rests with the regulator.

Some key measures that should be taken by any regulatory body that is concerned about ensuring compliance with human rights laws include:

a) Undertaking a systemic review of all requirements for licensing, with the involvement of internationally trained professionals, to ascertain whether there are requirements for licensing that have discriminatory effects on internationally trained professionals, particularly, in respect of standards, assessment tools, and procedures that have been repeatedly identified as barriers to licensing of internationally trained professionals;
b) Engaging in a concerted deliberative process to search for possible accommodations to eliminate the discriminatory effects of licensing requirements. The duty to accommodate entails effective problem-solving processes, and requires the participation and co-operation of all relevant stake-holders, decision-makers, and experts;

c) Modifying licensing requirements to eliminate discriminatory effects, to the extent possible;

d) Establishing accessible processes for future accommodation requests and complaints so that ITP’s requiring individual accommodation can make specific requests to a regulator, and so that the regulator is informed of potential problems;

e) If it is not possible to fully eliminate all discriminatory requirements for licensure, documenting the rationale and methodology for making that determination, and periodically reassessing possibilities for accommodation.

f) If, in the opinion of the regulator, there are parties, such as the universities, employers, and governments, whose assistance and participation is needed to address barriers to licensure, initiate a process to engage their involvement.

4. Principles and Values Guiding Regulatory Bodies

The principles and values underlie all the activities of the regulatory bodies and guide their practices. Exploring these principles and values is essential to an understanding of the basis for all regulatory bodies’ policies and procedures. These overarching principles guide all activities of the regulatory bodies. The values often inform the Code of Conduct for the organization and for members in their work as professionals.

4.1. Principles and Values

These principles and values define the ideals and standards of conduct for the organization and for the members, and the commitment of the organization to the welfare of the public, its members, society, and the environment. Some examples taken from principles were: to hold paramount safety, health, and welfare of the public, to ensure integrity, competence and objectivity in the conduct of its members while fulfilling their professional responsibilities, to stand for: responsibilities to society, due care and professional judgment, no use of deceptive information, professional practice; and responsibilities to the profession. One of the medical regulatory organizations described self-regulation as a core principle.

Some of the values cited for regulatory organizations represented ideals for the activities of regulatory body such as: fulfilling the responsibility to members and treating them with respect and dignity, having an open and transparent approach to activities, and ensuring equity and accessibility. These values have particular relevance for internationally trained professionals.

Other values defined members’ optimal professional standards of practice and ethics such as: integrity, honesty, truth, competence, individual accountability, prudence, responsibility, and loyalty to the proper beneficiaries of action and objectivity. Values for members also included being committed to learning, to openness to change, to striving for excellence in professional activities, to ensuring ethical conduct, to being just and fair, to safeguarding human life and the environment and in one case to be fit and proper to work with children.
4.2. “In the Public Interest” and “Protection of the Public”

“In the public interest” and “protection of the public” represented overarching principles of all regulatory organizations and were commonly used by all regulatory organizations. The Policy Roundtable Mobilizing Professions and Trades (PROMPT)\(^{98}\) report defines “in the public interest” as “the protection of the public health, safety, and welfare by setting and maintaining standards that ensure that practitioners are qualified to practice the occupation safely, competently, and ethically.”

Several of the regulatory organizations spoke of the principle of acting for the “public interest.” Some examples of statements about public interest are: to uphold and protect the public interest in the administration of justice, to uphold and protect the public interest by: preserving and protecting the scientific methods, to act in the interest of one’s client or employer, and to value and care for all children, by acting at all times in the best interest of children.

Other regulatory organizations use the principle, the “protection of the public.” Regulatory organizations referred to this principle as ensuring the health, safety and well-being of the public and the protection of the environment, ensuring the integrity, objectivity and expertise of its members, holding members accountable, and ensuring the public that a qualified professional is qualified to practice. Other examples were: to make sure that as a professional one is doing something that does not harm someone, to ensure that skill sets meet very specific practice standards, and to ensure the protection of the public by developing, advocating and regulating safe and ethical practice in British Columbia.

4.3. Summary

The overarching principles and values that guide the registration process within the participating regulatory organizations are defined as “the fundamental basis and belief system from which regulatory organizations operate,” and values are “the underlying moral standards that guide the actions” of the regulatory organizations.\(^{99}\)

The two phrases, “in the public interest” and the “protection of the public,” were commonly used by all regulatory bodies. These are guiding principles for all procedures of regulatory bodies and have been the underlying basis for the establishment of standards for registration and licensing and professional responsibility and competency of members.

The principle of the protection of the public and the maintenance of professional standards are complementary to the principle of access to licensure for all qualified and competent persons. Both principles serve the public interest. Access to licensure does not imply the lowering of standards or the undermining the safety of the public. It increases the diversity in a profession, and thereby provides the public with better service in this multicultural society.

How can the definition of “in the public interest” and the “protection of the public,” be expanded to include the notion of access for all qualified candidates?

Do these guiding principles of “in the public interest” and the “protection of the public,” become a rationale for discriminatory practices in relation to internationally trained professionals?

To what extent do regulatory bodies have a responsibility to ensure that the diversity within the profession is representative of the diversity in the community?

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5. Policies and Practices Related to the Process of Regulation and Licensing

The literature review has identified many regulatory practices as barriers to access to licensure for internationally trained professionals. As a result this research focused on the following assessment practices: English language assessment, credential evaluation, education requirements prior to licensure, competency assessment, licensing examinations, oral interviews, and internship with professional supervision. Other identified barriers included: costs related to registration, specific feedback practices, appeal practices, and review, audits and evaluation of tools. The research demonstrated the variation in the use of assessment tools and practices.

While all applicants need to meet the specific registration requirements of the particular regulatory body, ITPs must also demonstrate English language competency. This chapter summarizes the data gathered from the on-site interviews with ten regulatory organizations. Each section contains a summary and is followed by questions, which provide regulatory bodies with a means to assess their organization’s practices.

5.1. English Language Assessment

Five non-medical organizations and one medical regulatory organization interviewed, had no formal English language assessments. English language was informally assessed through interviews, written submissions of previous work experiences and the internship experience, reports submitted by supervising professionals in the field, or the ability to pass the examination. For example, the representative from BC Institute of Agrologists (BCIA) said that they interviewed a candidate, and rejected the individual because he/she was unable to understand and communicate in English. If candidates are rejected, they are told to apply again when their ability to communicate in English had improved. If a person fails an examination, a lack of language proficiency in either English or French would not be considered grounds for reviewing the examination results.

Three medical regulatory bodies and one non-medical regulatory body require applicants to take an English language assessment and achieve a specified level of competency. All five of these organizations accept a number of testing options (see the following).

The College of Dental Technicians recently lowered the Test of English as a Foreign Language (TOEFL) score requirement from 550 to 510. The college indicated that they were not convinced that the tool was testing what was needed for “normal everyday communications” required in the profession.

They recently reviewed the testing requirements of other colleges and found no consistent compelling standards.
## Testing Options for English Language Assessment

<table>
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<th>REGULATORY ORGANIZATION</th>
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<th>SCORE REQUIREMENTS</th>
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<tr>
<td><strong>College of Pharmacists</strong></td>
<td>TSE/TOEFL/TWE</td>
<td>50/580/5 respectively</td>
</tr>
<tr>
<td></td>
<td>TSE/C-TOEFL/TWE</td>
<td>50/237/5 respectively</td>
</tr>
<tr>
<td></td>
<td>CanTEST</td>
<td>4.5 on each component</td>
</tr>
<tr>
<td></td>
<td>TSE/MELAB</td>
<td>50/85 on each</td>
</tr>
<tr>
<td></td>
<td>IELTS (Academic)</td>
<td>Overall score of &gt;7 and each module of &gt;6</td>
</tr>
<tr>
<td><strong>College of Dental Technicians</strong></td>
<td>TOEFL</td>
<td>510</td>
</tr>
<tr>
<td></td>
<td>Vancouver Community College ELA</td>
<td>Overall score of 135</td>
</tr>
<tr>
<td><strong>College of Physical Therapists</strong>:</td>
<td>TOEFL/TSE</td>
<td>585 on paper based or 239 on computer-based with 50 on each component of the paper based, 16 on listening, 18 on structure, writing and 17 on reading of computer based test and a score of 45 on TSE</td>
</tr>
<tr>
<td><strong>Canadian Alliance of Physical Regulators</strong></td>
<td>MELAB</td>
<td>85 plus an oral interview rating of at least 3</td>
</tr>
<tr>
<td></td>
<td>CANTEST</td>
<td>4 with no component lower than 4 with an oral interview rating of 4.5</td>
</tr>
<tr>
<td></td>
<td>IELTS</td>
<td>7</td>
</tr>
<tr>
<td><strong>BC College of Teachers</strong></td>
<td>TOEFL/ TSE</td>
<td>580 (paper based) or 237 (computer based) and 50 on TSE</td>
</tr>
<tr>
<td></td>
<td>ELA</td>
<td>160/200: with 27/30 on both listening and speaking components</td>
</tr>
<tr>
<td></td>
<td>IELTS – academic version</td>
<td>Overall score of 6.5 with no band below 6 and with minimum of 7 on speaking and writing.</td>
</tr>
</tbody>
</table>

- CanTEST – Canadian Test of English for Scholars and Trainees
- ELA – English Language Assessment
- IELTS – International English Language Testing System
- MELAB – Michigan English Language Assessment Battery
- TOEFL – Test of English as a Foreign Language
- TSE – Test of Spoken English
- TWE – Test of Written English
Summary

To assess English language competency four medical regulatory bodies and one non-medical regulatory body require applicants to take a variety of English language tests. Five non-medical organizations and one medical regulatory body had no formal English language assessments; instead, it was thought that the ability to pass examinations implied English language competency. There are a number of problems with the existing options for English language competency assessment. For example most testing options are designed to measure competency for an academic setting rather than the workplace and there is no profession/sector related content. There are also differences as to how regulatory bodies determined their English language scoring levels. Some have based their scores on a systematic comparison with other regulatory bodies, colleges or university programs, while others do not have a clear rationale for their scoring levels.

How can the English language assessments better meet the English language competency requirements of the profession?

What are the scoring criteria for the English language assessments?

How can there be transparency in the scoring process?

Where English language tests are not a requirement, then English language competency is assumed if an individual can pass the licensing examinations. This raises concerns regarding the pass and fail rates of internationally trained professionals.

When an individual fails an examination to what extent is this failure a reflection of a lack of English language proficiency or a skill or knowledge deficit?

5.2. Credential Evaluation

Of the six non-medical regulatory organizations researched, one recommends that applicants have ICES (International Credential Evaluation Services) evaluate educational certificates and professional certification; another recommends the use of ICES when they are unable to do the evaluation themselves. This occurs when they lack experience evaluating the credentials from a particular country or from a particular educational institution. The National Dental Hygiene Certification Board requires that all official dental hygiene diplomas, transcripts, certificates, and course descriptions issued by the educational institution of graduation must be accompanied by a certificate of verification of authenticity from an external credentialing agency such as International Credential Evaluation Service (ICES), International Qualifications Assessment Service (IQAS), or World Education Services (WES).

Five of the provincial regulatory organizations had affiliated national organizations certify educational requirements, certifications, and experience. Those national organizations were the Canadian Architectural Certification Board (CACB), the National Committee on Accreditation for the Law Society of BC (NCA), the National Dental Hygiene Certification Board (NDHCB), Pharmacy Examining Board of Canada (PEBC), and the Canadian Alliance of Physiotherapy Regulators.

See Appendix 9 for further information.
Three non-medical organizations and one medical regulatory organization interviewed have staff do the credential evaluations in-house: College of Teachers, Association of Professional Engineers and Geoscientists of BC, Certified General Accountants of BC, and the College of Dental Technicians. See Appendix 9 for further information.

In evaluating credentials, most of the organizations required that original transcripts be sent directly to them in a sealed and stamped envelope from the educational institutions applicants attended in their country of origin. Some organizations, such as the Pharmacy Examining Board of Canada and the College of Dental Technicians will accept a copy of the original university or college degree/certificate if certified by a notary public, commissioner for oaths, lawyer, or the Canadian Embassy. References and licensing statements from other countries must also to be sent directly to the regulatory organization; if translation is necessary, it is done at the applicant’s expense.

Some regulators pointed out that it is impossible to get an official transcript from universities in some countries. People from countries where there has been a recent war or where a lack of human rights is an issue may not be able to obtain transcripts. In some cases files have been destroyed; in others, making such a request puts the applicant and his or her family in jeopardy.

Those interviewed were asked if there was some flexibility related to the requirement of receiving official sealed and stamped transcripts. The Association of Professional Engineers and Geoscientists (APEG), the BC Institute of Agrologists (BCIA), and the Certified General Accountants of BC (CGA-BC) reported flexibility: APEG allows applicants from designated countries (currently Iraq and Iran) to submit their documentation to the association themselves. APEG also has a provision in its Act that it can require an affidavit to be signed by the candidate attesting to the authenticity of the credential provided. Two other regulatory organizations accepted official transcripts that “looked like” official documents when they were brought in by the applicants.

The College of Teachers has also indicated that they look at the original documents provided by an applicant who comes from a war zone and who is unable to get documents sent directly to the college. The college examines these documents and determines whether they are consistent with other documents from the same country and therefore not fraudulent. The college aims to be flexible and reasonable but is concerned about the incidence of fraudulent documents in these situations.

Two colleges pointed out that while treating people fairly with regard to the assessment process is important, the bigger issue for the college is protecting the public. Equitable access is therefore perceived as a secondary criterion.

Summary

The evaluation of international credentials and experience was seen as a challenge for many of those interviewed. Some organizations lacked the resources to do in depth and ongoing research on international credentials. There is difficulty getting official documents sent directly from some countries, and there is a lack of information about educational institutions in some countries. Different strategies have been used to address these challenges, for example some have used external organizations or their national organization to evaluate international credentials and experience.
How can regulators ensure that the credential evaluation process is free from discrimination in relation to country of origin/place of training?

How can smaller regulatory bodies with limited resources gather the necessary data to effectively evaluate credentials?

Is there an expanded role for external credential assessment organizations with regard to the authentication of documents?

How can regulatory bodies ensure that there is clarity and flexibility in the documentation requirements?

### 5.3. Education Requirements Prior to Licensure

The amount of education required by regulatory organizations varies; some regulatory organizations require applicants to have only completed accredited degree programs before applying for licensure. Other regulatory organizations have profession-specific education programs integrated into their licensing process and applicants must take a number of these courses.

For example, CGA-BC requires many of their applicants to take a maximum series of 18 courses. Applicants who have had their education and credentials from another country or program evaluated may be allowed to take fewer courses, e.g., applicants from India and the Philippines who have taken education programs and who have some work experience in accounting or finance may be required to take ten of the eighteen courses. It may take a person in the CGA-BC program two to seven years to complete the course work. Applicants must pass an examination in each course.

Other regulatory organizations require candidates to take specific course(s) before being licensed. For example:

- **BC Institute of Agrologists (BCIA):** Requires applicants to take for credit AGSC 250 — Land, Food and Community.

- **Architectural Institute of BC (AIBC):** Requires applicants to take six one-day courses.

- **Association of Professional Engineers and Geoscientists (APEG):** Requires applicants to attend a two-day seminar or to purchase and view a CD-Rom on law and ethics.

- **Law Society of BC:** Requires as part of the Law Society Admission Program (LSAP) that candidates take a 10-week, full-time course, the Professional Legal Training Course (PLTC).

*See the Appendix 9 for more information about the course requirements.*

“Challenge” examinations about specific areas of study can be taken in lieu of specific courses. Challenge examinations may also be taken when past courses of study are in question or the grades of a candidate in a particular area are not high enough.
Summary

Education requirements of regulatory organizations vary. For some, a completed accredited degree is needed before applying for licensure. Other regulatory organizations have profession-specific education programs integrated into their licensing process and applicants are assessed on their past education, credentials, and experience to determine which courses they must take. There are also profession specific courses that are mandatory for all applicants.

Are the criteria for assessing past education, credentials, and experience transparent?

Is the need for the required courses clearly demonstrated by the assessment criteria?

5.4. Competency Assessment

Competency-based assessments attempt to establish what individuals know and whether they can perform competently in the profession. The purpose of the examinations is to establish that individuals have the core competencies to practice in the field. Many of these examinations are based on national and/or provincial competency standards. Competencies represent learning outcomes: the specific skills, knowledge, and abilities that an individual should be able to demonstrate. Regulatory organizations did not necessarily list competency assessments as part of their requirements; however, regulatory organizations currently use a variety of approaches to competency-based assessment. Competency-based assessments include prior learning assessments, written examinations, practical examinations, oral interviews, clinical assessments such as the objective structured clinical examination (OSCE), and written submissions.100

Examples of written submissions:

- Write a 10+ page detailed work summary covering all engineering or geoscience experiences describing tasks and responsibilities as an engineer or geoscientist.
- Write a professional report or essay describing past relevant employment experiences, project experience, and work experience in Canada.

Examples of competency assessment examinations:

- **Law Society**: Students must pass four skills assessments as part of the Law Society’s PLTC. These four skills assessments are: advocacy, writing, interviewing, and drafting.
- **Pharmacy Examining Board of Canada**: Evaluation process includes the Qualifying Examination Part II OSCE, which is designed to assess the competencies required for safe and effective practice.
- **College of Dental Hygiene**: The BC Dental Hygiene Practice Examination evaluates the basic knowledge and skills needed to practice safely and competently as a dental hygienist in BC.
- **College of Dental Technicians**: The practical examination tests an applicant’s ability to understand and follow prescription directions, technical competency, and time management and organizational skills.
- **College of Physical Therapists**: The Physiotherapy Competency Examination Part Two is a clinical examination that evaluates a candidate’s understanding and performance of safe, effective application of the principles of entry-level physiotherapy practice.

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100. An Inventory of Assessment Tools for Skilled Immigrants p.7, MOSAIC 2004
See Appendix 9 for more information about these competency assessment examinations.

The College of Dental Technicians is developing a prior learning assessment, which is a self-assessment tool based on the critical competencies, and which will have both practical and theoretical components.

Two representatives of regulatory organizations thought competency assessments were a good idea and thought they should be included as a promising practice for assessing the knowledge and skills of internationally trained professionals in the future.

Summary

Competency-based assessments attempt to establish what individuals know and whether they can perform competently in the profession. None of the regulatory bodies have what they referred to as a formal competency assessment, although several had requirements that could be included in this category, such as: written submissions, oral interviews, and assessment/clinical examinations.

Unintended cultural bias, lack of familiarity with profession-specific norms and practices, lack of profession-specific English language competency and a lack of familiarity with competency assessment processes can inhibit an internationally trained professional’s ability to demonstrate skills and knowledge. On the other hand the competency-based assessment has been identified by some regulatory bodies as an effective mechanism for individuals to demonstrate their professional competency.

How can regulatory bodies build an awareness of the cultural bias in competency-based assessment tools?

What role can regulatory bodies play in the development of transition programs to help orientate internationally trained professionals to their profession?

How can competency assessment tools be integrated into the assessment process?

5.5. Licensing Examinations

There are several types of licensing examinations: one examines knowledge of local rules and regulations, professionalism, and professional ethics; another is knowledge-based and examines specific knowledge of technical information, substantive information, skills and ability.

Examples of examinations:

- **BC Institute of Agrologists (BCIA):** The Professional Practice examination covers the understanding of the institute, the local resource sector, professionalism and ethics

- **Architectural Institute of BC (AIBC):** The Architect Registration Examination (ARE) is a nine part, computer based examination that is designed and used in the USA and Canada.

- **Association of Professional Engineers and Geoscientists (APEG):** Two types of examinations are: a three-hour Professional Practice Examination, and confirmatory examinations, which are technical examinations that relate to specific fields of engineering such as mechanical, chemical, and electrical engineering, and geoscience. On occasion, if applicants have gaps in their education or experience, they may be asked to take a specific examination.
• **Law Society of BC:** Candidates of the Law Society Admissions Program (LSAP) must pass two qualification examinations, designed to ensure that a candidate has attained a minimum level of understanding of substantive law and procedures and can apply that knowledge to legal analysis and to solving a client’s problems.

• **College of Pharmacists:** The College requires applicants to pass four examinations, including the Evaluating Examination, and the Qualifying Examinations Parts I and II.

• **College of Dental Hygiene:** Graduates of non-accredited Dental Hygiene programs must successfully complete the National Dental Hygiene Certification written examination and the BC Dental Hygiene Practice Examination.

• **College of Dental Technicians:** Two theoretical examinations are: jurisprudence and dental technology competency that applicants must take before taking the practical examination.

• **College of Physical Therapists:** Applicants for licensure to the College of Physical Therapists must successfully complete the Physiotherapy Competency Examination, Parts I and II.

*See Appendix 9 for more information about the examinations.*

**Summary**

Licensing examinations include the examination of knowledge of local rules and regulations, professionalism, and professional ethics. Examinations also examine specific knowledge of technical information, substantive information, skills and ability. Problems identified by the regulatory bodies in the examination process include: costs, lack of familiarity with the testing format such as multiple choice, cultural bias, and a lack of profession-specific English language competency.

How can regulatory bodies build an awareness of the cultural bias in licensing examinations?

What are some ways that regulatory bodies can provide orientation and support for examination preparation?

How can regulatory bodies ensure that examinations accurately measure professional competency based requirements?

**5.6. Oral Interviews**

Several of the non-medical regulatory organizations use oral interviews in a variety of ways. Oral interviews can be used to elicit information about the applicant’s past employment experiences in the profession and to informally evaluate English comprehension and communication skills. One organization uses an oral interview as an alternative to the credential review process. When an applicant has not been satisfied with the results of the credential evaluation, he or she can request an oral interview. In this case the oral interview is to assess education background, knowledge base, work experience, and abilities and skills. In another organization, the oral interview is a means for candidates to meet and have dialogue with a member of the profession.
Examples of oral interviews:

- **BC Institute of Agrologists (BCIA):** Oral interview provides information about the applicant’s previous experience, knowledge of the field and informally his or her ability to communicate in English.

- **Architectural Institute of BC (AIBC):** Oral interviews are used in two different ways. All candidates for registration through either Internship or through Alternative Qualifications must successfully complete an oral competency assessment designed to test the individual’s ability to engage in professional practice in BC. In addition, the Alternative Qualifications for Registration process includes an interview with each candidate early in the process to determine whether the candidate has the education, experience and/or knowledge as tested through examinations equivalent to a Canadian-trained architectural graduate. If the candidate can demonstrate equivalency, some requirements of the registration process may be waived.

- **Law Society of BC:** Oral interview does not include an assessment component but gives a candidate an opportunity to participate in an interview with a Bencher (a member of the Law Society governing board) as an information exchange.

- **College of Dental Technicians:** The purpose of the oral interview option is to explore whether an applicant is eligible to take the licensing examinations. [Note: the bylaws indicate that the College has this option — however the College has never asked an applicant to present for an oral interview to date — as there have been concerns about the objectivity of the process]

**Summary**

The oral interview is used by some regulatory bodies as a mechanism to elicit information about an applicant’s past employment experiences in the profession and as a method to evaluate English comprehension and communication skills. Some of the concerns identified by the regulatory bodies about oral interviews as an assessment tool are the bias and/or preconceived beliefs of the interviewer(s) regarding the applicant’s place of education and work experience and the lack of criteria for English language assessment. Oral interviews can provide an alternative means of evaluating education and experience and can give the applicant an opportunity to demonstrate professional knowledge and skills.

How can regulatory organizations ensure that interviewers are aware of their potential biases and/or preconceived ideas about internationally trained professionals and their place of origin?

If oral interviews are used as an English language assessment, does there need to be clear and measurable criteria?

How can oral interviews be used as an option for assessing education and experience and technical knowledge and skills?
5.7. Internship with Professional Supervision

All non-medical and three of the medical regulatory organizations have practice or work requirements for a designated time period. There are differences in what this professional practice requirement is called, the time frame of the practice requirement, whether professional supervision is involved, and the role of the supervisor. In all cases it is the responsibility of the candidate to find their practice position, and in most cases they must also find the supervising professional. In one case the regulatory organization does designate the supervising professional from the organization.

The time for these internships varies from nine months to four years and usually includes a requirement to practice for a specified period of time in Canada. These are called internships or articles. In some cases there is a supervisor: the role of the supervisor is clearly defined, and the supervisor is required to submit a report at the end of the term. In one case, an employer’s role is solely to verify the time the applicant has spent working in the field.

Examples of the different types of professional practice experiences:

- **Law Society of BC**: Requires candidates to have articled for a nine-month period, and it is the responsibility of the candidate to obtain his or her articling position under the supervision of a principal.

- **College of Physical Therapists**: Grants interim registration to those applicants who meet the applicable registration requirements and enables registrants to practice physiotherapy in BC under supervision for a maximum of 15 months while completing the physiotherapy competency examination.

- **Architectural Institute of BC (AIBC)**: AIBC has an Internship in Architecture Program (IAP) and the candidate is required to have at least 3760 hours or two years of experience under the personal supervision and direction of an architect in an architectural firm or other acceptable architectural employment situations.

- **Certified General Accountants of BC (CGA-BC)**: Requires candidates to work in finance/accounting or related fields for a total of three years; two of those years must be at a senior level, and one year must be Canadian experience. The employer’s role in this case is to verify the time spent employed.

- **Association of Professional Engineers and Geoscientists of BC (APEG)**: Requires a minimum of four years of satisfactory work experience, and at least one of those years must be in Canada or an equivalent Canadian environment.

- **College of Teachers**: Applicants, who have completed a teacher education program outside of Canada, in an education system that is not considered similar to the BC system, may be required to complete coursework and a practicum in order to become familiar with the culture and curriculum of the BC school system.

- **College of Pharmacists** requires a period of internship in a BC pharmacy under the supervision of an approved preceptor for candidates from jurisdictions outside of Canada and the United States.

*See Appendix 9 for more information about internships.*
Summary

A number of the regulatory bodies have practice or work requirements for a designated time period. In all cases it is the responsibility of the candidate to find their practice position, and in most cases their supervising professional. This requirement presents a number of challenges to internationally trained professionals such as: a lack of job opportunities, discrimination by employers, an inability to earn an income during this time period, lack of employment networks, and lack of exposure to Canadian cultural norms. In some cases there is little training given to supervisors and a lack of clarity about their role, as a result ITPs may not be exposed to the full scope of professional practice.

Some regulatory bodies are working in partnership with colleges and universities to locate supervised practice sites. Others have instituted provisional licenses to address those situations when an ITP cannot get employment without a license.

What partnerships can regulatory organizations develop to help ITPs secure supervised practice opportunities?

How can regulatory bodies ensure that supervisors are adequately trained and have clear expectations of their role when working with applicants?

Do regulatory bodies have a role in addressing the discriminatory practices of employers?

5.8. Fees Related to Registration

Fees related to registration and licensure differ and are related to the registration and assessment requirements such as English language assessments, credential evaluation, appeal of credential evaluation, course work, competency assessment, and licensing examination(s). There are also fees for feedback on licensing examinations, oral review interviews, internship programs, and appeals and review procedures. There are application or registration fees, provisional or interim membership fees, and membership fees. Other miscellaneous fees include work books, rubber stamp and registered number, framed certificate, and professional membership. The following examples of fees provide information about the range of fees required.

- Application, registration fees range from $25 for the College of Dental Technicians to $150 for the BC Institute of Agrologists (BCIA) to $550 for Certified General Accountants of BC (CGA-BC).

- Credential review fees range from $150 for CGA BC to $1000 for CACB to review of ITP credentials.

- The individual examination fees range from $90 to $125 for the Architectural Institute of BC (AIBC) Architectural Registration Examinations to $1560 for the Qualifying Examination Part II of the College of Pharmacists. In many cases applicants are asked to take more than one examination. For example AIBC applicants need to take a total of nine examinations.

- Fees for examinations are included in the application fee or included in the cost of taking a course as in the case of the Law Society of BC’s PLTC where the cost of $2250 is for the whole program.

- The fees for challenge examinations range from $275 (APEG) to $400 (CGA-BC). The fee for the CGA BC examination re-mark is $95 and a written critique of an examination is $145.

- There are fees to appeal the results of steps in the process, and these range from $100 (AIBC) to $160 per request (APEG).
• There are fees for provisional membership or interim registration, which range from $187 (APEG) to $370 (College of Physical Therapists.)

See Appendix 9 for a more detailed outline of the fees related to licensing of those organizations researched.

Summary

Each regulatory body has fees related to the registration and assessment requirements and they differ from organization to organization. Some bodies have individual fees for each of the registration components such as English language assessments, credential evaluation, and licensing examination(s). Other bodies have one fee that covers the whole licensing process. There are also fees for feedback on licensing examinations, oral review interviews, internship programs, and appeals and review procedures. These fees can be a barrier for internationally trained professionals because many of them have limited incomes. In addition, if an individual fails any step of the process they have to pay fees for an appeal and/or costs for retaking courses or examinations.

What can regulatory bodies do to assist internationally trained professionals who have limited funds to pay registration and licensure fees?

Are there regular reviews of licensing fees to ensure they are fair and necessary?

5.9. Specific Feedback Practices

The feedback processes vary and depend upon the specific assessment process. The credential review, the examination(s), and the interview all involve feedback. In some situations where the credential review or examination was a part of the national organization, the feedback was not always as helpful as it could be, as opposed to situations in which the assessment tool was under the jurisdiction of the provincial regulatory organization. In some cases the provincial regulatory organization has created an alternative process for appeal of assessments of the national organization.

Feedback of Credential Reviews

Upon having their past education, their degree or diploma, their previous work experience, and their references reviewed, applicants were informed (in most cases by mail) whether

• their education, degree or diploma, work experience, and certification were acceptable, or

• they must take some courses to meet the education criteria, how many courses they must take or whether they would need to take a whole program of courses for degree completion, or

• they could take challenge examinations in lieu of course work, or

• they must pass a certain number of examinations in specific areas, or

• they must work for a certain period of time before being licensed.
An example of the kind of feedback candidates receive after their credential review:

- **College of Teachers:** All applicants are advised in writing of the results of their evaluation for certification. A letter of evaluation outlines the requirements that must be met before a certificate is issued. If an individual does not meet the requirements of the college, the letter of evaluation will outline in detail the reasons for ineligibility and the coursework or practicum experience that must be completed to qualify for a certificate.

**Feedback Regarding Examinations**

There are varying practices regarding feedback on examinations. These include how long it takes to get examination results; how the results are communicated; whether there is specific criterion for passing (such as a certain percentage or a pass/fail system); the form of feedback given; and whether the candidate can request additional feedback.

The amount of time it takes to get examination results can depend on the specific examination. In one case candidates can get back the results of the theoretical examination in two weeks and get the results of their practical examination in six to eight weeks. In another case they receive the results of the written examination in six weeks and the results of the practice examination in twelve weeks.

Organizations communicate the results of the examination in different ways: in writing, online, and verbally.

Some organizations have numerical criteria for passing the examination; other examinations are graded pass or fail. The means of receiving additional feedback varies. Organizations may: allow candidates to see their examinations (with the examiner’s comments) in the organization office; send candidates their examinations with an answer sheet; or send a breakdown of the marks showing the number of points earned for each question if candidates haven’t met the passing criteria.

Some organizations offer specific feedback and have well-defined formal criteria. One organization fears that specific feedback could interfere with their examination process, so offers only general feedback. Another organization tells candidates only that they “haven’t met the requirements for this component,” and provides little feedback.

The actions candidates can take to appeal or to receive more specific feedback vary. In one case they can ask for a re-marking, a re-read, or a written critique of the examination—all for a fee. In another example candidates are told they can complete alternative activities such as write a number of essays on particular topics.

Examples of the feedback process for examinations:

- **College of Dental Hygiene:** the applicants receive their examination results in writing within six to eight weeks for the theory examination, and within two weeks after completion of the practical examination. Within 30 days of receipt of their initial marks for the practical examination, applicants may view their work and review the examiners’ comments at the organization’s office.

- **Association of Professional Engineers and Geoscientists of BC (APEG):** Candidates are notified by mail eight weeks after taking the examination and are permitted to view their papers by special arrangement under supervision in the association office. Candidates can request a re-read for a fee, although papers with grades between 45% and 49% are reread once prior to the release of the marks to the candidate.
• **Architectural Institute of BC (AIBC):** Candidates who fail any of the Architectural Registration Examinations (ARE) are told they “haven’t met the requirements for this component,” but get little feedback. Because this is an American examination given by the national organization, there is no one to talk to about the results.

• **College of Pharmacists of BC:** Candidates receive a letter from PEBC pertaining to the Qualifying Exams — Parts I and II telling them whether they have passed or failed. Candidates who have failed can make a written request for feedback regarding their performance in each major competency area. The report is very general. The College provides Jurisprudence Examination results as a pass/fail only.

**Feedback regarding the Interview Process**

At the end of the AIBC Oral Review, candidates are sent out of the room. They are called back within 15 minutes and told of their strengths and weaknesses. Candidates are also given the same information in a letter.

*See Appendix 9 for more detailed information on feedback processes.*

**Summary**

Regulatory bodies provide feedback for specific assessment processes such as: credential review, examination(s), and interviews. The content of the feedback varies; some feedback is very specific and includes comments and observations. In other cases the feedback contains little useful information regarding performance. Those assessment processes that are under the jurisdiction of provincial regulatory bodies tend to provide more detailed feedback than those under the jurisdiction of the national organizations.

Providing specific feedback is a very important mechanism for ITPs when they do not meet the criteria of any of the steps or when they fail an exam. Feedback enables them to know specifically what their knowledge and skill gaps are and what expectations of the regulatory bodies are.

Can regulatory bodies put in place a systematic feedback mechanism for all steps in the licensing process that provides detailed and specific information about a candidate’s gaps in education, experience, knowledge, and skills?

Can provincial regulatory bodies assist in the development of systematic feedback mechanisms for applicants with their national organizations?

How can regulatory bodies inform ITPs about the feedback processes available to them?
5.10. Appeal Practices

Some regulatory organizations have an appeal process for all their steps of assessment; other organizations have appeal processes for specific assessments such as the credential evaluation or examinations.

Several of the policies that define appeal processes for some organizations were only implemented in 2004; before that, there was no formal appeal process.

Examples of appeal processes for the various regulatory organizations:

**Appeal Process for the English Language Assessment**

There is one example where an applicant may ask for a further review if their ESL test results are lower than required but close to meeting the required score; a larger review of the person’s English competency is then done. (College of Teachers)

**Appeal Process of the Credential Review**

When an individual is not satisfied with the results of the credential review, they have a period of time to make an appeal and to supply additional information. The organization then prescribes a period of time to respond. In one case the registration committee will review the results and make a decision, which is binding. In another case the organization appoints a panel of persons practicing in the profession and a lay-person or a new panel, and they review the application and make recommendations. The panel will overturn cases on the basis of unfairness and the misapplication of policy. In another example, the candidate contacts the Manager of Admissions and Liaison who will review the case, if candidates are not satisfied with his/her recommendations, they can contact the Director of Education, and if they continue to be dissatisfied they can contact the Education Appeals Committee for review.

Examples of appeal processes related to the credential review:

- **Certified General Accountants (CGA-BC):** Candidates initially contact the Manager of Admissions and Liaison. If they are still dissatisfied, they contact the Director of Education, and if they continue to be dissatisfied, they contact the Education Appeals Committee.

- **College of Teachers:** Applicants who feel they have met all or some of the requirements of the college may request in writing either a review or an appeal of the evaluation. Applicants who are eligible for a certificate, but who have been asked to fulfill requirements determined to be missing from their program, may request a review of the evaluation decision. Applicants who have been found ineligible for a certificate and who feel they have additional factors that should be considered, may request an appeal of the evaluation decision. The Qualification Hearing Sub-Committee, a three-member panel of council hears the review or appeal.
**Appeal Processes for the Examination**

Candidates who have failed the examination must apply for an appeal within a certain time period—usually 30 to 60 days—depending on the organization. Some organizations require candidates to describe extenuating circumstances that may have contributed to their failure, such as adverse environment or health issues. Applications are reviewed and candidates may apply for a re-read, a re-mark, or a written critique for varying costs. They may be given alternatives tasks, such as writing essays, taking specific courses, or taking the examination again. They may be asked to present a plan for successful completion of the examination to a committee before rewriting the examination. They could be given an academic support person to help them with the process.

Examples of appeal processes related to examinations:

- **Law Society of BC**: PLTC examinations: Candidates who fail one or more assessment or examination are given an opportunity to redo the failed portion. If they fail again, they must apply for another opportunity, must have a plan for passing the assessment or examination, and must present that plan to the Credentials Committee.

- **College of Dental Hygiene**: The Review Committee of the National Dental Hygiene Certification Board reviews appeals of a candidate’s unsuccessful certification examination result, and if an irregularity of “sufficient magnitude” has occurred, the candidate is allowed to rewrite the examination.

- **College of Dental Technicians**: Applicants may advise the college in writing of their request for a review if they are not satisfied with their examination mark. The college will consider a review if the candidate alleges that there was some irregularity, such as an adverse environment that affected the candidate’s performance or the proper assessment of the candidate’s case, such as anomalies in the marking. The review panel is made up of three people who go over the applicant’s written request for a review and address the issues raised. The review panel has the option to consider several responses or remedies depending on the circumstances including requiring a remark or they may simply review the marks given with the candidate in detail.

- **College of Physical Therapists**: Candidates wishing to have their examination re-scored must deliver a written request to the Canadian Alliance of Physiotherapy Regulators within 21 days of the release of the results and must include a confidential letter outlining the health issues, administrative issues, or extraordinary circumstances. The letter should focus on establishing a causal link between the issues raised and the candidate’s examination performance.

- **College of Pharmacists of BC**: Appeals for hand-scoring of examination results for the Qualifying Exam - Parts I and II are considered when made in writing and received within 60 days of release of results. This hand scoring is only to confirm correct data entry and tabulation of scores. The content, methodology, standards, or assessment criteria of the Qualifying Examination are not subject to review or appeal by failing candidates or their agents. Costs for appeals for rescoring the QE - Part I is $50 and for the QE - Part II is $100.
Appeals for review of the Jurisprudence examination results are considered when made in writing and accompanied by a payment of $107 within 60 days of release of results. Letters of appeal are considered only in relation to specific procedural or adjudication errors or discrepancies on the candidate examination/feedback survey and/or errors in adjudication in the written performance report provided to unsuccessful candidates.

Example of appeal processes related to final registration decisions:

- **Architectural Institute of BC (AIBC):** The AIBC has an appeal panel made up of two architects who are not members of the board and a layperson. The panel reviews the application makes recommendations, and overturns decisions made unfairly or because of misapplication of policy.

*See Appendix 9 for more detailed information on appeal processes.*

**Summary**

Regulatory bodies have differences regarding their internal appeal mechanisms. There are appeal processes in some cases for all the assessment steps and in others for specific assessments such as credential evaluation and examinations. Several of the regulatory bodies implemented appeal mechanisms in 2004; before that they had no formal appeal process. Concerns have been raised by respondents about appeals regarding a perception of unfairness. To remedy this concern some regulatory organizations have involved different staff and or external professionals for the appeals and not those who made the original decision. Concern has also been raised that access to appeal is limited to only certain assessment processes. In addition, grounds for appeal are in many cases restricted to narrow criteria such as an adverse examination environment that affected a candidate’s performance.

How can regulatory bodies ensure fairness in their appeal processes?

What can regulatory bodies do to implement appeal processes for all steps of the assessment process?

### 5.11. Review, Audits and Evaluation of Tools

All regulatory organizations, provincial and national, review their requirements for course work, credential evaluation, and various examinations. Some review their requirements on an ongoing basis; others do a formal review of specific processes when the need arises. As an example, they review the examination process by surveying practicing members of their organization, faculty of a university, candidate supervisors, examiners, and candidates. Organizations conduct these surveys every one to five years. APEG reviewed all their requirements and documentation three years ago specifically for plain language and barriers to internationally trained professionals. Another organization hired a consultant to review the practice examination to establish the minimum requirements. These requirements were based on the profession’s competencies.

Examples of review processes:

- **College of Pharmacists of BC:** The jurisprudence examination is reviewed on an ongoing basis prior to each examination and every two years by practicing pharmacists. The review assesses the relevancy of the examination. The OSCE questions are changed with every examination and are reviewed for currency by multiple groups and refined where necessary. Provincial regulatory organizations have the opportunity to give input into the examination process but they are generally not involved in the credential assessment.
• **College of Dental Technicians**: The practical examination assignment directions and marking criteria were developed by the registration committee and approved by the board and are reviewed annually. The committee seeks input from the examination coordinator, his or her assistants, and the examiners when considering any amendments to the current examinations. Feedback is also sought from dental technicians and the candidates themselves. The pass/fail rate is monitored to determine if the college is testing appropriately. The practical examination was changed in 2005 to be more in line with other provinces.

• **College of Physical Therapists**: In the 19th examination. Members of the Examination Advisory Group include physiotherapists in clinical practice, physiotherapy program faculty, regulators, examination consultants, and representatives from the Candidate Advisory Group. These representatives are drawn from all participating regulatory organizations.

• **College of Teachers**: The Qualifications Committee develops and recommends policies and bylaws that relate to the criteria for certification. The committee continually reviews the criteria against external pressures and information arising from the review and appeal processes. A review also includes surveying education partners such as faculties of education, the ministry of education, parent groups, independent schools, principals, superintendents, and teachers. Any proposed bylaw changes go out to all partner groups for feedback.

*See Appendix 9 for more specific information about the review processes of the various regulatory organizations researched.*

**Summary**

Some provincial and national regulatory bodies review their requirements for course work, credential evaluation, and various examinations on an ongoing basis; others do a formal review of specific processes when needed. Some reviews involve the surveying of practicing members of their organization, faculty of a university, candidate supervisors, examiners, and candidates. Organizations conduct this type of survey every one to five years. Another approach described by a regulator involved the hiring of a consultant to review the practice examination in order to establish the minimum requirements which are based on professional competencies.

Several of the regulatory bodies’ representatives indicated that there was a need for a more regularized, formal review process and that changes have come about because of the reviews. Some of the regulatory bodies have conducted reviews with a focus on barriers to ITPs, but in most cases this is not the focus of the reviews.

What regular and formal review processes are in place to review all licensing requirements and assessments?

Is there a specific review process in place that identifies hidden barriers to access for internationally trained professionals?

Does the review include input from internationally trained professionals?
6. Factors that Impact the Assessment and Licensing Process of Regulatory Bodies

This chapter includes two areas that have an impact on the assessment and licensing process of regulatory bodies, which include perceptions of external pressures, and reciprocal agreements. The first section on perception of external pressures describes the pressures regulatory bodies have experienced from internationally trained professionals to make their licensing processes more accessible and from employers to address a perceived shortage of licensed professionals. The skill shortage issue is not explored in depth in this report as it is a complex issue requiring further research. The second section describes the different reciprocal agreement between provinces and other countries.

6.1. Perception of External Pressures

The Association of Professional Engineers and Geoscientists (APEG) has felt external pressure from internationally trained engineers because a large number of them have been admitted to Canada, have not been able to find employment, and have requested help from the organization. The Architectural Institute of BC (AIBC) has also been pressured by internationally trained architects to make their licensing more accessible to internationally trained architects. Other organizations, such as the BC Institute of Agrologists (BCIA), have found their job opportunities are shrinking as a result of governments cut backs. This has encouraged people to apply to the organization in order to increase their chances of finding good employment.

There are external pressures from employers because there is a shortage, or perceived shortage, of some professionals, namely pharmacists, dental hygienists, dental technicians, and physical therapists. There are a number of reasons for these shortages. In one case the university is not graduating sufficient numbers to meet the demand and in another example The perceived shortage may be a result of changing demographics, a change in demand for services, and because more professionals are wanting to work part time. Government cutbacks have also resulted in some professionals leaving the province to take up full time employment elsewhere. All these factors affect the number of skilled professionals available. Some regulatory bodies acknowledge that they have a role, but should not be held totally responsible for addressing skill shortages.

The College of Teachers provides an example of an alternative way of solving a problem of teacher shortages. They are experiencing a shortage of teachers with skills in the trades; in response they have extended the use of the Developmental Standard Term Certificate. An individual can teach while taking the necessary courses to qualify for a standard certificate.

Summary

Some regulatory organizations have experienced pressure from internationally trained professionals to make their licensing processes more transparent and accessible. Others have been pressured by employers to address the skill shortage in specific professions. Addressing the skill shortage was identified by the regulatory bodies as a complex problem because there were many factors that contribute to this problem and many stakeholders with different agendas. Although this report will not address the issue of skill shortage, some regulatory organizations posed a number of questions with regard to this issue such as:
Whose responsibility is it to solve the problem of shortage?

Is it not the responsibility of the university to recruit and graduate more professionals?

Is it the responsibility of the regulatory organization to re-examine their requirements and license more individuals?

Should the regulator be asked to violate their purpose and allow individuals into their profession who do not meet the competency requirements?

And is there really a skill shortage or is it just a perception of a shortage?

6.2. Reciprocal Agreements

Reciprocal agreements between the regulatory bodies of the provinces and with other countries are an important way to improve access for internationally trained professionals and to ensure consistent standards. The more reciprocal agreements there are, the easier it will be for persons to cross borders and work between provinces and from country to country.

Some of the regulatory organizations have reciprocal or mutual recognition agreements with organizations in different provinces of Canada. The AIBC and CGA BC have national accreditation or education requirements and national examinations; therefore, members have mobility between provinces. APEG and the 11 other provincial licensing bodies for engineering in Canada are signatories to an Inter-Association Mobility Agreement, whose goal is the expedited licensure of candidates who are members in good standing in other provinces and territories. A similar agreement has been signed by APEG with the 11 provincial licensing bodies for geoscience.

The College of Pharmacists, the College of Dental Hygienists, the College of Dental Technicians, and the College of Physical Therapists have signed mutual recognition agreements. In the case of the Pharmacists, the agreement was developed by the National Association of Pharmacy Regulatory Authorities (NAPRA) and it facilitates the reciprocity of pharmacists between all of the Canadian provinces (except Quebec) with minimal documentation and assessment requirements. There are ten signatories to the mutual recognition agreement of the College of Dental Hygienists (New Brunswick and Quebec have not signed the agreement). The purpose of the agreement is to establish the conditions under which licensed/certified/registered dental hygienists will have their qualifications recognized in another Canadian jurisdiction, which is a party to the agreement. The College of Dental Technicians has an immediate mobility agreement with Quebec and Ontario, and a qualified agreement regarding certain aspects of mobility with the other provinces.

All provinces have signed the mutual recognition agreement of the College of Physical Therapists, and they are currently working towards consistency in standards and a mechanism for accommodation where differences exist. The Provincial College of Teachers has signed a provisional mutual recognition agreement and has agreed on provisions that allow each provincial organization time to meet the standards.
The Architectural Institute of BC (AIBC) is a provincial signatory to the reciprocal agreement with the US. Canada and the Architects Council of Europe (ACE) have signed an accord and AIBC would be a provincial signatory to this agreement. The accord will lead to mutual recognition between ACE and Canada by 2006. The accord is primarily a trade agreement aimed at architects wishing to carry out business in each jurisdiction and is not necessarily applicable to European residents of BC gaining recognition. APEG, through the Canadian Council of Professional Engineers, has agreements with accrediting bodies in the United States, the United Kingdom, Australia, New Zealand, Ireland, Hong Kong, South Africa, and France. Applicants from these countries may be granted an exemption from examinations. APEG also has mutual recognition agreements at the full professional level with Texas, Mexico, (through NAFTA) and Hong Kong.

Candidates who have completed the Certified General Accountants (CGA) program in Bermuda and Barbados and want to be licensed in Canada will not be required to take any courses. Those who come from China and Hong Kong may have to take a course on Canadian Law and Ethics.

**Summary**

Reciprocal or mutual recognition agreements are an important means of facilitating access for internationally trained professionals, and demonstrate the ability of regulatory bodies to be flexible in order to reach agreements with other jurisdictions. Several of the regulatory organizations have mutual recognition agreements with their counterparts in many of the provinces of Canada. Some of the regulatory bodies are also signatories to, or are working towards agreements between Canada and other countries such as the United States, Mexico, the United Kingdom, Australia, New Zealand, Ireland, Hong Kong, South Africa, and France. Where there is such an agreement applicants may be required to take only those courses that address local needs, or may be granted an exemption from examinations and a reduction in work experience requirements. Attaining reciprocal agreements takes time and in the interim, regulatory bodies can work with their provincial counterparts to establish recognition tools to more effectively evaluate the equivalency of programs and courses in other countries which will facilitate access for internationally trained professionals.

What is your regulatory body doing to continue to develop mutual recognition agreements with organizations in other provinces?

What is your regulatory body doing to assist in the development of reciprocal or mutual recognition agreements with organizations in other countries?

Is there a profession specific international organization, which has a goal of creating universal standards of practice?

What is your regulatory body doing to establish recognition tools to more effectively evaluate the equivalency of programs and courses in other countries?
7. Barriers to Access for Internationally Trained Professionals Identified by Regulatory Bodies

Regulatory bodies identified a number of barriers that internationally trained professionals face related to: Citizenship and Immigration Canada (CIC), the assessment and licensing process, employers, and to internationally trained professionals themselves.

One of the barriers related to Citizenship and Immigration Canada (CIC) is the perception that visa officers give internationally trained professionals misleading information about the process of licensure and employment. Therefore, ITPs come to Canada and are surprised by the number of requirements they have to meet, the number of steps they have to follow, the course work required, the examinations they must take, and the costs of the process. As a result some regulators perceived that many international trained professionals are overwhelmed by the regulations and work they are required to do in order to get a license. Another barrier identified by those interviewed relates to the discrepancy between the number of engineers Citizenship and Immigration Canada (CIC) allows to enter Canada and the employment demand for engineers. As a result there is not enough employment for engineers in general.

Some of the assessment and licensing policies and practices of regulatory bodies were identified as a barrier for ITPs:

- Some applicants cannot have their documents sent directly to the college or the organization that evaluates credentials because they come from countries that have been at war or where a lack of human rights is an issue and they may not be able to obtain transcripts.
- Information about licensing requirements can be difficult to find, and some of the regulatory organizations indicated that they have web sites that are not user friendly. Therefore, some ITPs need assistance in getting the information and documents they need to apply for registration.
- Difficulty in finding supervised practice placements is a barrier, as ITPs are unfamiliar with the system and are not part of existing networks.
- Educational gaps are a problem to fill and ITPs may have to take partial or entire courses again which is time consuming and costly.
- Supervised practice positions are difficult to find because many employers fail to see the value of hiring an ITP. Therefore, they have difficulty meeting the Canadian work experience requirement.
- The length of time the process takes becomes a barrier for some ITPs who are required to take additional courses.
- Timing of examinations is a barrier: some exams are offered only once a year.

Regulatory bodies also experience challenges when trying to evaluate such diverse standards of education and licensure. Many of the smaller regulatory bodies indicated that they do not have the capacity or time to support ITPs through the process. Many of those interviewed questioned whether it is their responsibility or mandate to provide this support. Some of the regulatory bodies pointed to a reluctance to use different or more flexible assessment approaches for ITPs as a barrier. This reluctance was perceived to be based on a fear of compromising standards of practice.
Regulators observed that some ITPs lack sufficient English language proficiency and knowledge of the informal practices of a Canadian workplace culture; e.g., the custom of shaking hands when meeting an employer and the importance of making eye contact when being interviewed. Some of those interviewed identified the need for a program to help ITP’s become more aware of the BC work environment, equipment used in the profession, and specific language that relates to the profession.

*See Appendix 4 for more details regarding access issues.*

**Summary**

The regulators identified many barriers faced by internationally trained professionals in their dealings with them. There were barriers that related to the immigration process where ITPs were given misleading information and where the immigration of certain professions was encouraged despite an insufficient employment demand. There were barriers that related to the difficulties ITPs had in navigating the processes of registration and licensing. There were challenges that regulatory bodies themselves faced in evaluating such diverse credentials and work experiences. Regulatory bodies also identified barriers that were caused by ITP’s lack of English language competency and/or a lack of awareness about the Canadian workplace culture.

How can regulatory bodies lobby for changes in the immigration system and process?

How can regulatory bodies identify and remove the barriers experienced by internationally trained professionals in relation to their assessment and licensing processes?

What is the role of regulatory bodies regarding the development of occupation-specific English language and bridging programs?
8. Promising Practices

A promising practice is defined in the Access to Ontario’s Regulated Professions by International Candidates Research Report & Compendium of Promising Practices as “one that is innovative and has improved, or has the potential to improve, access for international candidates while maintaining standards.”[101] The first section includes a list of promising practices identified by the participants in the on-site research. Some of these were cited because they addressed the identified barriers to access experienced by ITPs and because they had the potential to improve access to regulated professions by ITPs. Promising practices were also identified in BC and other jurisdictions. Some of these practices were described by participants in the on-site research and others were identified in the literature and website review. The promising practices provide examples of initiatives to help regulatory bodies integrate ITPs.

8.1. Promising Practices Identified in the On-Site Research

The following examples of promising practices in BC were offered by the research participants:

8.1.1. Collaboration of Regulatory Organizations — BC Regulators for Access

A group of health regulators; the College of Midwives, the College of Occupational Therapists, the College of Dental Technicians, the Registered Nurses Association of BC and the College of Pharmacists has met four times since June 2004 to strategize how a collaborative effort might assist each individual organization in addressing the challenges in improving access to regulated professions by internationally qualified applicants while maintaining standards for public safety. The group considered the experience of the Ontario Regulators for Access group and hoped to develop an approach that might fit in BC. The group recognizes that increased participation is needed to focus and prioritize initiatives that will be most useful to all organizations.

8.1.2. Development of Standards

The International Federation of Accountants (IFAC) is an organization committed to the development of standards for auditing, education, ethics, and public sector financial reporting around the world. IFAC promotes the adherence to high quality professional standards by advocating transparency and convergence in financial reporting; by providing best practice guidance for professional accountants employed in business; and by implementing a membership compliance program. The organization is committed to creating consistent standards and transparent processes for regulatory organizations. IFAC has standard-setting committees to support the development of standards. These committees have final authority with respect to the issuance of standards. This is a slow process, however, and the goals could take years to implement.

8.1.3. Development of Processes to Help International Engineering Graduates Integrate into the Engineering Workforce

From Consideration to Integration (FC2I). FC2I is an initiative of the Canadian Council of Professional Engineers and its constituent members, the provincial and territorial licensing bodies. The goal of FC2I is to develop new processes and/or improve current processes by which international engineering graduates (IEGs) are able to obtain an engineering licence without compromising public safety or lowering professional standards, and to find meaningful engineering employment. Doing this successfully means that the initiative is also looking at activities that take place prior to immigration. The project is fully funded by Human Resources and Skills Development Canada.

The recommendations developed by the FC2I Steering Committee are in response to issues identified by IEGs, settlement agencies, engineering regulatory bodies and employers, and are intended to achieve the overall goal of helping IEGs integrate into the engineering workforce, and to obtain their P.Eng./ing. in a timely fashion. Recommendations iii and x are currently in the implementation phase:

iii. Undertake an engineering labour market study that also develops models to provide current and ongoing labour market information, including maintenance and dissemination. Human Resources and Skills Development Canada (HRSDC) defines labour market studies as a “forward-looking analyses of current and future human resources development needs, issues and challenges facing a particular industry or occupation, such as the supply and demand of skilled labour, the impact of changing technology, the need for skills upgrading and the adequacy of existing training.” The Steering Committee also sees that the labour market study will involve developing the tools that will allow the profession to have accurate, up-to-date Labour Market Information over time after the study is completed. Current status of this project is that CCPE is working with HRSDC on a funding proposal to undertake an engineering labour market study that also develops models to provide current and ongoing labour market information, including maintenance and dissemination.

x. Establish an accurate, current database of recognized non-CEAB degrees and institutions that will be used in a consistent manner in the licensing system. Working with the regulatory bodies, criteria for inclusion on the list would be determined, and various levels of degrees would also likely be determined (so as to differentiate CEAB and Washington Accord degrees from others). It is also key that the database, once established, remain current and be used consistently by all regulatory bodies. The first phase of the International Institution and Degree Database proposal received funding from HRSDC in March 2005. This project will establish an accurate, current database of recognized international engineering degrees and educational institutions to help verify the education of licensing applicants.

For more information on this project see: http://www.ccpe.ca/e/imm_consideration_1.cfm
8.1.4. Audit regarding Barriers to Internationally Trained Professionals

A consultant worked with APEG Registration Department staff in 2003 to review professional registration policies and procedures. Five major topics emerged from the consultation process: Administrative processing; financial costs (to applicants); application requirements; qualification recognition; and communication. Both formal and informal policies were addressed and prioritized according to impact levels and degree of difficulty. Those issues that could be easily addressed and did not require approval by Council or the APEGBC membership were dealt with first. The following policies and procedures have been implemented or are in progress:

- **Provisional Member Category — Provisional Membership**: APEG candidates can now become provisional members if they meet all the criteria for licensing as a professional engineer, but need at least one year of experience, training, and development in Canada. The Provisional Member Policy gives ITPs a temporary license for one year, so they can more easily meet the Canadian employment criteria. Under the Provisional Member Policy, candidates must work under professional supervision. One of the barriers for ITPs is that employers won’t hire candidates because they are not licensed; therefore, they cannot meet the one-year Canadian employment requirement and cannot complete the requirements for licensure.

- **Reduced Fee Policy**: New APEGBC members, who are unemployed or otherwise unable to pay full membership dues in their first year, are now able to pay a reduced fee, with a savings of approximately $200. Prior to this change a member was only eligible for a reduced fee after having been a member for one year.

- **Redesign of Registration Application Forms, Guidebook and Website**: The review also led to the redesign of APEG BC’s registration application forms, guidebook and website. To facilitate this process the Registration Department staff received three training workshops in inter-cultural understanding; plain language writing and website design. The purpose was to make the application process easier to understand and follow.

- **Self-Assessment Tool**: A self-assessment tool was developed as a preliminary guide to help internationally trained engineers (ITEs) judge whether they are likely to qualify before they apply. This tool is also designed to help ITEs understand the registration process and the steps they will need to complete to become registered as a professional engineer.

8.1.5. Equity and Diversity Committee: The Law Society of BC

The Equity and Diversity Committee of the Law Society carries out the work necessary to provide the Benchers with training, information and policy options dealing with Equity and Diversity issues.
In carrying out these activities, the Equity and Diversity Committee may, in part:

i) promote education at the Law Society, in the legal profession and in the justice system about Equity and Diversity Issues;

ii) make inquiries of legal and law related institutions and service providers, including educational institutions, and advise the Benchers about any Equity and Diversity Issues as they arise;

iii) review existing Law Society policies and Law Society reports concerning equity and diversity activities and advise the Benchers about any Equity and Diversity Issues identified during such reviews;

iv) liaise within the Law Society, the Continuing Legal Education Society, the Canadian Bar Association, law schools, government, judicial education institutions and other partners in the justice system to encourage the incorporation of Equity and Diversity Issues into their educational curricula pursuant to Bencher policy;

v) act as resource persons for the Benchers and the staff about Equity and Diversity Issues, including the Discrimination Ombudsperson program; and

For the purposes of this section, “Equity and Diversity Issues” include, but are not limited to:

i) concerns of women (including issues related to gender, marital or family status), Aboriginal persons, persons from other “racial,” ethnic or religious minorities, persons with disabilities and persons who are lesbian, gay, bisexual or transgendered, including:

A. access to the legal profession for persons from these groups;

B. treatment within the profession of lawyers from these groups;

C. delivery of legal services and law-related services, including those of the Law Society, to persons from these groups; and

D. express or systemic forms of bias relating to these groups in the law or its application, or the justice system;

ii) disability-related physical access issues around buildings and services available to members of the legal profession or members of the public accessing such buildings and services;

iii) the education of persons within the profession and the justice system about Equity and Diversity Issues.
8.1.6. **Occupational Fact Sheet for Internationally Educated Engineers (APEG), Teachers (College of Teachers), Nurses (RNABC) and Accountants (CGA BC)**

The fact sheets provide complete information about job prospects, requirements for registration, and the registration process in “plain English” and in an easily accessible format. They were prepared by the regulatory organizations in partnership with the Immigrant Services Society of BC and MOSAIC, and make the licensing process easier to understand.

8.1.7. **Prior Learning Assessment**

The College of Dental Technicians is currently developing a prior learning assessment, a self-assessment tool based on the critical competencies that will have both practical and theoretical components.

8.1.8. **Looking-to-Exempt Policy Interview Guidelines, APEG**

If a candidate has earned an engineering degree at the bachelor’s level outside Canada, and has more than 10 years’ engineering experience, he or she will be invited to an hour-long interview with a three-person panel. Two of the panel members are in the candidate’s field of practice. The interview panel assesses academic qualifications and work experience of the candidate to determine whether he or she has sufficient engineering experience and knowledge to eliminate or reduce the number of confirmatory examinations required.

8.1.9. **Alternative Qualifications for Registration, AIBC**

If a person has the nomination of five members, has 8 years of practice as a qualified architect outside of BC, 15 years’ employment experience in the office of a member or members of the institute, or 15 years’ employment in the office of a person outside of BC, that person is referred to the Registration Board for evaluation. The candidate is contacted in writing, made aware of the nomination, and invited to begin a comprehensive review process starting with a portfolio review and interview to assess possible equivalencies in education, experience, and examination. The review panel can make recommendations regarding the requirements for work experience, courses, and examinations, and in some cases, will reduce or waive these requirements. Upon completion of any requirements and proof of at least 6 months of relevant BC work experience, the candidate must successfully complete a competency-based Oral Review conducted by 3 architects to determine whether the individual is competent to practice architecture in BC.


Candidates from outside of Canada, who hold professional legal qualifications obtained in a common law jurisdiction and have been in the active practice of law in that jurisdiction, may apply for a one-month reduction in articles for every full year of active practice, to a maximum of five months. A candidate may therefore have to article for only four months.
8.1.11. Exemption from the Professional Legal Training Course (PLTC) effective from 2003, Law Society of BC

A candidate with a minimum of five years’ practice experience in a common law jurisdiction outside of Canada, may apply to the Credentials Committee for exemption from all or a portion of the PLTC. They must, however, complete the two qualification examinations.

8.1.12. Mutual Recognition Agreement

Canada and the Architects Council of Europe have recently signed an accord that will lead to a mutual recognition agreement between the EU and Canada by 2006.

8.1.13. Change in the Internship System

The College of Pharmacy is working with the UBC Faculty of Pharmacy to change the internship system. In the past, applicants had to find their own placements. The current negotiations would transfer the administration of the internship program to UBC, who will have a trained cadre of preceptors to mentor applicants and UBC would find the placements. This initiative would be linked to the fourth-year Structural Practical Experiential Program.

8.1.14. Preparing for Examinations

The College of Dental Technicians holds a discussion seminar in jurisprudence prior to the annual sitting of the theory examinations to provide applicants with an opportunity to ask questions of the registrar, and to review the Health Professions Act, Dental Technicians Regulations and bylaws.

8.1.15. UBC Continuing Pharmacy Professional Development Programs

Now offering a “Getting Ready” session which is designed to prepare foreign-trained pharmacists and previously registered non-practising pharmacists for the rigours of the Pharmacy Examining Board of Canada’s (PEBC) Qualifying Examinations Parts I and II (Multiple Choice Questions [MCQ] and Objective Structured Clinical Examination [OSCE]). This session provides information on the structure of the examinations as well as coping mechanisms. It also provides the candidates with the opportunity to ‘trial run’ some sample Role Play sessions and receive feedback on their performance.

8.1.16. Bridging Program for International Pharmacy Graduates

The 12-week Canadian Pharmacy Practice Program is based at the UBC Faculty of Pharmaceutical Sciences, and is designed to help foreign-trained pharmacists prepare for practice in Canada, help Canadian-trained pharmacists re-enter practice after an extended absence, and provide core competencies for practicing pharmacists. The program includes: Communication Skills, Therapeutics, Patient Dialogue Skills, Health Care Systems Overview, Practice Skills Lab, “Getting Ready” — Examination Preparation Session and a Practice Placement.103

8.1.17. Professional Qualifications Program
The Faculty of Education at Simon Fraser University, in collaboration with the BC College of Teachers offers the Professional Qualification Program (PQP). The PQP is designed to orient new Canadians or teachers requiring updating to the cultural, social and political contexts of British Columbia schools through a combination of seminar and in-school experiences. The PQP has been approved by the BCCT to meet their familiarization and updating requirements. This program is comparable in scope to the Professional Development Program but has been developed for individuals with previous teaching experience and qualifications from outside Canada. The program includes English language training related to the teaching profession.

8.1.18. Refresher Program for Dental Hygienists
The BC Dental Hygienists’ Association offers a theoretical and clinical refresher course for dental hygienists.

8.1.19. Input from ITPs
AIBC holds forums to get input from internationally trained architects. The next forum will examine the specifics of the accord that has been signed by Canada and the Architects Council of Europe.

8.2. Promising Practices Identified in BC and Other Jurisdictions
The following promising practices were identified in BC and other provinces and countries. The promising practices have been organized under different themes: collaboration of regulatory organizations; centralized information and assessment for ITPs; assessment of foreign credentials; subsidy and loan programs for ITPs; reciprocal agreements; bridging programs; occupation specific English language test; occupation specific/technical English training and preparation for examinations. These practices were seen as having improved or have the potential to improve access to regulated professions by ITPs.

8.2.1. Collaboration of Regulatory Organizations
a) Ontario Regulators for Access
Ontario Regulators for Access104 is a group of Ontario regulators whose goal is to improve access to professions for internationally educated or trained candidates while maintaining high standards for public safety. The Steering Committee of Ontario Regulators for Access (ORA) is a group of regulators of self-regulated professions in Ontario that serves as a catalyst for regulators to work collaboratively on practical, proactive approaches and to benefit from one another’s experiences. ORA also helps to foster collaborative partnerships with regulators and other stakeholders, such as educators, community groups, employers, and governments.

Senior staff from 13 regulatory bodies are members of the steering committee. Senior staff from the Access to Professions and Trades Unit of the Ontario Ministry of Training, Colleges and Universities liaise with the steering committee. The Executive Director of The Maytree Foundation serves as an advisor.

Activities: In June 2002, the steering committee received funding from the Access to Professions and Trades Unit of the Ontario Ministry of Training Colleges and Universities to conduct a two-year “Access Solutions” project. The goal of the project was to conduct research, produce practical resources for regulators, and provide opportunities for collaboration.

ORA conducted research to document promising practices of regulators in Ontario and other jurisdictions, increase understanding of the access issue, identify supports to help regulators improve access for international candidates, and identify gaps and challenges regulators are facing. Thirty Ontario regulatory bodies completed surveys and 28 participated in one-on-one interviews.

Website: In October 2003, ORA launched a website containing information, best practices, and links to assist Ontario regulatory bodies on issues affecting access to professions for international candidates. All the research reports, forums, and other activities are posted on the website. The website address is: www.regulators4access.ca

Forums: Two regulators’ forums also took place on October 17, 2003. Participants had the opportunity to learn about key findings from the project research, participate in the launch of the Regulators for Access website, hear dynamic speakers, and discuss ways to collaborate on improving access to professions by international candidates. A second forum took place on June 7, 2004 to foster collaboration with educators, community groups, employers, and governments. The information from the forum is compiled in a report: Access to Ontario’s Regulated Professions by International Candidates: Challenges & Solutions Regulators’ Forum, June 7, 2004.

Promising Practices: The research results were used to create a compendium of 29 promising practices of Ontario regulators.105 A promising practice is one that is innovative and that has improved, or has the potential to improve, access for international candidates while maintaining standards. Regulators are encouraged to submit additional or updated promising practices.

See Appendix 10 for a list of the promising practices identified in this report.

Development of Guiding Principles: ORA has developed overarching principles to guide regulators as they evaluate their policies, practices, and approaches in relation to internationally educated candidates. The principles are centered on five themes: fairness, objectivity, transparency, accountability, and collaboration.

Regulators Guide: ORA has produced a Regulators’ Guide for Promoting Access to Professions by International Candidates. This is a practical assessment tool regulators can use to evaluate and design programs that support access to professions for qualified international candidates. The guide sets out the rationale for access initiatives as well as tips and challenges, and where to go for more information. The guide includes sections on providing information and support for international candidates; assessing international qualifications; assessing competence; assessing language skills; bridging the gaps; offering appeals and rewrites; accountability and reporting on progress; and conducting regulatory reviews.

**Business Case:** ORA has also prepared a business case setting out a rationale for implementing initiatives to improve access to professions for internationally educated and trained candidates. The business case articulates benefits for the economy, society, and the professions.

**b) The ENIC (European Network of Information Centres) and NARIC Networks (National Academic Recognition Information Centres)**

To implement the Lisbon Recognition Convention and, in general, to develop policy and practice for the recognition of qualifications, the Council of Europe and the Council of Europe and United Nations Educational, Scientific, and Cultural Organization (UNESCO) have established the ENIC Network (European Network of National Information Centres on academic recognition and mobility). UNESCO and the Centre Européen pour L’enseignement Supérieur (CEPES) 106 jointly provide the Secretariat for the ENIC Network. The ENIC Network cooperates closely with the NARIC Network of the European Union.

The ENIC Network is made up of the national information centres of the states party to the European Cultural Convention or the UNESCO Europe Region. Canada is also a member of ENIC. An ENIC is a body set up by the national authorities. While the size and specific competence of ENIC may vary, they will generally provide information on:

- the recognition of foreign diplomas, degrees, and other qualifications;
- education systems in both foreign countries and the ENIC’s own country;
- opportunities for studying abroad, including information on loans and scholarships, as well as advice on practical questions related to mobility and equivalence.

The NARIC network, created in 1984, is an initiative of the European Commission. The network’s aim is to improve academic recognition of diplomas and periods of study in the member states of the European Union (EU), the European Economic Area (EEA) countries, and the associated countries in Central and Eastern Europe and Cyprus. The network is part of the Community’s Programme SOCRATES/ERASMUS, which stimulates the mobility of students and staff between higher education institutions in these countries.

The mandates of ENIC and NARIC and their responsibilities under the Bologna Process include:

- exchange of information on the assessment of the qualifications and on the national qualifications system;
- a forum for amicable settlement of recognition disputes;
- dissemination of updated information on education systems and recognition procedures;
- improving knowledge about other network partners’ systems, qualifications, recognition criteria and working methods and procedures;
- benchmarking, setting and promoting best practices, development of methodologies on recognition in line with the criteria and procedures defined in the council of Europe/UNESCO convention on the recognition of qualifications concerning higher education in the European region (Lisbon recognition convention);
- improving the range of information tools for the national centres by development of suitable databases, information materials etc.

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106 European Centre for Higher Education
8.2.2. Centralized Information and Assessment for Internationally Trained Professionals

a) Australian Education International — National Office of Overseas Skills Recognition (AEI-NOOSR)

Under the Australian Department of Education, Science and Training AEI, through the National Office of Overseas Skills Recognition (AEI-NOOSR), provides official information and advice on the comparability of overseas qualifications with Australian qualifications. The aim is to help qualified people from overseas to work and study in Australia.

AEI-NOOSR provides information on educational systems and guidance on assessing qualifications from other countries through the Country Education Profile and Update Publications, and other services. They also offer educational assessments of overseas qualifications and assess overseas teaching qualifications under the General Skilled Migration program. For more information see http://www.dest.gov.au/international/noosr_fwd_aeionline.htm

b) Country Profiles

The Country Education Profiles describe the education systems of more than 100 countries, and are a useful source of information for educational institutions, employers, professional bodies, and government and non-government agencies to assist in the assessment of overseas qualifications for study, employment, and professional recognition purposes in Australia. The profiles are updated regularly. For more information see http://aei.dest.gov.au/AEI/PublicationsAndResearch/CEP/CEPs.aspx

c) The Bredin Institute — Centre for Learning Capital Place in Alberta

The Bredin Institute — Centre for Learning Capital Place in Alberta has a Foreign Trained Professional Service Centre, which offers a number of programs and services tailored to meet an individual’s needs. These services are provided at no cost as the program is funded by Alberta Provincial government. They offer resources on the labour market, professional association directories, occupational profiles, training and educational institution information, and information on accreditation, licensure, International Qualifications Assessment Services, and Canadian Language Benchmarks.

They also offer one-to-one counselling to assist clients determine the steps required to obtain employment in their profession. They offer workshops on accreditation and licensure, labour market information, information on training and upgrading options, workplace communication, employment standards and occupational specific information. Sessions are provided on licensure and certification requirements as well as labour market conditions. They also have a mentorship program. Mentors provide support in job search, workplace expectations, adjusting to the Canadian labour market and other issues faced by ITPs seeking work. Work experience and job shadowing opportunities are also available.107

8.2.3. Assessment of Foreign Credentials

a) General Guiding Principles for Good Practice in the Assessment of Foreign Credentials (April 1998)

This document is the result of the collaborative work of representatives from the Canadian Information Centre for International Credentials, the International Credential Evaluation Service (British Columbia), the International Qualifications Assessment Service (Alberta), and the Service des Équivalences (Quebec). In addition one representative from the Ontario Ministry of Citizenship, Culture, and Recreation and from the Manitoba Ministry of Culture, Heritage and Citizenship participated in the discussions as observers. Representatives from these organizations formed the Provincial Assessment Committee (PAC) for the purpose of sharing information on assessment methodologies used in each province, as well as to establish codes of good practice and to identify common assessment principles. The PAC came up with seven overarching principles guiding the assessment of foreign credentials.

The Guidelines for Assessment Procedures and Criteria addresses general procedures; processing time and delay; information requirements; fees; translation; documents required; status of institutions and programs; purpose/outcome of assessment; level of study; assessment criteria; duration of study; and appeals. For more information see http://www.cicic.ca/pubs/prnepen.stm

b) The Council Of Europe - Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications was adopted by the Lisbon Recognition Convention Committee on the 6th June 2001

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region supports the aim of the Council of Europe and UNESCO to achieve greater unity between their members, and that this aim can be pursued by common action in favour of improving the recognition of qualifications concerning higher education. This agreement builds on the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning higher education in the states belonging to the Europe Region and the UNESCO/Council of Europe Code of Good Practice in the provision of trans-national education and the European Credit Transfer System (ECTS). The agreement is based on the belief that the recognition of qualifications is an essential precondition for both academic and professional mobility. The convention recommends the codification of established best practices among credential evaluators and builds on this practice in suggesting further improvements. For more specific details on the convention see http://www.coe.int/T/E/Cultural%5FCo%2Doperation/education/Higher%5Feducation/ENIC%5FNetwork/Recom_Criteria_Procedures.asp
c) **The National Midwifery Assessment Strategy**

The National Midwifery Assessment Strategy is a project of the Canadian Midwifery Regulators Consortium. The project goal is to seek information about the best possible assessment practices for a successful national midwifery assessment strategy for foreign-educated midwives. The project objectives are:

- to establish a coordinated national prior learning assessment strategy which will assess the competencies and knowledge of foreign-educated midwives who wish to practice in Canada; and
- to provide increased access to midwifery registration across Canada to suitably qualified applicants; and
- to continue to ensure the childbearing public is protected.

The project is still in process.

### 8.2.4. **Subsidy and Loan Programs for Internationally Trained Professionals**

**a) Assessment Subsidy for Overseas Trained professionals (ASDOT)**

The AEI-NOOSR program covers fees for assessments of some overseas qualifications leading to full and unconditional registration where occupations are regulated. In other professions, it covers the fees for the required examination(s). Financial support is also available to assist eligible people wishing to attend a bridging course for overseas-trained professionals. Individuals who have had a skills assessment and who are required to complete bridging study before entering their chosen profession in Australia can apply for a loan to help fund the cost of study. The loan scheme is known as FEE-HELP. See http://www.goingtouni.gov.au website for more information.

**b) Immigrant Loan Program**

MOSAIC and the VanCity Credit Union have developed a program that provides flexible loans to unemployed or underemployed internationally trained professionals or trades people who need to further upgrade their education or skills to achieve their career goals. See http://www.mosaicbc.com for more information.

**c) Alberta Human Resources and Employment**

The Alberta Human Resources and Employment covers the costs of assessments prepared by the International Qualifications Assessment Service (IQAS) for individuals who qualify.\(^\text{108}\)

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\(^{108}\) Integrating Skilled Immigrants into the Alberta Economy, September 2004 http://www.advancededucation.gov.ab.ca/other/immigration/IntSkilledImmigrants.pdf
8.2.5. Reciprocal Agreements

a) The Convention on the Recognition of Qualifications

The Convention on the Recognition of Qualifications concerning Higher Education (Lisbon Recognition) was developed by the Convention Council of Europe and UNESCO and adopted by national representatives in April 1997. Fifty-three countries, including Canada, have signed or ratified the convention. Among the main points of the Council of Europe/UNESCO Convention are the following:

- Holders of qualifications issued in one country shall have adequate access to an assessment of these qualifications in another country.
- No discrimination shall be made in this respect on any ground such as the applicant’s gender, race, colour, disability, language, religion, political opinion, national, ethnic or social origin.
- The responsibility to demonstrate that an application does not fulfill the relevant requirements lies with the body undertaking the assessment.
- Each country shall recognise qualifications—whether for access to higher education, for periods of study or for higher education degrees—as similar to the corresponding qualifications in its own system unless it can show that there are substantial differences between its own qualifications and the qualifications for which recognition is sought.
- Recognition of a higher education qualification issued in another country shall have one or both of the following consequences:
  - access to further higher education studies, including relevant examinations and preparations for the doctorate, on the same conditions as candidates from the country in which recognition is sought;
  - the use of an academic title, subject to the laws and regulations of the country in which recognition is sought.

In addition, recognition may facilitate access to the labour market.

All countries shall develop procedures to assess whether refugees and displaced persons fulfil the relevant requirements for access to higher education or to employment activities, even in cases in which the qualifications cannot be proven through documentary evidence.

The Bologna Process builds on the Lisbon Recognition Convention and aims to establish a European Higher Education Area by 2010, in which staff and students can move with ease and have fair recognition of their qualifications. An important goal of the process is to move higher education in Europe towards a more transparent and mutually recognized system that would place the diversified national systems into a common frame based on three outcome levels—bachelor, master, and doctoral—and that would recognize the different paths by which they were achieved.
8.2.6. Bridging Programs

The Bridging Program Benchmarks, Recommendations and Evaluation Framework Report\textsuperscript{109} outlined the benchmarks for effective bridging programs. These include:

- an assessment of academic credentials and development of a personal portfolio, to use for employment and/or further education;
- training for language and occupation/trades skills;
- advanced English language skills (minimum Canadian Language Benchmarks level 6) with an emphasis on occupation-related language;
- training in interpersonal, soft skills, presentation skills;
- an accurate assessment of the level of skill achieved in trade/profession-specific areas;
- information about Canadian equivalencies, jobs and occupational, licensing and/or certification requirements and workplace culture;
- familiarity with uniquely Canadian techniques/processes and systems used in their trades/professions and updated skills;
- job search skills, career planning assistance and a Canadian work experience, internships, job shadowing, orientation;
- contacts, connections and networks in Canada.

The report also includes an inventory of existing bridging programs in Canada as of May 2004.

8.2.7. Occupation Specific English Language Test

a) The Canadian English Language Benchmarks Assessment for Nurses (CELBAN) is an assessment tool designed for internationally educated nurses who are applying for licensure in the nursing profession in Canada. CELBAN is based on an extensive analysis of the language demands of the nursing profession across Canada. The content of the CELBAN reflects the language tasks that are required of nurses in the Canadian workplace. The Canadian Language Benchmarks (CLB) were used as a standard. According to the results of this analysis, the English language levels required for nurses entering the Canadian nursing profession are:

- Speaking: CLB 8
- Listening: CLB 9
- Reading: CLB 8
- Writing: CLB 7

\textsuperscript{109} Bridging Program Benchmarks, Recommendations and Evaluation Framework Report, FuturEd Inc, May 2004

http://www.mcaws.gov.bc.ca/amip/agp/resources/exp026_futured.pdf
The College of Licensed Practical Nurses of BC and the Registered Nurses Association of BC have included CELBAN as one of their English language test options. CELBAN is designed to measure English language proficiency in the four basic language skill areas: speaking, listening, reading and writing. The entire CELBAN lasts about three and a half hours and is administered in two parts.\textsuperscript{110}

b) The College of Midwives of British Columbia
The College offers a midwifery-specific test of English language fluency. The test covers the following language areas using examples related to midwifery: reading, writing, listening, midwifery terminology, and speaking. It is divided into two parts, both of which must be passed. Part II is speaking; part I covers the other language skills.

\textbf{8.2.8. Occupation Specific/Technical English}

A number of agencies and colleges now offer occupation specific and/or sector specific English language upgrade programs. For example:

a) \textbf{English Communication for Nurses}
(General English 300 hours, Nursing English 48 hours) is offered by George Brown and Centennial College in Ontario. The language course focuses on words and expressions that nurses need to know. This course helps develop communication skills and aims to increase confidence in providing safe and competent patient care in English.

b) \textbf{The English for Business Purposes program at Red River College}
This program is designed for students who have a background or interest in business. Students develop language skills that enable them to interact in a business environment or pursue further training. This advanced level program assists students in reading and understanding business materials, writing reports, and developing business vocabulary. Oral skills are developed through classroom presentations and discussions. Information about business is gained through informational interviews, research assignments, business speakers, and a work experience component.

\textbf{8.2.9. Preparation for Examinations}

The Regulators Guide for Promoting Access to Professions by International Candidates\textsuperscript{111} indicates that international candidates need preparation sessions because “they lack exposure to Canadian examination methodologies, formats, and expectations.”

a) \textbf{The Institute of Chartered Accountants of Ontario}
The Institute of Chartered Accountants of Ontario has developed a one-week CA reciprocity examination (CARE) preparation course that highlights what will be covered on the reciprocity examination. It includes a practice examination, and answers any questions candidates may have. CARE candidates are also offered professional development courses in accounting, assurance, and Canadian income tax. The CARE preparation course is making a difference as it has increased the pass rate on CARE to between 80\% and 90\%.\textsuperscript{112}

\begin{flushright}
\textsuperscript{110} http://www.celban.org/final\%20info\%20for\%20candidates\%20feb\%2005.pdf
\textsuperscript{111} The Regulators Guide for Promoting Access to Professions by International Candidates, Ontario Regulators for Access, May 2004 (p. 7)
\textsuperscript{112} Ibid
\end{flushright}
b) Manitoba Advanced Education and Training, Workplace Prior Learning Assessment and Recognition Department

The department has worked with the College of Pharmacists to develop and offer an essential skills training session for internationally trained pharmacists, which includes OSCE preparation. The training content includes communication skills, decision-making skills, and problem-solving skills. The session has been delivered at the college offices.

8.3. Summary

Promising practices identified in this section are examples of strategies that regulatory bodies can use to improve access to their professions. These practices address some of the barriers to access identified in the literature review and in Chapter 7 by the research participants. The promising practices section highlights a number of key themes: collaboration of regulatory bodies, policies and practices review and the development of transparent standards and processes, centralized information and assessment, flexible approaches to assessment and licensing of ITPs, provision of information and support to ITPs, access to subsidy and loan programs, and reciprocal agreements. Regulatory organizations can use the information in this section to assess their own practices and develop new ideas for improving access to licensure for ITPs.
9. Summary and Recommendations

This chapter includes a summary of the research findings. The key themes and analysis of each component of the research are provided. The research findings highlight the need for specific strategies to improve access to licensure for ITPs and these are included in the recommendations at the end of the chapter.

9.1. Summary

9.1.1. Legal Statutes Governing Professional Regulatory Bodies in BC

Professional regulatory bodies are entities to which governmental regulatory powers have been delegated. Self-regulating professions, rather than being regulated by government, have been granted the responsibility to regulate themselves. Professional regulatory bodies are akin to a level of government. As such, they have a duty to act in the public interest. This duty extends to licensing.

A central goal of this report is to shed light on the content of the legal duties that apply to regulatory bodies in the exercise of their authority to establish and administer licensing requirements.

a) Regulatory Structure

The examination of the legislation through which regulatory bodies and their powers are established has led to the following conclusions: All self-regulating bodies are obligated to act in the public interest. The delegating statutes do not define the public interest or in any way limit the duties and powers of self-regulating bodies, so as to prevent them from addressing discrimination in licensing requirements. Nor do the delegating statutes prescribe the particularities of licensing requirements or the means by which competence will be assessed. Establishing standards, assessment tools and procedures required for licensing internationally trained professionals constitutes an exercise of discretion by regulators. This discretion must be exercised in accordance with the public interest, the content of which is not determined by delegating statutes. Thus, any deficiencies in the legality of licensing requirements are not the fault of delegating legislation but rather are a function of how the delegated authority is particularized and exercised by the regulators.

b) Mobility Agreements

A number of the regulatory bodies (both medical and non-medical) have implemented interprovincial mobility agreements pursuant to the Labour Mobility Chapter of the Agreement on Internal Trade (the “AIT”). Its purpose is to foster improved interprovincial trade by addressing obstacles to the free movement of persons, goods, services and investments within Canada.

A “Post July 1, 2001 Strategy” was announced by Deputy Ministers working with the AIT that broadened the Labour Mobility chapter implementation activities, including to review current recognition agreements to determine the extent to which the foreign trained workers are excluded, and to determine approaches for recognition of foreign qualifications between jurisdictions. The 2003-2004 annual report on the AIT indicated that the parties planned to continue to work toward resolving the inadequate recognition of foreign trained workers in MRAs.
Concerns with respect to liability of regulatory bodies who accepted candidates from other provinces but did not accept candidates from other countries would likely be addressed by the provisions in articles 705, 707 and Annex 708. These sections provide that parties have the right to establish occupational standards and requirements, and that access to licensure will principally relate to competence.

c) Selected National Regulatory Organizations

The national regulatory organizations reviewed differ from the provincial regulatory bodies in that they are not typically created by statute. With the exception of the Canadian Architectural Certification Board, all of the national bodies reviewed are incorporated under the Canada Corporations Act.

The research did not uncover associated statutes, regulations, rules or bylaws readily available for review for these national organizations. It is unclear how the policy and processes for the accreditation and examination functions performed by the national organizations arise. Further research would be required to determine the existence of such documents, and to study more national bodies to establish whether national bodies are doing anything in particular to exclude or to facilitate membership of ITPs.

The lack of a statutory basis for these national organizations (other than registration as not-for-profit corporations) means that the organizations are not accountable to government in a direct sense and have a reduced degree of accountability with respect to the policies and procedures that they create. It appears that all the national regulatory organizations are empowered to make their own rules with respect to examination, accreditation, and/or evaluation of applicants. There do not appear to be any statutory or regulatory prohibitions that would prevent the national regulatory organizations from facilitating access to registration by internationally trained professionals.

9.1.2. Access to Licensing for Internationally Trained Professionals and Human Rights Law

The legal analysis addresses the responsibilities of professional regulatory bodies under human rights law, and particularly, the provisions of the British Columbia Human Rights Code and the Canadian Charter of Rights and Freedoms (the “Charter”)\(^\text{113}\) that apply to professional licensing, and place of origin as a ground of discrimination. A discussion of the relationship between the duty of professional regulatory bodies to act in the public interest and to adhere to human rights norms is also provided. The analysis identifies the legal principles that define the concepts of discrimination, undue hardship, and the duty to accommodate, and concludes with a discussion of the implications of human rights law for regulatory bodies’ licensing requirements.

a) The Scope of Human Rights Legislation and the Charter, and the Responsibilities of Professional Regulatory Bodies

Professional regulatory bodies are subject to a legal obligation to ensure that the requirements for licensing adhere to human rights norms of non-discrimination and equality, under the *British Columbia Human Rights Code*, and under s. 15 of the *Charter*. The *British Columbia Human Rights Code* applies to professional licensing in that licensing falls within the prohibitions against discrimination by occupational associations. It may also fall within the ambit of prohibitions against discrimination in services and employment.

Licensing requirements of professional regulatory bodies are also subject to the requirements of s. 15 of the *Charter*, in that licensing constitutes the exercise of a delegated governmental decision-making authority. Discrimination based on place of training is encompassed by the *Human Rights Code* and s. 15 of the *Charter*, because there is a strong correlation between place of training and place of origin. If professional licensing requirements conflict with the *Human Rights Code* or the *Charter*, human rights laws take precedence and licensing requirements must be amended. Internationally trained professionals who believe that their rights are being infringed may initiate litigation against a regulator, pursuant to the *Human Rights Code* and the *Charter*.

b) The Duty of Professional Regulatory Bodies to Act in the Public Interest and to Adhere to Human Rights Norms

The duty of regulatory bodies to act in the public interest is multi-faceted, and includes both a duty to ensure competence of practitioners and to uphold human rights norms. Further, it is not appropriate to regard these duties as contradictory. Discrimination is contrary to the public interest. As part of their duty to protect the public interest, regulators have a duty to ensure that standards, assessment tools, and procedures are consistent with the human rights norms of non-discrimination and equality.

This does not mean that conflicts will never arise between the public interest duty of a regulator to ensure the competence of practitioners and the public interest duty to uphold human rights norms. Rather, such conflicts must be resolved within the human rights framework, having regard to the legal principles that have been established concerning the meaning of discrimination, the duty to accommodate, and undue hardship.

c) Developments in the Law with Respect to Discrimination, Undue Hardship and the Duty to Accommodate

Discrimination analysis requires a substantive equality approach that examines the effects of licensing requirements, not merely their form. Discrimination is a question of adverse effects rather than a question of form or intention. Discrimination may arise because of the application of a facially neutral requirement. A requirement may be discriminatory because it is based on a standard that has adverse effects. Individual testing is not an answer to discrimination, if the test is based on a discriminatory standard. However, the avoidance of discrimination may require that some individuals be individually assessed.
The question is not whether stringent standards of competence are necessary, but whether particular standards, assessment tools and/or procedures that have the effect of excluding people from licensure or of placing burdens on them because of their place of origin, are necessary.

d) The Defence of Undue Hardship and the Duty to Accommodate

If a licensing requirement has discriminatory effects, the regulator has a duty to accommodate, up to the point of undue hardship. Accommodation means making alternative arrangements or adjusting a requirement in order to remove the discriminatory effects on an individual or group. Only if it is impossible to provide a less exclusionary alternative will a discriminatory requirement be sustained. The burden of showing that it is impossible to adjust a requirement to eliminate its discriminatory effects rests with the regulator.

As this report shows, there are widespread concerns about requirements for licensing that affect access by internationally trained professionals to self-regulated professions in Canada. Increasingly, the concerns of internationally trained professionals about licensing standards, assessment tools, and procedures, that have the effect of blocking access to professional membership, and ultimately employment and service provision for internationally trained professionals, are posed as questions of discrimination, and as violations of human rights laws. Currently, various professions in various Canadian jurisdictions are respondents in human rights complaints and Charter litigation that challenge licensing requirements. All professions have an interest in ensuring that their licensing requirements are consistent with applicable human rights legislation and the Charter. There are many proactive measures that regulatory bodies can take to ensure that their licensing requirements are compliant with any applicable human rights laws, and to engage the support of other institutions that may be needed to address issues that may not be within the sole control of regulatory bodies, but which nonetheless may affect licensing practices. Suggestions regarding key measures that should be taken by any regulatory body that is concerned with ensuring compliance with any applicable human rights laws are set out in the recommendations of this report (see 9.2.2 Assessment and Recognition).

e) Principles and Values Guiding Assessment and Licensing Practices

The overarching principles and values that guide the registration process within the participating regulatory organizations are defined as “the fundamental basis and belief system from which regulatory organizations operate,” and values are “the underlying moral standards that guide the actions” of the regulatory organizations. These are guiding principles for all procedures of regulatory bodies and have been the underlying basis for the establishment of standards for registration and licensing and professional responsibility and competency of members.

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The principle of the protection of the public and the maintenance of professional standards is in fact complementary to the principle of access to licensure for all qualified and competent persons. Both principles serve the public interest. Access to licensure does not imply the lowering of standards or the undermining of the safety of the public. It increases the diversity in a profession, and thereby provides the public with better service in this multicultural society.

f) English Language Assessment

To assess English language competency three medical regulatory bodies and one non-medical regulatory body requires applicants to take a variety of English language tests. Five non-medical organizations and one medical regulatory body had no formal English language assessments; instead, it was thought that the ability to pass examinations implied English language competency. There are a number of problems with the existing options for English language competency assessment, for example most testing options are designed to measure competency for an academic setting rather than the workplace and there is no profession/sector related content. There are also differences as to how regulatory bodies determined their English language scoring levels. Some have based their scores on a systematic comparison with other regulatory bodies, colleges or university programs, while others do not have a clear rationale for their scoring levels. Where English language tests are not a requirement, English language competency is assumed if an individual can pass the licensing examinations. This raises concerns regarding the pass and fail rates on licensing examinations of internationally trained professionals.

g) Credential Evaluation

The evaluation of international credentials and experience was seen as a challenge for many of those interviewed. Some organizations lacked the resources to do in depth and ongoing research on international credentials. There is difficulty getting official documents sent directly from some countries, and there is a lack of information about educational institutions in some countries. Different strategies have been used to address these challenges, for example some have used external organizations or their national organization to evaluate international credentials and experience.

h) Education Requirements Prior to Licensure

Education requirements of regulatory organizations vary. For some, a completed accredited degree is needed before applying for licensure. Other regulatory organizations have profession-specific education programs integrated into their licensing process and applicants are assessed on their past education, credentials and experience to determine which courses are mandatory. There are also profession specific courses that are required by all applicants.
i) **Competency Assessment**

Competency-based assessments attempt to establish what individuals know and whether they can perform competently in the profession. None of the regulatory bodies have what they referred to as a formal competency assessment, although several had requirements that could be included in this category, such as: written submissions, oral interviews, and assessment/clinical examinations. Unintended cultural bias, lack of familiarity with profession-specific norms and practices, lack of profession-specific English language competency and a lack of familiarity with competency assessment processes can inhibit an internationally trained professional’s ability to demonstrate skills and knowledge. On the other hand the competency based assessment has been identified by some regulatory bodies as an effective mechanism for individuals to demonstrate their professional competency.

j) **Licensing Examinations**

There are licensing examinations that examine specific knowledge of technical information, substantive information, skills and ability examinations and examinations of knowledge of local rules and regulations, professionalism, and professional ethics. Problems identified by the regulatory bodies with regard to examinations include: costs, lack of familiarity with the testing format such as multiple choice, and perceived cultural bias.

k) **Oral Interviews**

The oral interview is used by some regulatory bodies as a mechanism to elicit information about an applicant’s past employment experiences in the profession and as a method to evaluate English comprehension and communication skills. Oral interviews can provide an alternative means of evaluating education and experience and can give the applicant an opportunity to demonstrate professional knowledge and skills. Some of the concerns identified by the regulatory bodies about oral interviews as an assessment tool are the bias and/or preconceived beliefs of the interviewer(s) regarding the applicant’s place of education and work experience and the lack of criteria for English language assessment.

l) **Internship with Professional Supervision**

A number of the regulatory bodies have practice or work requirements for a designated time period. In all cases it is the responsibility of the candidate to find their practice position, and in most cases their supervising professional. This requirement presents a number of challenges to internationally trained professionals such as: a lack of job opportunities, discrimination by employers, an inability to earn an income during this time period, lack of employment networks, and lack of exposure to Canadian cultural norms. In some cases there is little training given to supervisors and a lack of clarity about their role. As a result ITPs may not be exposed to the full scope of professional practice. Some regulatory bodies are working in partnership with colleges and universities to locate supervised practice sites. Others have instituted provisional licenses to address those situations when an ITP cannot get employment without a license.
m) Fees Related to Registration

Each regulatory body has fees related to the registration and assessment requirements and these fees differ from organization to organization. These fees can be a barrier for internationally trained professionals because many of them have limited incomes. In addition, if an individual fails any step of the process they have to pay fees for an appeal and/or for retaking courses or examinations.

n) Specific Feedback Practices

Regulatory bodies provide feedback for specific assessment processes such as: credential review, examination(s), and interviews. Providing specific feedback is a very important mechanism for ITPs when they do not meet the criteria of any of the steps or when they fail an exam. Feedback enables them to know specifically what their knowledge and skill gaps are and what the expectations of the regulatory bodies are. Assessment processes that are under the control of provincial regulatory bodies tend to provide more detailed feedback than those under the control of the national organizations.

o) Appeal Practices

Regulatory bodies have differences regarding their internal appeal mechanisms. There are appeal processes in some cases for all the assessment steps and in others for specific assessments such as credential evaluation and examinations. Concerns have been raised by respondents about appeals regarding the perception of fairness. To remedy this concern some regulatory organizations have involved different staff and or external professionals for the appeals and not those who made the original decision. Concern has also been raised that access to appeal is limited to only certain assessment processes. In addition, grounds for appeal are in many cases restricted to narrow criteria such as an adverse examination environment that affected a candidate’s performance.

p) Review, Audit and Evaluation of Tools

Some provincial and national regulatory bodies review their requirements for course work, credential evaluation, and various examinations on an ongoing basis; others do a formal review of specific processes when needed. Some of these reviews involve surveying practicing members of their organization, faculty of a university, supervising professionals, examiners, and candidates. Organizations conduct this type of survey every one to five years. Another approach described by a regulatory involved the hiring of a consultant to review the practice examination in order to establish the minimum requirements which are based on the professional competencies. Several of the regulatory organizations representatives indicated that there was a need for a more regularized, formal review process because changes have come about as a result of the reviews.

There is variation in the above assessment tools and practices. This variation should cause regulatory bodies to question whether their specific practices are valid and effective.
q) Factors that Impact the Assessment and Licensing Process of Regulatory Bodies

Some regulatory organizations have experienced pressure from internationally trained professionals to make their licensing processes more transparent and accessible. Others have been pressured by employers to address the skill shortage in specific professions. Addressing the skill shortage was identified by regulatory bodies as a complex problem because there were many factors that contribute to this problem and many stakeholders with different agendas. As a result this report does not address the issue of skill shortage in depth.

Reciprocal or mutual recognition agreements are an important means of facilitating access for internationally trained professionals, and demonstrate the ability of regulatory bodies to be flexible in order to reach agreements with other jurisdictions. Several of the regulatory organizations have reciprocal or mutual recognition agreements with their counterparts in many of the provinces of Canada. Some of the regulatory bodies have agreements or are working towards agreements with other countries such as the United States, Mexico, the United Kingdom, Australia, New Zealand, Ireland, Hong Kong, South Africa, and France. Where there is such an agreement applicants may be required to take only those courses that address local needs, or may be granted an exemption from examinations and a reduction in work experience requirements. Attaining reciprocal agreements takes time and in the interim regulatory bodies can work with their provincial counterparts to establish recognition tools to more effectively evaluate the equivalency of programs and courses in other countries, which will facilitate access for internationally trained professionals.

r) Barriers to Access for Internationally Trained Professionals Identified by Regulatory Bodies

The regulators identified many barriers faced by internationally trained professionals in their dealings with them. There were barriers that related to the immigration process where ITPs were given misleading information and where the immigration of certain professions was encouraged despite an insufficient employment demand. There were barriers that related to the difficulties ITPs had in navigating the processes of registration and licensing. There were challenges that regulatory bodies themselves faced in evaluating such diverse credentials and work experiences. Regulatory bodies also identified barriers that resulted from a lack of English language competency and/or a lack of awareness about the Canadian workplace culture.
s) Promising Practices

Promising practices are examples of strategies that regulatory bodies can use to improve access to their professions. They address some of the barriers to access identified in the literature review and in Chapter 7 by the research participants. The promising practices section of the report highlight a number of key themes: collaboration of regulatory bodies, policies and practices review and the development of transparent standards and processes, centralized information and assessment, flexible approaches to assessment and licensing of ITPs, provision of information and support to ITPs, access to subsidy and loan programs, and reciprocal agreements. Regulatory organizations can use the information in this section to assess their own practices and develop new ideas for improving access to licensure for ITPs.

9.2. Recommendations

9.2.1. General Recommendations for Regulatory Bodies

a) Regulatory bodies should ensure that requirements for licensing comply with the anti-discrimination and equality prohibitions of the British Columbia Human Rights Code and the Canadian Charter of Rights and Freedoms and undertake a systemic review of all requirements for licensing and make reports of the results freely available.

b) Regulatory bodies should establish an internal mechanism to ensure that processes of credential evaluation are equitable and free from discrimination.

c) Regulatory bodies should identify and record the numbers of internationally trained professionals who have applied for licensure, their country of training and work experience and if they have been successful in becoming licensed.

d) Where their national organizations are responsible for credential assessment and review, regulatory bodies should support these organizations to identify and record the numbers of internationally trained professionals who have applied for credential assessment, their country of training and work experience and whether their application for licensing was successful.

e) Regulatory bodies should explore whether they have a responsibility to encourage diversity within the profession so that the profession is representative of the diversity in the community.

9.2.2. Assessment and Recognition

a) Regulatory bodies should undertake a systemic review of all requirements for licensing, with the involvement of internationally trained professionals, to ascertain whether there are requirements for licensing that have discriminatory effects on internationally trained professionals, particularly in respect of standards, assessment tools, and procedures that have been repeatedly identified as barriers to licensing of internationally trained professionals.
b) Regulatory bodies should engage in a concerted, deliberative process to search for possible accommodations to eliminate the discriminatory effects of licensing requirements. The duty to accommodate entails effective problem-solving processes, and requires the participation and co-operation of all relevant stake-holders, decision-makers, and experts.

c) Regulatory bodies should modify licensing requirements to eliminate discriminatory effects, to the extent possible.

d) Regulatory bodies should establish accessible processes for future accommodation requests and complaints, so that ITP’s requiring individual accommodation can make specific requests to a regulator and so that the regulator is informed of potential problems.

e) If it is not possible to fully eliminate all discriminatory requirements for licensure, regulatory bodies should document the rationale and methodology for making that determination, and periodically reassess possibilities for accommodation.

f) If, in the opinion of the regulator, there are parties, such as the universities, employers, and governments, whose assistance and participation is needed to address barriers to licensure, regulatory bodies should initiate a process to engage their involvement.

### 9.2.3. Specific Recommendations for Licensing Requirements

#### a) English Language Assessment
- Regulatory bodies need to benchmark English language competencies required for their professions in order to ensure that English language assessments are relevant.
- Regulatory bodies should ensure that English language assessments meet the English language competency requirements of the profession and have specific and measurable criteria to evaluate English language competency.

#### b) Credential Review
- Regulatory bodies should ensure that the credential evaluation process is free from discrimination with regard to place of origin/training and work experience and that it is flexible and transparent.
- Regulatory bodies should work with counterparts in other provinces to develop or expand their database of educational institutions in other countries, establish recognition tools to more effectively evaluate programs and courses or increase their use of external credential assessment organizations to authenticate or evaluate credentials.

#### c) Competency Based Assessment
- Regulatory bodies should explore the integration of competency-based assessments in their assessment processes and assist reviewers to gain awareness of their own potential biases and/or preconceived ideas about internationally trained applicants and their place of training and work experience.
Regulatory bodies should work in partnership with educational institutions to develop bridging/transition programs to help orientate and better prepare internationally trained professionals to effectively demonstrate their skills and knowledge.

d) **Licensing Examinations**
- Measurements of competency skills and knowledge should be designed, analysed and tested to ensure that they are valid and measure what they are intended to measure.
- Regulatory bodies must ensure that there is no unwarranted cultural content in licensing examinations and should provide orientation and support for examination preparation.

e) **Oral Interview**
- Regulatory bodies must ensure that interviewers are aware of their own potential biases and/or preconceived ideas about internationally trained professionals and their place of training and work experience.

f) **Feedback Mechanism**
- The results of each step in the assessment process should be clearly communicated, with strengths and limitations identified. Applicants should be able to identify areas in which they require upgrading or training needed to fill gaps so that they can complete the registration process successfully.
- Provincial regulatory bodies should work with their national organizations to develop systematic feedback mechanisms for applicants with regard to the assessment process.

g) **Supervised Practice**
- Regulatory bodies should foster partnerships and opportunities to help ITPs find supervisors or mentors.
- Regulatory bodies should build partnerships with academic institutions, professional associations and employers to improve the perception of ITPs because many do not see their value to the Canadian labour market.
- Regulatory bodies should ensure that supervisors and mentors are adequately trained to work with applicants and have clear expectations of their roles.

h) **Costs**
- Regulatory bodies should ensure that the fees for assessment and licensing are reasonable and relate to the cost of administering the assessment.
- Regulatory bodies should provide information on loan programs to assist internationally trained professionals who have limited funds to pay registration and licensure fees.

i) ** Appeals**
- Regulatory bodies should implement appeal processes that are fair and accessible for all steps of the assessment process.
9.2.4. **Information and Communication**

a) Information about assessment and licensing requirements should be clear and understandable. The information must describe the competencies required, the assessment methods and process used, the duration of the assessment process, and all associated fees.

b) All communications with applicants should be free from unnecessary language and cultural barriers. Documentation should be analysed to determine if the information is communicated in the clearest and simplest way possible.

9.2.5. **Collaboration**

a) The project advisory committee in partnership with MOSAIC should develop a communications plan for the distribution and promotion of the Improving Access for Licensure for Internationally Trained Professionals final report.

b) The project advisory committee in partnership with the BC Regulators for Access and MOSAIC should hold a forum in the fall of 2005 to present the findings of this research to regulators and other key stakeholders. The forum should develop a plan of action for the implementation of the recommendations that all regulators can agree to. The forum should also make a commitment to organizing bi-annual meetings to share information about promising practices and strategies.

c) Regulatory bodies should work with their national organizations to develop reciprocal agreements with regulatory organizations and/or education institutions in other countries.

d) Regulatory bodies need to work with other provincial regulatory bodies and their national organizations to research programs and registration systems in other countries, to determine whether these programs meet the necessary requirements.

e) Regulatory bodies should work with employers to improve access to employment for internationally trained professionals.

f) Regulatory bodies should develop partnerships with immigrant serving agencies and with internationally trained professional organizations to improve access to employment for internationally trained professionals.

g) Regulatory bodies in partnership with MOSAIC should draft a proposal for funding for the development of a self-assessment tool to assist regulatory bodies to implement a systemic review of all requirements for licensing. The tool should also include a list of consultants who can assist regulators in this process.

9.2.6. **Governments**

a) The Provincial government should provide financial aid to ITPs for assessment and licensing costs, tuition fees, and to cover living and other expenses during practicums or work experience.

b) Citizenship and Immigration Canada should tie immigration policy to the labour market and track immigrants after landing to determine whether their employment positions match their training and work experience.
9.2.7. Need for Further Research

a) There is a need for more research with regard to national regulatory organizations to explore whether their policies and practices exclude or facilitate the licensing of ITPs.

b) There is a need for further research about the issue of skill shortages. Discussions should also take place between regulatory bodies, Federal and Provincial government, and employers to explore the question of who has the responsibility to address the skill shortage problem.

Appendix 1: Advisory Committee Members

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<thead>
<tr>
<th>ASSOCIATION / ORGANIZATION</th>
<th>MEMBER</th>
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<tbody>
<tr>
<td>Architectural Institute of British Columbia</td>
<td>Wendy Grandan</td>
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<tr>
<td>Association of Professional Engineers and Geoscientists of BC</td>
<td>Gillian Pichler</td>
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<td>Certified General Accountants of BC</td>
<td>Kasandra Bonn</td>
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<td>College of Dental Hygienists of BC</td>
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<td>College of Pharmacists of BC</td>
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<td>College of Physical Therapists of BC</td>
<td>Brenda Hudson</td>
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<tr>
<td>Society of Notaries Public of BC</td>
<td>Wayne Braid</td>
</tr>
<tr>
<td>Immigration Division</td>
<td>Deb Zehr</td>
</tr>
<tr>
<td>Ministry of Community, Aboriginal and Women’s Services</td>
<td></td>
</tr>
<tr>
<td>MOSAIC</td>
<td>Kelly Pollack</td>
</tr>
<tr>
<td>Capacity BC – Roundtable of Internationally Trained Professionals</td>
<td>Najat Al-refai</td>
</tr>
<tr>
<td>Capacity BC – Roundtable of Internationally Trained Professionals</td>
<td>Edgar Jimenez</td>
</tr>
</tbody>
</table>

Appendix 2: Research Tool

a) On-Site Document Review

All bylaws, regulations, rules, codes, and policy documents related to registration and licensing will be gathered from each research site and reviewed. Documents pertaining to the following were reviewed:

1. English Language Assessment
2. Credential Review
3. Continuing Education Requirements (Prior to Licensure)
4. Competency Based Assessment
5. Supervised Practice/Internship/Mentoring
6. Licensing Examinations
7. Oral Interviews
8. Need for Local (Canadian/BC) Work Experience
b) On-Site Research Questions

Principles/Values and Practices Guiding Regulation

1. What is your understanding of the principles/values that presently guide how your organization regulates the … profession: the process of regulation and the outcome of regulation?

2. How do you define “ensuring public safety” and “in the public interest” in the context of regulating your profession?

3. What existing policies and practices are in place related to the process of regulation/licensing?

4. Describe the process by which you assess skills and knowledge for licensure. Are there any differences between how you assess internationally trained professionals and how you assess Canadian applicants? If yes, describe.

5. Are there any informal/unwritten practices in place related to the process of regulation/licensing that also guide decision-making in relation to licensing? Describe.

6. How are these principles/values reflected in these policies and practices?

7. How are the concepts “ensuring public safety,” “protection of the public,” and “in the public interest” reflected in your policies and practices?

8. How do you balance the interests of your members and those of the public? (for regulatory organizations who have a dual mandate)

9. What, if any, are the external pressures (e.g., skill shortages in the profession) on your organization to register more members? What impact do these factors have on registration and licensing?

10. What formal/informal feedback mechanisms are in place for applicants who do not meet standard criteria or fail the licensing examinations?

11. What are the costs of the registration/licensing process? How are these costs determined e.g., cost recovery/subsidized?

12. What are the internal and external complaint procedures and appeal processes for denial of licensure?

13. What do you think is the impact of these policies and practices on access for internationally trained professionals to this regulated profession?

14. Are you aware of any barriers to access for internationally trained professionals? (Internal within your organization, external outside of your organization?) Describe.

15. Do you have any reciprocal/mobility/mutual recognition agreements with other countries? If yes, describe the agreement and the rationale and process for reaching the agreement. Has this agreement resulted in “grandfathering”? If yes please describe.

16. Has your organization come up with any alternative ways to assess applicants for licensure? If yes, describe.
17. What mechanisms are in place to audit/evaluate/review the assessment tools/tests and processes? How often does this audit take place?

18. Has your organization initiated any research related to standards and tests to determine test levels, test content, or competency based standards?

19. What ideas do you have to improve access to licensure for qualified and competent internationally trained professionals?

Accountability Mechanisms

1. What, if any, mechanisms are in place to ensure your regulatory organization is accountable to:
   • government
   • the professional membership
   • the public at large?

2. How are persons appointed to your governing council and committees?

3. How does the governing council balance the interests of your members and those of the public?

Regulatory bodies engage in periodic systemic reviews to ensure the licensing requirements are valid, relevant, and non-discriminatory.

Refining the Process

1. Are you aware of any best practices provincially, nationally, and internationally related to improving access for internationally trained professionals?

2. What changes would you suggest in your licensing process that will ensure access for internationally trained professionals?
## Appendix 3: Legal Statutes Governing Professional Regulatory Bodies — Medical

*Information is current to December 2004 and subject to errors on web resources*

### 1. BC College of Chiropactors

| Governing Statute and Regulations | Chiropractors Act RSBC 1996, c. 48  
|-----------------------------------|----------------------------------|
| Bylaws / Rules                   | Chiropractors Act s.10 sets out registration requirements  
|                                  | Rules made pursuant to the Chiropractic Act, entitled “Regulation of the Board of Chiropactors Made by Order in Council No. 527”  
|                                  | Rules (Division 15) set out the duties of the Board of Examiners with respect to registering qualified candidates  
| National Body / Examinations     | Canadian Chiropractic Examining Board  
|                                  | Foreign trained applicants are required to pass both the Canadian Chiropractic Examining Board Examination and the provincial licensing examination according to the website (presumably per s. 10(6) of the Act)  
|                                  | CCEB’s eligibility requirements are set out at: http://www.cceb.ca/english/chiro_students/eligibility.html  

### Remarks

**Accountability Structure / Appeal Structure**

- College Board  
- Section 7 (1) of the Act: Subject to this Act and with the approval of the Lieutenant Governor in Council, the board may make rules …  
- (3) The Lieutenant Governor in Council may cancel the approval given to a rule and, on that happening, the rule is repealed.  
- Rule 15.05: a candidate who is refused registration may write to the Registrar who may then hold a hearing. This is different from the appeal process set out in s. 9 of the Act which provides for appeal to the Supreme Court.
### Governing Statute and Regulations

**Dentists Act RSBC 1996, c. 94**

Section 26 of the Act provides for registration:
i.e. provide satisfactory evidence of education, pass exams, obtain certificate of qualification, pay fees

### Bylaws / Rules

Section 28 of Act provides the college’s council may make rules

Article 4 of the “Rules Made Under the Dental Act” sets out registration requirements in s. 4.04 and refers to “guidelines established by Council”

### National Body / Examinations

Canadian Dental Assistants Association

### Remarks

Educational Assessment for International Dental Assistant Graduates for Certified Dental Assisting Information Sheet:

Educational Assessment for International Dental Graduates for Certified Dental Assisting Information Sheet:


### Accountability Structure / Appeal Structure

- College
- Council
- Registrar
- Registration Committee
- Board Of Examiners

Section 28(2) of the Act states:

(2) No rule comes into force until approved by the Lieutenant Governor in Council.

Rules may provide for appeals processes; s. 55 of the Act provides that an appeal may be made to the Supreme Court within 45 days of decision.
### 3. COLLEGE OF DENTAL HYGIENISTS BC

| **Governing Statute and Regulations** | *Health Professions Act*  
*Dental Hygienists Regulation*  
The regulation is not relevant for our purposes. |
| **Bylaws / Rules** | Bylaws  
Part IV of the Bylaws relates to Registration  
Section 39 sets out registration requirements:  
Graduation from a Schedule 1 academic program (i.e. accredited by Canadian Dental Association’s Commission on Dental Accreditation); certification by National Dental Hygiene Certification Board, completion of various courses and assessments, possession of liability insurance, etc.  
Section 39(2) provides for applicants who did not graduate from a Schedule I school. |
| **National Body / Examinations** | National Dental Hygiene Certification Board |
| **Remarks** | Advisory Committee Member; Research Site  
Amendments made by the College of Dental Hygienists of BC to their bylaws, and approved by the government, include a modification of registration requirements that will allow dental hygienists to register upon successful completion of the National Dental Hygiene Certification Board examination, a clinical examination and other upgrading programs. |
| **Accountability Structure / Appeal Structure** | • College  
• Board  
• Registration Committee  
• Health Services Minister / Lt Gov in Council  
Section 20(4) of the *Health Professions Act* provides for an appeal of a denial of registration to the Supreme Court. |
4. COLLEGE OF DENTAL TECHNICIANS OF BC

**Governance Statute and Regulations**

- *Health Professions Act*
- *Dental Technician Regulation*

**Bylaws / Rules**

CDT Bylaws, Part III relates to Registration. Section 29 sets out registration requirements: Exams, training, experience, demonstrated English proficiency “as required by the Registration Committee”

**National Body / Examinations**

- Advisory Committee Member; Research Site
- Actual details of registration requirements are set out at: [http://www.cdt.bc.ca/pdfs/appl_form_fees.pdf](http://www.cdt.bc.ca/pdfs/appl_form_fees.pdf) and on a webpage entitled “Training, Experience & English Proficiency”: [http://www.cdt.bc.ca/pdfs/train_exper_eng.pdf](http://www.cdt.bc.ca/pdfs/train_exper_eng.pdf)

**Accountability Structure / Appeal Structure**

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court
<table>
<thead>
<tr>
<th><strong>5. COLLEGE OF DENTURISTS OF BC</strong></th>
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<tbody>
<tr>
<td><strong>Governing Statute and Regulations</strong></td>
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<td><strong>Bylaws / Rules</strong></td>
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<td><strong>National Body / Examinations</strong></td>
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<td><strong>Remarks</strong></td>
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<tr>
<td><strong>Accountability Structure / Appeal Structure</strong></td>
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</table>
6. COLLEGE OF DIETICIANS OF BC

**Governing Statute and Regulations**

*Health Professions Act*

*Dieticians Regulation* BC Reg. 296/2002

The regulation is not relevant for our purposes.

**Bylaws / Rules**

Part IV of the College Bylaws relates to Registration.

Section 44(1) sets out requirements for registration: Graduation from an academic program recognized by the board and set out in Schedule E; successful completion of practical training program and board approved exams; evidence of good character; and receipt of the application, fees, criminal record check, etc.

Bylaws Section 44 (2) allows registration in the absence of the education requirement if the applicant can show equivalent skills, knowledge and abilities, along with successfully passing the examination and any upgrading required.

**National Body / Examinations**

**Remarks**


The Guide states that US graduates of accredited programs are accepted by the College as equivalent.

Foreign-trained candidates are advised that they may apply to have their skills, knowledge and abilities assessed for equivalency, using this form: http://collegeofdietitiansbc.org/Documents/CDBCAppFormApdx.pdf

**Accountability Structure / Appeal Structure**

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court.
7. EMERGENCY MEDICAL ASSISTANTS LICENSING BOARD

| Governing Statute and Regulations | Health Emergency Act RSBC 1996, c.182  
|                                 | Emergency Medical Assistants Regulation BC Reg. 260/91 |
| Bylaws / Rules                  | Part 4 of the draft bylaws of the new college  
|                                 | (see Remarks) deal with Registration |
| National Body / Examinations    | A new self-governing college is expected to be  
| Remarks                         | established pursuant to the Health Professions Act and the Board will cease to exist.  
|                                 | Details of registration requirements are found in the Registration Application Guidelines. |
| Accountability Structure / Appeal Structure | Emergency Health Services Commission |

8. BOARD OF HEARING AID DEALERS AND CONSULTANTS

| Governing Statute and Regulations | Hearing Aid Act RSBC 1996 c. 186  
|                                 | Section 21 of the Act states: With the approval of the Lieutenant Governor in Council the board may make regulations referred to in section 41 of the Interpretation Act, including regulations to do any of the following:  
|                                 | (a) provide for the registration of hearing aid dealers and consultants;  
|                                 | (b) prescribe the qualifications of an applicant for registration as a hearing aid dealer and consultant; [Regulations not located] |
| Bylaws / Rules                  |  |
| National Body / Examinations    |  |
| Remarks                         | Section 5 of the Act enables the Board to regulate the education of hearing aid dealers and consultants |
| Accountability Structure / Appeal Structure | • Board  
|                                            | • Examining Committee  
|                                            | Regulations must be approved by the Lieutenant Governor in Council. Section 17(1) of the Act states: A person aggrieved by a decision of the board or a committee may appeal to the Supreme Court by filing with the registrar of the court a notice of appeal within 3 months of the decision, and serving a copy personally on any member of the board. |
## 9. COLLEGE OF LICENSED PRACTICAL NURSES OF BC

### Governing Statute and Regulations

**Health Professions Act**  
**Practical Nurses Regulation** BC Reg. 71/96  
The regulation not relevant for our purposes

### Bylaws / Rules

Part IV of the Bylaws relate to registration.  
Section 47(1) details registration requirements (graduation from an approved program, exams, good character, forms).  
Section 47(2) states that a person not meeting the requirements can show equivalent skills, knowledge and ability, plus exams, good character, forms and “evidence of satisfactory nursing practice within five years” (s.47(2)(d)).

### National Body / Examinations

**Remarks**

The College’s website indicates there is an “Internationally educated” category of “initial” registration applicants: [http://www.clpnbc.org/applicants_employers.php?section=Registration&subsection=RegistrationRequirements](http://www.clpnbc.org/applicants_employers.php?section=Registration&subsection=RegistrationRequirements)  
The application for this category states that if the applicant’s first language is not English, the applicant must demonstrate grade 12 equivalency.  
This requirement does not appear in the Regulation or Bylaws, although a page on the website sets out ways in which English requirements may be demonstrated: [http://www.clpnbc.org/applicants_employers.php?section=Registration&subsection=EnglishRequirements](http://www.clpnbc.org/applicants_employers.php?section=Registration&subsection=EnglishRequirements)

### Accountability Structure / Appeal Structure

- College  
- Board  
- Registration Committee  
- Health Services Minister / Lt Gov in Council  
Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court
## 10. COLLEGE OF MASSAGE THERAPISTS OF BC

| **Governing Statute and Regulations** | Health Professions Act  
Massage Therapists Regulation BC Reg. 484/94  
The regulation not relevant for our purposes |
| **Bylaws / Rules** | Bylaws, Part D governs registration, and s.47 sets out requirements for registration |
| **National Body / Examinations** | The College published an Occupational Competency Profile which defines competencies which applicants for registration are required to possess: [http://www.cmtbc.bc.ca/pdf/CMTBC%20OCP%20approved%20Nov%202015%202004.pdf](http://www.cmtbc.bc.ca/pdf/CMTBC%20OCP%20approved%20Nov%202015%202004.pdf)  
The College has a Mutual Recognition Agreement with the Ontario and Newfoundland Colleges in accordance with the Agreement on Internal Trade |
| **Accountability Structure / Appeal Structure** | • College  
• Board  
• Registration Committee  
• Health Services Minister / Lt Gov in Council  
Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court |
## II. COLLEGE OF MIDWIVES OF BC

<table>
<thead>
<tr>
<th>Governing Statute and Regulations</th>
<th>Health Professions Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midwives Regulation BC Reg 103/95</td>
<td>The regulation not relevant for our purposes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bylaws / Rules</th>
<th>Bylaws, Part V: Registration</th>
</tr>
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<tbody>
<tr>
<td>Section 46(2)(a)(iii) sets out requirements for foreign trained applicants</td>
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</table>

<table>
<thead>
<tr>
<th>National Body / Examinations</th>
<th>Advisory Committee Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Prior Learning and Experience Assessment (PLEA) program is the registration route for foreign trained applicants. Requirements include Formal Midwifery Education; Clinical Experience; and English Language Fluency</td>
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</table>

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<thead>
<tr>
<th>Remarks</th>
<th><a href="http://www.cmbc.bc.ca/docs/about_plea.htm">http://www.cmbc.bc.ca/docs/about_plea.htm</a></th>
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<td><a href="http://www.cmbc.bc.ca/menus/3-1_prior_learning_and_experience_assessment.htm">http://www.cmbc.bc.ca/menus/3-1_prior_learning_and_experience_assessment.htm</a></td>
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<tr>
<th>Accountability Structure / Appeal Structure</th>
<th>College</th>
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<tr>
<td></td>
<td>Board</td>
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<td></td>
<td>Registration Committee</td>
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<td></td>
<td>Health Services Minister / Lt Gov in Council</td>
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</table>

| Section 20(4) of the Health Professions Act | provides for an appeal of a denial of registration to the Supreme Court |
### 12. COLLEGE OF NATUROPATHIC PHYSICIANS OF BC

| **Governing Statute and Regulations** | *Health Professions Act*  
|                                      | *Naturopathic Physicians Regulation BC*  
|                                      | Reg. 449/99 |

| **Bylaws / Rules** | It appears that the rules made by the Board of Naturopathic Physicians pursuant to section 5 of the *Naturopaths Act*, RSBC 1979, c. 297 were adopted under the *Health Professions Act* in January 2000. |

| **National Body / Examinations** | Remarks | The relevant rules include ss. 31, 32, 36. Section 33 sets up a Credentials Committee; s. 35 allows for an appeal to the Board if denied the opportunity for examination; s. 36 sets out the exams; s. 39 provides for registration of successful applicants; and s. 41 provides for “active” and “associate” memberships. See: [http://www.cnpbc.bc.ca/doctors/documents/BC-Licence-Requirements-and-Procedure.pdf](http://www.cnpbc.bc.ca/doctors/documents/BC-Licence-Requirements-and-Procedure.pdf) |

| **Accountability Structure / Appeal Structure** | • College  
|                                              | • Board  
|                                              | • Registration Committee  
|                                              | • Health Services Minister / Lt Gov in Council Section 20(4) of the *Health Professions Act* provides for an appeal of a denial of registration to the Supreme Court |
13. COLLEGE OF OCCUPATIONAL THERAPISTS OF BC

**Governing Statute and Regulations**

*Health Professions Act*
*Occupational Therapists Regulation BC Reg. 432/98*

**Bylaws / Rules**

Bylaws, Part 4 - Registration
Section 42(1) states that pursuant to s.20 of the Health Professions Act, the College must register a person with a degree or equivalent as approved by the board (further explained in s. 42(3)), field work or practicum, board-approved examination (“CAOT”), good character, and proficiency in English demonstrated to the satisfaction of the registration committee.

**National Body / Examinations**

Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO)
Canadian Association of Occupational Therapists (CAOT)

**Remarks**

Members of ACOTRO with participation from representatives appointed by the CAOT and the Association of Canadian Occupational Therapy University Programs (ACOTUP), have developed Essential Competencies of Practice for Occupational Therapists in Canada:


**Accountability Structure / Appeal Structure**

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court.
14. COLLEGE OF OPTICIANS OF BC

| Governing Statute and Regulations | Health Professions Act  
| Opticians Regulation BC Reg. 487/94 |
| Bylaws / Rules | College of Opticians Bylaws (July, 1996)  
| Part III Registration |

**Remarks**

Bylaws, Section 35 states that registrants must have graduated from an academic, technical or vocational training program approved by the Board or a program that meets the Board’s “minimum standards” (these appear to be undefined).

The candidate must also pass the Board’s examination, and supply the required fees and a notarized copy “or other evidence satisfactory to the registration committee” of his or her diploma.

**Accountability Structure / Appeal Structure**

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court.
### 15. BOARD OF EXAMINERS IN OPTOMETRY

| **Governing Statute and Regulations** | Optometrists Act RSBC 1996 c. 342  
An Optometrists Regulation was proposed in 2004 to bring the optometrists under the Health Professions Act |
<table>
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<tbody>
<tr>
<td><strong>Bylaws / Rules</strong></td>
<td>Pursuant to s. 6 of the Optometrists Act, the association may make bylaws. Under s. 10(c), the Board may make rules “concerning examination and admission of applicants to the study and practice of optometry”. Section 22 of the Optometrists Act provides for registration requirements</td>
</tr>
<tr>
<td><strong>National Body / Examinations</strong></td>
<td>Canadian national optometry board examinations (Canadian Standard Assessment in Optometry – CSAO) required by Rule 23</td>
</tr>
</tbody>
</table>
| **Remarks**                          | Section 22:  
(a) the person is a Canadian citizen or permanent resident of Canada;  
(b) the person is age 19 or older;  
(c) the person files with the board a photograph of the person and an application verified by affidavit on a form specified by the board;  
(d) the person satisfies the board by any required documentary or other evidence of the facts alleged in the application;  
(e) the person passes the examinations specified by the board  
The website provides more detailed registration requirements: http://www.optometrybc.com/Registration%20&%20Licensure%20Information.htm |
| **Accountability Structure / Appeal Structure** | * Association Council  
* Board of Examiners  
Section 6(2) of the Act states: A bylaw of the association may be disallowed by the Lieutenant Governor in Council.  
Section 10(3) states: Rules, and amendments to the rules, made by the board under this section do not come into force until approved by the Lieutenant Governor in Council.  
Section 32(1) of the Act states: A person who fails to pass an examination, whose certificate of registration has been revoked or suspended or who feels aggrieved by an order or decision of the board, may appeal to the Supreme Court within 6 months after the date when the result of the examination is announced or the order or decision is made, as the case may be. |
### 16. COLLEGE OF PHARMACISTS OF BC

#### Governing Statute and Regulations

<table>
<thead>
<tr>
<th>Pharmacists, Pharmacy Operation and Drug Scheduling Act RSBC 1996, c.363</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 15(1) of the Act sets out registration requirements (academic, practical training, assessment requirements)</td>
</tr>
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</table>

#### Bylaws / Rules

<table>
<thead>
<tr>
<th>Bylaws of the Council of the College of Pharmacists of BC</th>
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<tbody>
<tr>
<td>Sections 5 and 6 set out registration requirements, including for foreign trained applicants</td>
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#### National Body / Examinations

<table>
<thead>
<tr>
<th>Pharmacy Examining Board of Canada Evaluating Examination</th>
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<tr>
<td>Remarks</td>
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</table>

#### Remarks

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<tr>
<th>Advisory Committee Member; Research Site</th>
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<tbody>
<tr>
<td>Further elaboration of what is meant by each of the requirements in the bylaws is found in the Qualifying Graduates Registration Guide and the Registration information page on the College website.</td>
</tr>
<tr>
<td>Remarks</td>
</tr>
<tr>
<td>For registration information see <a href="http://www.bcpharmacists.org/registration/information/">http://www.bcpharmacists.org/registration/information/</a></td>
</tr>
<tr>
<td>Note that the duties and objects of the College as set out in the Act s.2(3) are more specific than those under the Health Professions Act</td>
</tr>
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#### Accountability Structure / Appeal Structure

<table>
<thead>
<tr>
<th>Act, s.20 sets out internal appeal process, followed by appeal to Supreme Court</th>
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<tr>
<td>Section 61 of the Act states:</td>
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<tr>
<td>(5) A bylaw does not come into force until approved by the Lieutenant Governor in Council.</td>
</tr>
<tr>
<td>(6) The Lieutenant Governor in Council must not approve a bylaw under this section unless satisfied that appropriate provision has been made for</td>
</tr>
<tr>
<td>(a) the election of registrants to the council under section 7 (1) (b), and</td>
</tr>
<tr>
<td>(b) each of the matters referred to in section 2 (3) [i.e. the duties and objects of the College].</td>
</tr>
</tbody>
</table>
### 17. COLLEGE OF PHYSICAL THERAPISTS OF BC

| **Governing Statute and Regulations** | *Health Professions Act*  
*Physical Therapists Regulation BC Reg. 485/94* |
<table>
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<tbody>
<tr>
<td><strong>Bylaws / Rules</strong></td>
<td>The College’s Bylaws were reviewed and were not relevant to registration.</td>
</tr>
<tr>
<td><strong>National Body / Examinations</strong></td>
<td>Canadian Alliance of Physiotherapy Regulators</td>
</tr>
</tbody>
</table>
| **Remarks** | Advisory Committee Member  
The College’s website contains registration information: [http://cptbc.org/regintro.htm](http://cptbc.org/regintro.htm)  
Foreign-educated applicants must apply to the Canadian Alliance of Physiotherapy Regulators for credentialing.  
“Current regulations allow for the full registration of all physical therapists who can establish that they are eligible for and pass the Physiotherapy Competency Examination (PCE).”  
It is not clear what the “current regulations” are that are referred to on this web page |

| **Accountability Structure / Appeal Structure** |  
• College  
• Board  
• Registration Committee  
• Health Services Minister / Lt Gov in Council  
Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court |
18. COLLEGE OF PHYSICIANS AND SURGEONS OF BC

<table>
<thead>
<tr>
<th>Governing Statute and Regulations</th>
<th>Medical Practitioners Act RSBC 1996, c. 285 Section 34 sets out qualifications required for registration</th>
</tr>
</thead>
</table>
| Bylaws / Rules                    | Part X of the Rules Made Under the MPA, RSBC 1996, c. 285 deal with registration.  
73. An applicant for any class of registration shall satisfy the registrar as to the applicant’s good character and good professional conduct in such manner as the registrar sees fit and shall comply with the following conditions:  
• applicants who have previously practiced outside of the province must provide written proof of their good standing and conduct from the licensing body or bodies where they practiced;  
• applicants must be Canadian Citizens or satisfy the registrar that they are legally entitled to live and work in Canada;  
• applicants must be able to speak, read and write English to the satisfaction of the registrar;  
• applicants shall provide documentary proof satisfactory to the registrar that they meet all requirements of their registration;  
• applicants shall pay appropriate registration, annual or other fees relative to their application.  
74. Applicants for full registration must:  
• be graduates in medicine from a university or medical school approved by council;  
• be Licentiates of the Medical Council of Canada;  
• meet all the conditions of one of the categories of applicants specified in rule 75 regarding postgraduate training; and  
• satisfy the registrar that they are permanent residents of British Columbia or that their taking up permanent residence in British Columbia is imminent. |

| National Body / Examinations      | The Medical Council of Canada develops the examinations that form the basic standard for qualification to practice medicine in Canada.  
The Royal College of Physicians and Surgeons of Canada is the certification body for specialist training. |

| Remarks                           | Section 5(1) of the Act provides that the Council may make rules with respect to, inter alia, registration requirements. Section 5(4) states that:  
A rule under subsection (1) has no effect until it is approved by the Lieutenant Governor in Council.  
Section 41 implies that the registrar’s refusal of registration may be appealed to the Council. |

| Accountability Structure / Appeal Structure | • College  
• Council  
• Registrar  
• Executive Committee |

Remarks
19. BC ASSOCIATION OF PODIATRISTS/BOARD OF EXAMINERS IN PODIATRY

**Governing Statute and Regulations**  
*Podiatrists Act* RSBC 1996, c. 366  
Section 6 sets out the requirements for admission (education, training, experience, exams)

**Bylaws / Rules**  
Section 4 of the Act provides that the Board may make rules establishing the qualifications for admission to registration as a podiatrist. BCAP Bylaws address registration, but not in a very detailed manner. The Bylaws of the Canadian Podiatric Medical Association are more detailed (see below).

**National Body / Examinations**  
Canadian Podiatric Medical Association  
Bylaws Section III:  
A. Active Members  
Section 1. Active Members  
(i) is of good moral character,  
(ii) is a duly qualified Doctor of Podiatric Medicine, legally licensed to practice Podiatry in a province of Canada in which legislation exists relating to the practice of the profession of Podiatry and the licensing of Podiatrists,  
(iii) has submitted application for approval by the Executive Board of the Association, and  
a) is a member in good standing of the Podiatry Association of the Province in which he practices, or  
b) is a resident of a province of Canada which does not have legislation relating to the practice of the profession of Podiatry and the licensing of a Podiatrist who is a member in good standing of the recognized Podiatry Association of that province; or is duly qualified and legally licensed to practice Podiatry in a state in the United States of America.  
c) Active membership can only be attained by means of membership in, application by, and payment of dues by the relevant Provincial Podiatry Association where said applicant is licensed and practices Podiatry unless no such Provincial Association exists.

**Remarks**  
This website provides the most detailed information about registration:  
All podiatrists in British Columbia have a Doctor of Podiatric Medicine (DPM) degree. Each has completed a four-year undergrad program, as well as a four-year doctorate program that focuses on the foot, ankle and related body systems. This is followed by a one- to three-year residency (depending on their specialty) at an approved hospital or university. After finishing their residency program, Doctors of Podiatric Medicine are then eligible to write an examination conducted by the Board of Examiners in Podiatry.

**Accountability Structure / Appeal Structure**  
- Board of Examiners  
  Section 4(2) of the Act states:  
  The rules and amendments made by the board do not come into force until approved by the Lieutenant Governor in Council.  
  Section 7 of the Act provides that a person affected by an order or decision of the board may appeal within one month of the order or decision to the Supreme Court.
### 20. COLLEGE OF PSYCHOLOGISTS OF BC

| **Governing Statute and Regulations** | Health Professions Act  
| --- | ---  
| **Bylaws / Rules** | Psychologists Regulation |

Part 4 of the Consolidated Bylaws of the College of Psychologists address registration: Section 44 sets out registration qualifications: oral and written exams, graduate degree (either from a recognized Canadian university, a program accredited by the Canadian Psychological Association or the American Psychological Association or the Association of State and Provincial Psychological Boards, or a program from another jurisdiction that is accepted by the registration committee after a review of Schedule H criteria), and supervised practice.

Section 45 sets out requirements for reciprocal registration, presumably under the Mutual Recognition Agreement (discussed below). Section 45.1 discusses requirements for “mobility registration” – the section applies to persons registered to practice psychology in a jurisdiction not covered by a reciprocal registration agreement per s. 45.

Requirements include academic qualifications, an examination on provincial laws, bylaws, etc., and a current Certificate of Professional Qualification awarded by the Association of State and Provincial Psychology Boards or the National Register of Health Service Providers in Psychology.

The applicant may also be required to have an interview with the registration committee or an appointee of the committee. Schedule I lists Core Competencies.

| **National Body / Examinations** |  |
| --- | ---  
| **Remarks** | “Requirements for Registration as a Psychologist or Psychological Associate” (January 2004)  
This document sets out the registration requirements according to the bylaws:  
http://www.collegeofpsychologists.bc.ca/documents/Registrationrequirements.pdf |

| **Accountability Structure / Appeal Structure** |  |
| --- | ---  
| • College  
• Board  
• Registration Committee  
• Health Services Minister / Lt Gov in Council  
Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court |
### 21. COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF BC

#### Governing Statute and Regulations

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#### Bylaws / Rules

The College of Registered Psychiatric Nurses of BC Bylaws and Rules

Part IV: Registration

Section 41 provides that:

1. **A person is eligible for practicing registration if they fulfill the following criteria:**
   - (a) Graduate of diploma program in psychiatric/mental health nursing, undergraduate or graduate degree in psychiatric/mental health nursing, or
   - (b) Graduate of diploma program in general nursing, and certificate or advanced diploma in psychiatric/mental health nursing, or undergraduate or graduate degree in psychiatric/mental health nursing
   - (c) Payment of the appropriate fees, as per Schedule E
   - (d) Acceptable proof of successful completion of the required registration examination in British Columbia, Alberta, Saskatchewan or Manitoba according to the Registered Psychiatric Nurses Endorsement Agreement, May 10, 1998. Please see Schedule C.
   - (e) Evidence satisfactory to the Registration Committee of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant, and
   - (f) Receipt by the Registrar of documents required by the College

2. **An applicant who does not meet the requirements established in subsection (1) may be granted practicing registration where the applicant**
   - (a) Has a combination of knowledge, skills and abilities which are, in the opinion of the Registration Committee, substantially equivalent to the requirements established in subsection 1(a) and (b), and
   - (b) Has successfully completed the examinations and any upgrading programs required by the Registration Committee and
   - (c) Meets the requirements set out in subsection 1(c) and (d), and
   - (d) Provides evidence of satisfactory psychiatric nursing practice within previous five years.

#### National Body / Examinations

**Remarks**

The following information was available from Health Match BC, a physician and registered nurse recruitment service funded by the Government of British Columbia, and differs from the Bylaws: Psychiatric Nurses who have [sic] not registered in British Columbia must apply to the College of Registered Psychiatric Nurses of BC (CRPNBC) to be assessed for registration eligibility. Each application is assessed based on the following criteria:

1. Graduate of a diploma program in psychiatric/mental health nursing, undergraduate or graduate degree in psychiatric/mental health nursing, or

*continued over...*
21. COLLEGE OF REGISTERED PSYCHIATRIC NURSES OF BC — continued

2. Graduate of a diploma in general nursing, and certificate or advanced diploma in psychiatric/mental health nursing, or undergraduate or graduate degree in psychiatric/mental health nursing

3. Nurses whose native or first language is not English are required to provide evidence of English proficiency.

4. Proof of having successfully completed the required registration examination in British Columbia, Alberta, Saskatchewan, or Manitoba according to the Registered Psychiatric Nurses Endorsement Agreement.

5. Evidence of good character.

6. Evidence of meeting minimum practice hours requirement of 1400 hours accumulated over previous five years.

7. Receipt by the Registrar of required documents by the CRPNBC.

8. Payment of required fees.

Accountability Structure / Appeal Structure

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court.

22. REGISTERED NURSES ASSOCIATION OF BC

Governing Statute and Regulations

Nurses (Registered) Act RSBC 1996 c. 335

In 2004 the Nurses (Registered) and Nurse Practitioners Regulation was proposed under the Health Professions Act. This would establish the College of Registered Nurses of British Columbia, and would expand the scope of registered nursing practice to recognize nurse practitioners.

Bylaws / Rules

Part 5 of the Nurses (Registered) Act Rules relate to registration.

Rule 5.9 lists the requirements for initial registration for an applicant trained outside of British Columbia.

National Body / Examinations

Remarks

Section 14 of the current Act relates to registration.

Accountability Structure / Appeal Structure

Section 44 provides for an appeal to the board of directors if a person has been refused examination by the board of examiners. Appeals for a refusal of registration are not listed.
### 23. College of Traditional Chinese Medicine Practitioners & Acupuncturists of BC

**Governing Statute and Regulations**

*Health Professions Act*

*Traditional Chinese Medicine Practitioners and BC Reg. 385/2000*

**Bylaws / Rules**

Part 4 of the College Bylaws relates to registration

Section 48 lists the requirements for full registration

**National Body / Examinations**

**Remarks**

*Accountability Structure / Appeal Structure*

- College
- Board
- Registration Committee
- Health Services Minister / Lt Gov in Council

Section 20(4) of the Health Professions Act provides for an appeal of a denial of registration to the Supreme Court

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### 24. BC Veterinary Medical Association

**Governing Statute and Regulations**

*Veterinarians Act RSBC 1996, c. 476*

Section 10 provides that the Council may pass bylaws.

Section 11 states the requirements for registration.

**Bylaws / Rules**

BCVMA Bylaws 2004 set out registration requirements in more detail:

Section 23 states that proof of education, clinical experience, proof of proficiency in the English language, and a passing score on the BCVMA Bylaw examination are requirements for registration. Further s. 23(5) states that applicants may be required to appear for an interview at the discretion of the Council or the Registrar. Section 35 provides that examinations may be both written and oral.

**National Body / Examinations**

**Remarks**

The BCVMA Membership Application Form Instructions on the website provide substantially more detail about the registration requirements:

[http://www.bcvma.org/index.cfm?It=100&Id=11](http://www.bcvma.org/index.cfm?It=100&Id=11)

**Accountability Structure / Appeal Structure**

- Association
- Council
- Board of Examiners

Section 10(5) of the Act states:

No new bylaw or amendment or repeal of bylaws takes effect until it has been approved at an annual general meeting or special general meeting of the members called to consider that bylaw, amendment or repeal.

Section 24 of the Act provides for an appeal of a denial of registration within 30 days to the Supreme Court.
Appendix 4: Legal Statutes Governing Professional Regulatory Bodies — Non-Medical

*Information is current to December 2004 (except for the Real Estate Council of BC, current to January 1, 2005) and subject to errors on web resources.

25. APPLIED SCIENCE TECHNOLOGISTS & TECHNICIANS OF BC

**Governing Statute and Regulations**

*Applied Science and Technologists and Technicians Act RSBC 1996, c. 15*

Section 3 (b) sets out the objects of the Association:

to regulate standards of training and practice of and for its members and to protect the interests of the public

Section 13:
The board must approve the registration as a member of a person on proof to the satisfaction of the board that

(a) the person is of good character and reputation,
(b) the person is a Canadian citizen or permanent resident of Canada, and
(c) the person’s education and experience meet the requirements of the regulations and bylaws.

Section 18 of the Act provides that:

(1) The council may make regulations referred to in section 41 of the Interpretation Act.
(2) Without limiting subsection (1), the council may make regulations as follows:

(a) respecting the establishment of categories of and conditions for the enrolment of members;
(b) respecting the qualifications of and experience requirements for applicants for registration;
(c) respecting the eligibility of applicants generally for registration;
(f) providing for the making of bylaws;

**ASTT Regulations:**

Part 2.0 deals with Membership Classes and Eligibility

2.2 requires an AppST to hold a Diploma of Technology or equivalent, recognized by the Council. It requires a CTech to hold a Certificate of Technology or equivalent, recognized by the Council. Both must demonstrate a minimum of two years progressive, relevant experience in an approved discipline.

Different membership classes are set out.

Part 3.0 discusses registration per requirements set out in 2.0;
3.2 allows for special registration by mature applicants.

**Bylaws / Rules**

Section 19 of the Act provides for the power to make bylaws.

**National Body / Examinations**

Remarks

continued over...
Accountability Structure / Appeal Structure

- Council
- Registrar

Section 14 of the Act:

(2) If the decision made by the board to refuse or defer registration of the applicant, reasons for the decision must be sent in writing to the applicant.

(4) An applicant whose application for registration has been refused by the board may, within 30 days of receiving a notice of refusal and the reasons for the refusal, request the council to review the application by serving on the registrar a written request for review by the council setting out the reasons why, in the opinion of the applicant, the registration as a member should be approved.

Section 18(3) of the Act:

(3) A regulation under subsection (1) or (2) comes into force on its enactment by the council, but is revoked by operation of law at the closing of the next annual general meeting following the making of the regulation unless, before that time, it is approved by 75% of the members (a) present and voting at the annual general meeting, or (b) voting by a mail vote conducted in accordance with the regulations.
Section 5: Subject to this Act and the bylaws of the institute, the council governs the affairs of the institute and may by resolution make rules necessary for that purpose.

Sections 36 and 37 of the Act sets out registration requirements:

36(1) A person who is at least age 19, who produces evidence satisfactory to the council of identification, good moral character, his or her qualifications and, if the person has practised as an architect, of good professional conduct, and any further information required by the council, and who passes examinations required by the institute or the council is entitled, on payment of the fee for registration, to be registered under this Act, if the person is

(a) a member of an organization governing the practice of architecture in a jurisdiction where the architectural training required for admission is approved by the council, is entitled to practise architecture in that jurisdiction, and has, before the application for membership in the institute, been for 2 years engaged in the practice of architecture in that jurisdiction, or actively employed in the office of a practising member of the institute or a practising architect approved by the council, or

(b) a graduate of a school of architecture in a course approved by the council and who, after graduation and before the application for membership, has for a cumulative total of 3 years been actively engaged in the practice of architecture or employed in the office of a member of the institute or a practising architect approved by the council.

(2) The council may reduce the 3 year period referred to in subsection (1) (b) to not less than 2 years if the applicant has other related experience that the council accepts as part of the 3 years.

37 The council may admit to registration in the institute a person nominated in writing for membership by 5 members of the institute and who has passed an examination required by council, if the person has

continued over...
26. ARCHITECTURAL INSTITUTE OF BC — continued

(a) for 15 years been employed in the office of a member or members of the institute,
(b) for 15 years been employed in the office of a person outside British Columbia who, in the opinion of the council, is a qualified and capable architect, or
(c) for 8 years practiced as a qualified architect outside British Columbia.

Bylaws / Rules

Section 24 of the Act:
(1) The institute may make bylaws considered necessary for the regulation of the institute, its members, architectural firms, licensees and associates.
(2) Without limiting subsection (1), the bylaws may provide for one or more of the following:
(c) admission to the practice of the profession of architecture; AIBC’s July 1, 2001 Bylaws were not applicable to registration Act s. 25(2):
A bylaw comes into force 45 days after it is filed under subsection (1), unless the Lieutenant Governor in Council disallows the bylaw within this 45 day period.

National Body / Examinations

Canadian Architectural Certification Board: education and academic history are to be certified by CACB in order to become registered with AIBC

Remarks

Advisory Committee Member; Research Site See “Registration Qualifications” and “Alternative Qualifications” Bulletins on AIBC website for summary of AIBC policy re registration

Accountability Structure / Appeal Structure

- Council
- Registration Board
27. ASSOCIATION OF BC FOREST PROFESSIONALS

**Governing Statute and Regulations**

*Foresters Act SBC 2003, c. 19*

Section 4 of the *Act*:

1. It is the duty of the association
   - To serve and protect the public interest,
   - To exercise its powers and functions, and
   - To perform its duties, under this *Act*, and
2. The objects of the association are the following:
   - To uphold the public interest respecting the practice of professional forestry by
   - To establish, monitor and enforce standards of education and qualifications for enrolment, registration and continued membership in the association;

Section 14 of the Act refers to registration requirements:
The council must admit as either a registered professional forester or a registered forest technologist an applicant who
- pays the registration fees,
- passes the examinations established by the council,
- passes the examinations in courses approved or specified by the council,
- satisfies the thesis or professional report requirements of the council,
- has had experience in forestry work as determined by the council, and
- is of good character and repute.

**Bylaws / Rules**

Section 9 of the Act states that the Council may make bylaws respecting registration qualifications

Section 10(1):
Bylaws, other than those to set annual membership fees, come into force when ratified by 2/3 of the members’ votes cast by ballot as specified in the bylaws.

**National Body / Examinations**

**Remarks**
The website has an Enrolment, Registration and Membership Policy and notes that international applicants may be eligible to enrol as a Forester-in-Training (one of two routes to becoming a Registered Professional Forester)
Admissions information:
http://www.rpf-bc.org/admissions.html
Enrolment, Registration and Membership Policy:
http://www.rpf-bc.org/download/enrolment.pdf

**Accountability Structure / Appeal Structure**

- Council
- Board of Examiners
- Academic Appeals Committee
28. ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOLOGISTS OF BC — continued

**Governing Statute and Regulations**

**Engineers and Geoscientists Act**
RSBC 1996, c. 116

Section 10 states:

(1) The council may pass, alter and amend bylaws, consistent with this Act, for the following:

(i) the establishment and regulation of standards of admission to membership and the enrolment and qualifications of candidates for admission to membership;

Section 13:

(1) The council must admit an applicant to membership who is a Canadian citizen or permanent resident of Canada, and who has submitted evidence satisfactory to the council of the following:

(a) that the applicant has either

(i) graduated in applied science, engineering or geoscience from an institute of learning approved by the council in a program approved by the council, or

(ii) passed examinations established by the bylaws of the association or passed examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council;

b) that the applicant has passed special examinations required by the council;

(c) that the experience in engineering or geoscience work established by the bylaws has been obtained;

(d) that the applicant is of good character and good repute;

(e) that all examination and registration fees have been paid to the association.

**Bylaws / Rules**

Section 11 of the Act states:

(1) A bylaw does not come into force unless ratified by at least 2/3 of the votes cast by letter ballot taken under section 12 (7).

(2) The executive director must file with the minister a copy of each bylaw, certified under the seal of the association, within 14 days after ratification.

(3) A bylaw may be disallowed by the Lieutenant Governor in Council within 45 days after the filing of it under subsection (2).

**APEG Bylaws**:
Section 11 provides for enrolment, membership, and provisional membership and licensing requirements.

*continued over...*
28. ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF BC — continued

Canadian Council of Professional Engineers:  
http://www.ccpe.ca/fc2i/e/index.cfm:  
“From Consideration to Integration (FC2I) is an initiative of the Canadian Council of Professional Engineers and its constituent members, the provincial and territorial licensing bodies. The licensing bodies are responsible for the protection of the public through the regulation of the engineering profession. The goal of FC2I is to develop new processes and/or improve current processes by which international engineering graduates (IEGs) are able to obtain an engineering licence without compromising public safety or lowering professional standards, and to find meaningful engineering employment. Doing this successfully means that the initiative is also looking at activities that take place prior to immigration. The project is fully funded by Human Resources and Skills Development Canada.”  
See also the CCPE’s National Position Statement on International Mobility:  
http://www.ccpe.ca/e/files/positions_international_mobility.pdf and their position on Immigration:  
http://www.ccpe.ca/e/files/positions_immigration.pdf  
CCPE also has a page on international mobility:  
http://www.ccpe.ca/e/mob_international_1.cfm  
Agreement on Mobility of Professional Engineers Within Canada:  
http://www.ccpe.ca/e/files/iama_eng.pdf  
CCPE also does credential evaluation:  
Engineering International-Education Assessment Program: http://www.ccpe.ca/e/imm_education_1.cfm  
The latter website states:  
To be eligible for registration and licensure as a professional engineer in Canada, applicants must:  
• Be a Canadian citizen or permanent resident of Canada. Immigrants can only apply for registration as a professional engineer in Canada after they have moved to Canada and have obtained permanent resident status.  
• Have three or four years of engineering work experience, depending upon the engineering licensing body. A minimum of 12 months experience must be in a Canadian environment to ensure familiarity with Canadian codes and standards.  
• Be proficient in English (French in Quebec, English or French in New Brunswick).  
• Be of good character and reputation.  
• Possess the required academic qualifications and pass the compulsory examinations. Depending on the jurisdiction in which registration and licensure are being sought, applicants will be deemed to have met the academic qualifications required to be accepted for registration as full members of an engineering licensing body if they:  
continued over..
28. ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOScientISTS OF BC — continued

- Hold an undergraduate degree in engineering from an educational institution recognized by the Canadian Engineering Qualifications Board of CCPE (in some provinces, a syllabus of course descriptions may be requested), and pass a series of technical examinations and the Professional Practice Examination set by the engineering licensing body in the province or territory where they are applying for registration.
- Hold an undergraduate degree from an engineering program accredited by an engineering body that has signed a mutual recognition agreement with CCPE, and pass the Professional Practice Examination set by the engineering licensing body in the province or territory where they are applying for registration.
- Hold an undergraduate degree from an engineering program accredited by the Canadian Engineering Accreditation Board of CCPE, and pass the Professional Practice Examination set by the engineering licensing body in the province or territory where they are applying for registration.

Remarks

Advisory Committee Member
Research Site
See also the MOSAIC Fact Sheet:
http://www.mosaicbc.com/Internationally_Trained_Engineers.pdf
and APEG’s Internationally Trained Engineer Resources Web Page:
http://www.apec.bc.ca/intreng/pilot-int-train-eng.html
and APEG/MCAWS report and presentations on the Internationally Trained Engineer Research Pilot completed in December
http://www.apec.bc.ca/intreng/newsletter-publications.html

Accountability Structure / Appeal Structure

- Council
- Executive
- Registration Committee
- Registration Task Force
- Applications Committee
- Board of Examiners
29. BC INSTITUTE OF AGROLOGISTS

Governing Statute and Regulations


The 1996 Act sets out membership requirements in s. 3, while the 2004 Act leaves that to bylaws (s. 4(2)). The new Act sets out a public interest purpose for the Institute (absent from the 1996 Act):

s. 3(2) The purpose of the institute is

(a) to uphold and protect the public interest by
   (i) preserving and protecting the scientific methods and principles that are the foundation of the agricultural and natural sciences,
   (ii) upholding the principles of stewardship that are the foundation of agrology, and
   (iii) ensuring the integrity, objectivity and expertise of its members, and
(b) subject to paragraph (a),
   (i) to govern its members in accordance with this Act and the bylaws, and
   (ii) to cooperate with other professional or occupational bodies charged with governing the conduct or competence of their members on a matter the institute considers relevant to agrology.

Bylaws / Rules

BCIA Bylaws 2004:

02.15 The requirements for registration or reinstatement as a professional agrologist shall include the following:

02.15.01 a four year agricultural degree from an accredited university; or
02.15.02 a four year degree from an accredited university with agricultural sciences coursework as approved by the credentials committee; or
02.15.03 a graduate degree from an accredited university in agricultural sciences or in a related discipline as approved by the credentials committee; and
02.15.04 successful completion of the institute’s articling agrologist programme; or
02.15.05 designation as a professional agrologist by a provincial institute which is a member of the Agricultural Institute of Canada or by l’Ordre des Agronomes du Quebec; and 02.15.06 such other requirements as council shall determine.

Bylaw 10 relates to the articling program

National Body / Examinations

Remarks

Research Site
The following requirements may fall under the bylaw 02.15.06 “such other requirements as council shall determine” as they do not appear in the Acts or bylaws.

a) Write a professional report or essay, or provide a report for approval.
b) Attend two Branch or annual meetings of BCIA.
c) Attend the AAg workshop and write the BCIA examination(s).

continued over...
29. BC INSTITUTE OF AGROLOGISTS — continued

d) Report their AAg work experience & have their mentor’s recommendations to gain PAg status. Applicants with degrees granted from outside of Canada must have their transcripts evaluated (the BASIC EVALUATION) by: International Credential Evaluation Services (ICES)
(http://www.bcia.com/membershipcriteria/)

Accountability Structure / Appeal Structure

• Council
• Credentials Committee
Bylaw 11 provides for a process regarding contested registrations: the aggrieved applicant has 30 days within which to request a registration appeal panel hearing

30. BC COLLEGE OF TEACHERS

Governing Statute and Regulations

Teaching Profession Act RSBC 1996, c. 449
Section 4: It is the object of the college to establish, having regard to the public interest, standards for the education, professional responsibility and competence of its members, persons who hold certificates of qualification and applicants for membership and, consistent with that object, to encourage the professional interest of its members in those matters.

Bylaws / Rules

Section 23 of the Act:

(1) The council may make bylaws consistent with this Act and the School Act as follows:

…

(d) respecting the training and qualifications of teachers and establishing standards, policies and procedures with respect to the training and qualifications including, but not limited to, professional, academic and specialist standards, policies and procedures;

(e) respecting the issue of certificates of qualification and classifying certificates of qualification into one or more types;

(f) respecting the standards of fitness for the admission of persons as members of the college;

(g) respecting the powers of the qualifications committee appointed under section 26;

Section 24(2) states:
The Lieutenant Governor in Council may disallow a bylaw within 60 days after the filing of it under subsection (1)

Bylaw 2: Qualifications
Bylaw 4: Qualifications Committee

National Body / Examinations

Remarks

The bylaws are very detailed and make reference to the College’s policies with respect to English proficiency requirements, accredited institutions, etc.
http://www.bcct.ca/documents/bylaws_oct04.pdf

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30. BC COLLEGE OF TEACHERS — continued

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31. BOARD OF REGISTRATION FOR SOCIAL WORKERS

**Governing Statute and Regulations**

Social Workers Act RSBC 1996, c. 432

Section 4(1) provides:

Subject to the approval of the Lieutenant Governor in Council, the board may make rules as follows:

(a) establishing the qualifications required for registration;
(b) providing for the examination of persons applying for registration and the setting of the fees payable for each examination;

**Bylaws / Rules**

Section 4 of the Act states that the Board may make rules subject to the approval of the Lieutenant Governor in Council


Part 4 Registration:

s. 34 Classes of Registration
s. 35 Full Registration: academic degree(s) or equivalent, exams, minimum 700 hours of social work experience supervised by a social worker satisfactory to the board, application form including notarized copy of applicant’s degree

**National Body / Examinations**

**Remarks**

According to the Board’s website (http://www.brsw.bc.ca/):

The mandate of the Board is to protect the public interest by regulating the practice of social work. The main functions of the Board are to:

- Register qualified social workers
- Develop standards of practice
- Investigate complaints about the practice of social work

http://www.brsw.bc.ca/app-index.htm:

Minimal Requirements for RSW Approval

- Completed application package.
- $100.00 application fee. (Non-refundable)
- Official transcript sent directly to us
- From Canada – Bachelor of Social Work from an accredited university approved by the C.A.S.S.W.
- From U.S.A - Bachelor of Social Work from an accredited university approved by the C.S.W.E.
- From elsewhere – Bachelor of Social Work equivalency determined by I.C.E.S. and approved by the Board.

continued over...
31. BOARD OF REGISTRATION FOR SOCIAL WORKERS — continued

- References from two (2) professional individuals who will attest to the applicant’s good character.
- Two Criminal Record Checks:
  - 1 report provided by your local police department directly to us.
  - 1 consent mailed to us for the Ministry of Public Safety and Solicitor General of BC in accordance with the Criminal Records Review Act

**Accountability Structure / Appeal Structure**

- Registrar
- Registration Committee

Section 6(1) of the Act:
A person who is aggrieved by a decision of the board to cancel, suspend or limit the person’s registration may appeal the decision to the Supreme Court within 30 days after the date of the decision.

32. BC SOCIETY OF LANDSCAPE ARCHITECTS

**Governing Statute and Regulations**

Architects (Landscape) Act RSBC 1996, c. 18

Section 6:

1. On payment of the specified fee, if any, and written application, the board must register as a member of the society a person who satisfies the board that he or she has passed the examinations set by the board of examiners.

2. On payment of the specified fee, if any, and written application, the board may accept as a member of the society a person who satisfies the board that he or she
   (a) has passed examinations outside British Columbia equivalent to those set by the board of examiners for candidates in British Columbia, or
   (b) is or has been practising landscape architecture outside British Columbia and is a member in good standing of a similar society or other entity or group in the jurisdiction in which the person is or has been practising, the membership qualifications for which are at least equivalent to the qualifications required for candidates for membership within British Columbia.

Section 11 states that:

The objects of the society are the following:

(a) to uphold public health, safety and welfare as it relates to the professional practice of landscape architecture in British Columbia;

**Bylaws / Rules**

Section 9(2) of the Act states:

The bylaws of the society must not be altered or added to except by an extraordinary resolution of the society.

*continued over...*
Section 10(2)(a) of the Act provides that the Board may make bylaws with respect to the registration of members.

2003 Amended Bylaws:
Part 2 Members, Associates and Affiliates
2.35 requirements for applicants from outside of North America: certificate of standing from landscape architecture society in home jurisdiction, proof of academic qualifications directly from the institutions, a declaration from a Principal who satisfies the standards of the credentials committee about the applicant’s experience, proof of satisfactory training and knowledge of English.

### National Body / Examinations

| Remarks | See: http://www.bcsla.org/pdf.htm/road%20to%20Registration04.pdf |

### Accountability Structure / Appeal Structure

- Board
- Registrar
- Credentials Committee

### 33. CERTIFIED GENERAL ACCOUNTANTS OF BC

#### Governing Statute and Regulations

*Accountants (Certified General) Act, RSBC 1996, c.2 Section 5:*

(1) The objects of the association [Certified General Accountants Association of British Columbia] are as follows:

(a) to provide means and facilities by which its members may increase their knowledge, skill and proficiency in all things relating to the business or profession of an accountant or an auditor;

(b) to hold examinations and establish tests of competency to qualify for admission to membership;

(c) to discipline a member guilty of default or misconduct in the practice of the member’s business or profession;

(d) to establish and enforce standards of professional conduct, competence and proficiency to be maintained by its members and students;

(e) to represent the interests of its members and students.

Section 13(b):
The following persons must be admitted to membership in the association: …

(b) students and candidates who have passed the specified examination, and who comply with the conditions of membership set out in the bylaws of the association.

*continued over...*
Section 11(1) of the Act:
The objects and powers of the association must be carried out and exercised under bylaws and resolutions passed by the board, but every bylaw, unless in the meantime confirmed at a special meeting called for the purpose of considering it, has force only until the next general meeting, and in default of confirmation at that time ceases to have force. Section 11(3) of the Act provides that the Board may make bylaws with respect to establishing curriculum for students and for granting certificates to students and candidates who have successfully passed the examinations, but does not provide that bylaws may be made with respect to qualifications required for admission.
Section 11 (4):
A bylaw may be annulled by the Lieutenant Governor in Council.

National Body / Examinations

Remarks
Advisory Committee Member
See: http://www.thinkcga.org/how_to_become/routes/Foreign_students.asp
See also the MOSAIC Fact Sheet:
http://www.mosaicbc.com/Internationally_Trained_Accountants.pdf

Accountability Structure / Appeal Structure

- Board
- Executive Committee
Section 11(o) of the Act provides that bylaws may be made respecting appeals to the board from a decision or order of a committee.

34. CERTIFIED MANAGEMENT ACCOUNTANTS OF BC

Governing Statute and Regulations

Accountants (Management) Act, RSBC 1996, c.4
Section 3:
(a) to promote and maintain the knowledge, skill and proficiency of its members in the practice of management and management accounting and, to this end, to establish qualifications for admission to and continuing membership in the society;

Section 7:
The members are
(a) students duly enrolled under the bylaws with the society,
(b) persons who have passed examinations set to establish competency for membership and who comply with the conditions for membership set out in the bylaws, and
(c) members of another incorporated body that has objects and purposes similar to those of the society if the board has agreed to their admission and they comply with the conditions for membership set out in the bylaws.
Section 16 provides that the Board may determine fitness requirements for applicants.

continued over...
34. CERTIFIED MANAGEMENT ACCOUNTANTS OF BC — continued

**Bylaws / Rules**

Section 15 provides that the board may make bylaws for the purposes of the management and objects of the society, including to set out appeals processes from committee decisions. Section 15(5) provides that:

A bylaw or bylaw amendment filed with the minister under this section may be disallowed by the Lieutenant Governor in Council within 45 days of being filed.

Bylaw 3.06(d)(i) and (ii) states the Board may admit an applicant who is a member of a professional body outside of Canada having the same or similar objects, standards of education, training and experience requirements as the Society and has, in the opinion of the Board, attained a standard of education, training and experience equivalent to that required of Student to become Certified Members or Technicians per 3.06(a).

**National Body / Examinations**

CMA National Entrance Examination

**Remarks**

The CMABC website lists the steps for becoming a CMA: http://www.cmabc.com/members/members.html

Steps include the CMA Qualifying Program (http://www.cmabc.com/qualifyingprogram/admission_req.html), the National Entrance Examination, the CMA Strategic Leadership Program (a part-time accreditation program completed over two years, concurrent with 24 months of full time practical experience), and CMA designation.

**Accountability Structure / Appeal Structure**

- Board
- Committees

35. CORPORATION OF LAND SURVEYORS OF THE PROVINCE OF BC

**Governing Statute and Regulations**

*Land Surveyors Act* RSBC 1996, c. 248 as amended by Bill 17 (May 12, 2004)

Section 35.1:

The bylaws may specify:

- (c) the basis for admission as a land surveyor in training of an individual who has started similar training outside of British Columbia
- (d) the recognition of training outside of British Columbia as equivalent to training as a land surveyor in training for the purposes of this Act
- (e) setting the conditions under which a land surveyor in training may take an examination for admission as a land surveyor

**Bylaws / Rules**

Section 5(1) of the Act provides that:

Bylaws may only be passed at the annual general meeting or at an extraordinary general meeting.

Section 5(6) states that the Lieutenant Governor in Council may disallow a bylaw within 45 days of filing.

The Board of Management adopted by resolution General Survey Instruction Rules under Section 75 of the Land Surveyors Act. These rules were established by Order of the Surveyor General on April 29, 2004.

Revised 2004 Bylaws:

Section 6 discusses Articles and Examinations

*continued over...*
35. CORPORATION OF LAND SURVEYORS OF THE PROVINCE OF BC — continued

**National Body / Examinations**

Prior to entering articles, a candidate must present a Certificate of Completion from the Western Canadian Board of Examiners (per Bylaw 6(a)(1))

**Remarks**

Admissions Handbook sets out requirements (formal education, period of articles, exams):

http://www.bclandsurveyors.bc.ca/documents/Admissions%20Handbook%202004.pdf

**Accountability Structure / Appeal Structure**

- Board of Management
- Board of Examiners
- Professional Assessment and Qualifications Committee

36. LAW SOCIETY OF BC

**Governing Statute and Regulations**

*Legal Profession Act* SBC 1998, c. 9

Section 3:

It is the object and duty of the society

(a) to uphold and protect the public interest in the administration of justice by

(i) preserving and protecting the rights and freedoms of all persons,

(ii) ensuring the independence, integrity and honour of its members, and

(iii) establishing standards for the education, professional responsibility and competence of its members and applicants for membership, and

(b) subject to paragraph (a),

(i) to regulate the practice of law, and

(ii) to uphold and protect the interests of its members.

Sections 19, 20 & 21: Relate To Admission Of Applicants

19 (1) No person may be enrolled as an articled student, called and admitted or reinstated as a member unless the benchers are satisfied that the person is of good character and repute and is fit to become a barrister and a solicitor of the Supreme Court.

20 (1) The benchers may make rules to do any of the following:

(a) establish requirements, including academic requirements, and procedures for enrollment of articled students;

(b) set fees for enrollment;

(c) establish requirements for lawyers to serve as principals to articled students;

(d) limit the number of articled students who may be articulated to a principal;

(e) stipulate the duties of principals and articulated students;

(f) permit the investigation and consideration of the fitness of a lawyer to act as a principal to an articulated student.

(2) The benchers may establish and maintain an educational program for articulated students
21 (1) The benchers may make rules to do any of the following:
(a) establish a credentials committee and delegate any or all authority and responsibility under this Part, other than rule-making authority, to that committee;
(b) establish requirements, including academic requirements, and procedures for call to the Bar of British Columbia and admission as a solicitor of the Supreme Court;
(c) set a fee for call and admission;
(d) establish requirements and procedures for the reinstatement of former members of the society;
(e) set a fee for reinstatement;
(f) establish conditions under which a member in good standing of the society who is not permitted to practise law, may apply to become a practising lawyer.
(2) The fee set under subsection (1) (c) must not exceed 1/6 of the practice fee set under section 23 (1) (a).
(3) The benchers may impose conditions on the practice of a lawyer who, for a cumulative period of 3 years of the 5 years preceding the imposition of the conditions, has not engaged in the practice of law.

Bylaws / Rules
Section 11 of the Act states that:
(4) Enactment, amendment or rescission of a rule is not effective unless at least 2/3 of the benchers present at the meeting at which the rule, amendment or rescission is considered vote in favour of it.
(5) Unless section 12 applies [not relevant to registration], no approval other than that required under subsection (4) of this section is necessary to enact, rescind or amend a rule.

National Body / Examinations
Remarks
Rule 2-27 sets out requirements for entry to the Admissions program.
Rule 2-37:
(1) An articled student or applicant for enrolment who holds professional legal qualifications obtained in a common law jurisdiction outside Canada and has been in the active practice of law in that jurisdiction for at least one full year, may apply in writing to the Executive Director for a reduction in the articling term.
(2) An articling term may be reduced under this Rule by up to one month for each full year of active practice of law in another jurisdiction.
Rule 2-44(6)(b) provides that an articled student may apply for exemption from the Public Legal Training Course if she was engaged in the active practice of law in a common law jurisdiction outside Canada for at least 5 full years.
Rule 2-47:
To qualify for call and admission, an articled student must complete the following satisfactorily:
(a) the articling term;
(b) the training course;
(c) any other requirements of the Act or Rules imposed by the Credentials Committee or the Benchers.

Rule 2-67 relates to credentials hearings:
(1) At a hearing under this Division, the onus is on the applicant to satisfy the panel on the balance of probabilities that the applicant has met the requirements of section 19(1) of the Act and this Division.
(2) A panel must reject an application for enrolment if it considers that the applicant’s qualifications referred to in Rule 2-27(4) are deficient.

Accountability Structure / Appeal Structure
- Benchers
- Credentials Committee

Rule 5-13: NOTE: THIS RELATES TO AN APPLICANT’S GOOD CHARACTER AND REPUTE NOT A DECISION RELATING TO AN EXAMINATION APPEAL.
(1) An applicant or a respondent may initiate a review of a decision under section 47 of the Act by delivering a Notice of Review under Rule 5-15 to the Executive Director within 30 days after the applicant or respondent is notified of the decision of the panel.

Section 3(1) of the Act requires that:
Bylaws of the society must be submitted to and approved by the Attorney General and no bylaw has force or effect until approved.

Section 4 provides that the number of notaries in each district is limited according to an attached Schedule.

Section 5(1) states:
A Canadian citizen or permanent resident of Canada may, on payment of the prescribed fee, apply to the court under the Rules of Court for enrolment as a member.

Section 6(1):
If the court is satisfied that an applicant is a fit person for enrolment as a member for a notarial district, it may order that the applicant be examined in the duties of a notary public and, if found qualified on the examination, be enrolled as a member.

continued over...
Section 11:  
If an applicant  
(a) files proof with the registrar that the applicant has satisfactorily passed the required examination and has taken an oath of office in the prescribed form before a judge of the court, and  
(b) pays the prescribed fee,  
the registrar must enrol the applicant as a member and must record on the roll a memorandum of the notarial district or area to which the member’s practice is limited.

Bylaws / Rules  
Section 53 of the Act states that:  
The board of governors may make bylaws for purposes relating to the affairs, business, property and objects of the foundation  
Section 55:  
(1) The directors may make regulations referred to in section 41 of the Interpretation Act.  
(3) A regulation made under subsection (1) or (2) does not come into force until it is approved by the Lieutenant Governor in Council.

National Body / Examinations  
Remarks  
Advisory Committee Member  
Accountability Structure / Appeal Structure  
• Board of Governors  
• Board of Examiners

38. REAL ESTATE COUNCIL OF BRITISH COLUMBIA

Governing Statute and Regulations  
Real Estate Services Act SBC 2004, c. 42, came into force January 1, 2005, replacing Parts 1 and 2 of the Real Estate Act RSBC 1996, c. 397  
Act, Section 10:  
An applicant for a new licence or a licence renewal must satisfy the real estate council that they meet the following applicable requirements:  
(a) the applicant is of good reputation and suitable to be licensed at the level and in the category for which the applicant is applying;  
(b) in the case of an applicant who is an individual, the applicant  
(i) is at least 19 years of age, and  
(ii) meets the educational and experience requirements established by the rules;  

Bylaws / Rules  
Section 55(2) of the former Act provided that the Lieutenant Governor in Council may make regulations as follows:  
(n) prescribing the qualifications required of an applicant for a licence under this Act and the statements and other documents to be produced by an applicant;  
This provision is not present in the new Act.

continued over...
Section 84 of the new Act provides that the Council may make bylaws it considers necessary, and s. 86 provides that the Council may make rules with respect to licensing.

Real Estate Services Regulation BC Reg 506/2004:
- s. 6.1 states that the Council must provide a 30 day notice and comment period to licensees for rules and bylaws; 3 of the 4 council members must vote to pass the rule or bylaw.

Real Estate Services Act Rules
- Division 3: Qualification Requirements
  - Section 2-7 sets out educational requirements; 2-10 discusses equivalencies for non-BC candidates.

Real Estate Services Act General Bylaws
- Part 4 Licence Applications and Other Submissions to Council
  - 4-2: Council may require supporting documentation to verify any information provided or statement made in an application for licence.
  - 4-4: Applications for new licences (1) General requirements related to applications.

National Body / Examinations

Remarks
See: http://www.recbc.ca/becoming Licensed/requirements.htm

According to http://www.recbc.ca/becoming Licensed/lpi.htm:
Completion of the Language Proficiency Index (LPI), or a recognized equivalent, is one of the requirements for Real Estate Salesperson’s and Sub-Mortgage Broker’s and Property Management Pre-Licensing students. However, this requirement does not appear in the bylaws, rules and regulation reviewed.


Accountability Structure / Appeal Structure
- Council
- Hearing Committee
## Appendix 5: Selected National Regulatory Organizations

*Information is current to March 2005 and subject to errors on web resources.*

### 1. CANADIAN ALLIANCE OF PHYSIOTHERAPY REGULATORS

**www.alliancept.org**  
The national professional association is the Canadian Physiotherapy Association:  
http://www.physiotherapy.ca/enghome.htm

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<tr>
<td><strong>Bylaws / Rules</strong></td>
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<tr>
<td><strong>Examinations</strong></td>
<td>Physiotherapy Competency Examination (&quot;PCE&quot;)</td>
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| **Remarks**                          | The stated mandate of the Alliance is:  
To facilitate the sharing of information and build consensus on national regulatory issues in order to assist member regulators in fulfilling their mandate of protecting the public interest.  
The Alliance administers evaluation services that are valid, cost effective, accessible, responsive, and assist member organizations in fulfilling their public interest mandate.  
The Alliance participates in policy-related activities that promote the national consistency of standards and requirements. http://www.alliancept.org/whoweare.html  
The Alliance has an “Educational Equivalence for Physiotherapists Educated Outside Canada” brochure: http://www.alliancept.org/evaluation/Credentialling_Brochure0212.pdf  
According to the Alliance’s Credentialing Package (http://www.alliancept.org/evaluation/Credentialling Package 0604.pdf) the three steps for registration are:  
1. Assessment of educational equivalency by the Alliance (All provinces except Quebec require the Alliance to determine educational equivalency in order to assess eligibility to write the PCE.)  
2. Successful completion of the PCE, administered by the Alliance  
3. Final review and decision by the provincial regulatory body |
| **Accountability Structure / Appeal Structure** | Candidates may request Administrative Reconsideration, i.e. that their examination be re-scored, by delivering a written request to the Alliance within 21 days of the release of the results. They must include a confidential letter outlining the health issues, administrative issues or extraordinary circumstances that affected their performance. Re-scoring involves checking to make sure that candidates were given credit for all marks. |
2. NATIONAL DENTAL HYGIENE CERTIFICATION BOARD

www.ndhcb.ca

(See also the Canadian Dental Association Commission on Dental Accreditation of Canada: http://www.cda-adc.ca/english/dentistry_in_canada/cdac/default.asp)

<table>
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<tr>
<th>Governing Statute and Regulations</th>
<th>Incorporation under the Canada Corporations Act, Part II R.S. 1970, c. C-32</th>
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<tr>
<th>Bylaws / Rules</th>
<th>Examinations</th>
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<tr>
<td>National Dental Hygiene Certification Examination (NDHCE)</td>
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<td>An Application Committee evaluates candidates from non-accredited programs to determine eligibility to write the NDHCE.</td>
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<td>Eligibility requirements to write the examination:</td>
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<td>• An applicant who is a graduate of a dental hygiene program that was not accredited by the Commission on Dental Accreditation of Canada (CDAC) or the American Dental Association Commission on Dental Accreditation (ADA/CODA), at the time of the applicant’s graduation, may apply to write the NDHCE following verification of eligibility by the Application Committee of the NDHCB.</td>
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<tr>
<td>• Graduates of non-accredited dental hygiene programs must meet all of the following requirements before an evaluation of their dental hygiene academic credentials is initiated.</td>
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Education Requirements: The dental hygiene program from which the applicant graduated must satisfy the following educational requirements for the applicant to be eligible for evaluation:

• The dental hygiene program must be established as a separate school, faculty, division or department at a post secondary institution recognized by the appropriate governmental authority.
• The successful completion of the dental hygiene program must require a minimum of two academic years (16 months) of formal education.
• The dental hygiene program must publish an official statement of course/syllabus description.
• The objectives of the individual program components must be set out in detail and relate to overall program objectives.

General Requirements: The applicant must satisfy the following general requirements to be eligible for evaluation:

• Proof of eligibility to work as a dental hygienist in country where educated.
• All required documents written in a language other than French or English must be accompanied by an official and notarized English translation.

continued over...
• All official dental hygiene diplomas/transcripts/certificates/course descriptions issued by the educational institution of graduation must be accompanied by a certificate of verification of authenticity from an external credentialing agency approved by the NDHCB. Approved agencies are listed in the Application for Evaluation Guide.

• All expenses for verification and translation of required documents are to be borne by the applicant. If the applicant is deemed eligible to write the NDHCE, a language deficiency in either English or French shall not be grounds for review of examination results. Applicants who meet the educational and general requirements listed above will need to have their academic credentials evaluated for eligibility to write the NDHCE.


Remarks

The NDHCB is responsible for the development, administration, scoring and reporting of results of the NDHCE. The NDHCB offers a credential, based on national practice and education standards, which provides for portability of licensure or registration between provincial and territorial jurisdictions. Successful completion of the NDHCE results in the issuance of the National Certificate Part A (written). This enables the holder to obtain registration or licensure to practice dental hygiene in those Canadian provinces and territories that require it (Alberta, British Columbia, Newfoundland and Labrador, Ontario, and Saskatchewan), providing all other requirements imposed by the regulatory authorities are also met: http://www.ndhcb.ca/en/index.php

Requirement of the NDHCB Certificate for licensure or registration is completely at the discretion of each provincial or territorial dental hygiene regulatory authority.

Accountability Structure / Appeal Structure

Appeals for review of a candidate’s unsuccessful certification examination result are assessed by a Review Committee of the National Dental Hygiene Certification Board. If an irregularity of “sufficient magnitude” has occurred the candidate is allowed to rewrite the examination.
3. PHARMACY EXAMINING BOARD OF CANADA

http://www.pebc.ca/
(See also National Association of Pharmacy Regulatory Authorities (NAPRA) www.napra.org)

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<td>“The Pharmacy Examining Board of Canada (PEBC) is a non-profit, self-supporting organization that was established by Special Act of Parliament on December 21, 1963, and functions under statute of the Federal government as an arms-length national examining board for the pharmacy profession in Canada.” (<a href="http://www.pebc.ca/">http://www.pebc.ca/</a>)</td>
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| Bylaws / Rules | Examinations | There is a two-step evaluation procedure for foreign-trained pharmacists before they can write the Qualifying Examination: Document Evaluation is undertaken to ensure possession of an acceptable degree in pharmacy. An Evaluating Examination is written to determine if the applicant completed a comparable program of study to that taught in Canada. |

| Remarks | The purpose of the Board is to assess qualifications for pharmacists acceptable to participating pharmacy-licensing bodies. To that end, the Board awards certificates of qualification to those applicants who pass a qualifying examination. A major responsibility of the Board is to assure the achievement of a minimal level of competence to practice at an entry-level. PEBC assesses the qualifications of both Canadian and foreign graduates. Each province in Canada is responsible for issuing a license to practice pharmacy in their own province. All provinces except Quebec require applicants trained outside of Canada to have The Pharmacy Examining Board of Canada Certificate of Qualification. http://www.pebc.ca/EnglishPages/General/AboutUs.html |

| Accountability Structure / Appeal Structure | Appeals for review of examination/assessment results are considered only if made in writing and accompanied by a payment of $107 within 60 days of mailing or picking up the examination/assessment results. Letters of appeal are only considered in relation to specific procedural or adjudication errors or discrepancies on the candidate examination/feedback survey and or errors in adjudication in the written performance report provided to unsuccessful candidates. |
4. THE SOCIETY OF MANAGEMENT ACCOUNTANTS OF CANADA, ALSO KNOWN AS CERTIFIED MANAGEMENT ACCOUNTANTS OF CANADA

**www.cma-canada.org**

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<tr>
<td><strong>Bylaws / Rules</strong></td>
<td>The CMA Entrance Examination is a required step in the process to qualify as an accountant</td>
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<tr>
<td><strong>Examinations</strong></td>
<td>CMA Canada is described as a partnership of the Society of Management Accountants of Canada and the Societies/Orders of Management Accountants of each province and territory. “CMA Canada grants a professional designation in management accounting and regulates its members under the authorization of provincial legislation. CMA Canada, a self-regulating body, maintains the highest standards, practices and professional conduct in management accounting to protect the public interest.” (<a href="http://www.cma-canada.org/index.cfm/ci_id/16/la_id/1.htm">http://www.cma-canada.org/index.cfm/ci_id/16/la_id/1.htm</a>) The CMA Canada Strategic Direction (<a href="http://www.cmacanada.org/multimedia/CMA_Canada/Document_Library/Attachments/directiona-booklet.pdf">http://www.cmacanada.org/multimedia/CMA_Canada/Document_Library/Attachments/directiona-booklet.pdf</a>) states that CMA Canada is working to establish Mutual Recognition Agreements with other associations in order to improve mobility and career opportunities for accountants. CMA Canada also has an accreditation program for Canadian universities (<a href="http://www.cma-canada.org/multimedia/CMA_Canada/Document_Library/Attachments/accredit-booklet.pdf">http://www.cma-canada.org/multimedia/CMA_Canada/Document_Library/Attachments/accredit-booklet.pdf</a>)</td>
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<tr>
<td><strong>Remarks</strong></td>
<td>A self regulating, professional association</td>
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<td><strong>Accountability Structure / Appeal Structure</strong></td>
<td>Unknown</td>
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5. CERTIFIED GENERAL ACCOUNTANTS ASSOCIATION OF CANADA

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<td><strong>Bylaws / Rules</strong></td>
<td>The CGA-Canada Code of Ethical Principles and Rules of Conduct [<a href="http://www.cga-online.org/servlet/portal/serve/Library/AboutUs/AboutTheAssociation/ca_cproc_v2-4.pdf">http://www.cga-online.org/servlet/portal/serve/Library/AboutUs/AboutTheAssociation/ca_cproc_v2-4.pdf</a>] is described as a comprehensive set of rules and guidelines designed to protect the public and ensure that CGAs maintain the highest ethical standards. Provincial codes may vary.</td>
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<td><strong>Examinations</strong></td>
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The Canadian Architectural Certification Board (CACB) was established in 1976 by agreement of the Registration Authorities and Councils of nine provincial institutes/associations to assess and certify the academic qualifications of individuals holding a professional degree/diploma in architecture who intended to apply for registration. The Order of Architects of Quebec joined the CACB in 1991. CACB’s mandate was revised in 1991 to include the responsibility for accrediting professional degree programs in Canadian university schools of architecture. The Canadian Architectural Certification Board fulfills two separate but related mandates:

- Administer a program of accreditation of the Canadian schools of architecture in accordance with Conditions and Procedures for Accreditation approved by the CCAC and the CCUSA;
- Administer a program of certification of the educational qualifications of individual applicants in accordance with the criteria contained within the “Education Standard” approved by the CCAC.

Prior to registration with any of the provincial associations of architects in Canada, applicants must have their academic qualifications certified by the CACB.

Following certification of their academic qualifications, applicants are then required to complete the licensing requirements (including internship and exams) for the province in which they wish to register.

There are four ways to satisfy the Canadian Education Standard for admission to provincial architectural associations in Canada:

- Applicants may qualify through graduation from a professional program of architectural education which has been accredited by the Canadian Architectural Certification Board (CACB), or by the National Architectural Accrediting Board (NAAB), or an accrediting body recognized by the Board.
- Applicants with a degree/diploma in architecture which is not accredited by the CACB or the NAAB can meet the Canadian Education Standard by obtaining CACB certification following a detailed evaluation of the individual’s record.

continued over...
6. CANADIAN ARCHITECTURAL CERTIFICATION BOARD — continued

- Architects who were registered prior to July 1, 1976 by a provincial association, or by the Ordre des architectes du Québec prior to 1992, or whose education was certified by the Universities Coordinating Council in Alberta prior to 1992, are accepted as having equivalent education to satisfy the Canadian Education Standard.
- Applicants who have received a Diploma from the RAIC Syllabus of Studies Program may meet the Canadian Education Standard by obtaining CACB certification that they have completed requisite courses and guided studies.

**Accountability Structure / Appeal Structure**

Unknown
Appendix 6: Agreement on Internal Trade

a) Overview of the AIT

The AIT is an intergovernmental agreement signed by Canadian First Ministers that came into force in 1995. Its purpose is to foster improved inter-provincial trade by addressing obstacles to the free movement of persons, goods, services and investments within Canada.

The AIT is intended to reduce trade barriers within 11 sectors, including investment, procurement, and labour mobility. The stated goals with respect to labour mobility are:

- Enabling qualified workers to practice their occupation anywhere in Canada by eliminating residency requirements, requiring licensing, certification and registration of workers to be based primarily on competence, committing to recognizing a worker’s occupational qualifications and reconciling differences in occupational standards.

The AIT operates according to six guiding principles or general rules:

1. **Non-discrimination**
   Establishing equal treatment for all Canadian persons, goods, services and investments.

2. **Right of entry and exit**
   Prohibiting measures that restrict the movement of persons, goods, services or investments across provincial or territorial boundaries.

3. **No obstacles**
   Ensuring provincial/territorial government policies and practices do not create obstacles to trade.

4. **Legitimate objectives**
   Ensuring provincial/territorial non-trade objectives which may cause some deviation from the above guidelines have a minimal adverse impact on inter-provincial trade.

5. **Reconciliation**
   Providing the basis for eliminating trade barriers caused by differences in standards and regulations across Canada.

6. **Transparency**
   Ensuring information is accessible to interested businesses, individuals and governments.

b) The Labour Mobility Chapter

Chapter 7 of the AIT is the Labour Mobility Chapter. Interestingly, Article 700 states that five of the AIT’s six general rules do not apply to the Labour Mobility chapter:

1. Articles 401 (Reciprocal Non-Discrimination), 402 (Right of Entry and Exit), 403 (No Obstacles), 404 (Legitimate Objectives) and 405 (Reconciliation) do not apply to this Chapter.

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That is, only Article 406 (Transparency) applies to the Labour Mobility chapter. According to the AIT “Guidelines for Meeting the Obligations of the Labour Mobility Chapter” (the “Guidelines”):116

Article 406 of the Agreement on Internal Trade, dealing with Transparency, states that “Each Party shall ensure that its legislation, regulations, procedures, guidelines and administrative rulings of general application respecting matters covered by this Agreement are made readily accessible.” For those involved in the recognition/reconciliation process, this means that information on mutual recognition agreements and on the accommodation mechanisms adopted for an occupation must be made available for practitioners.

Article 702(1) states that:

This Chapter applies to measures adopted or maintained by a Party relating to occupational standards, licensing, certification, registration and residency requirements of workers, which create barriers to labour mobility.

Article 703 states that the parties to the AIT shall seek the voluntary compliance of regulatory bodies with the chapter. Art. 703(2) states that if voluntary compliance is not achieved within a reasonable time, the parties are obliged to “adopt and maintain measures to ensure such compliance”.

Article 705 deems that the parties to the AIT have a right to establish occupational standards and requirements:

For greater certainty, each Party may, in accordance with this Agreement, adopt or maintain any occupational standard or occupational requirement to achieve a legitimate objective and may, in pursuing that objective, establish the level of protection that it considers to be appropriate.

However, given that five of the six general rules of the AIT do not apply to this chapter, it is difficult to assess how far the parties are able to go in implementing this right.

Article 706 states that parties cannot require a worker of any other party to be resident in its territory as a condition of licensing, certification or registration relating to the worker’s occupation. Further, parties are not to accord to workers of any other party a treatment no less favourable than the treatment it accords, in like circumstances, to its own workers (art. 706(2)), subject to art. 709 (discussed below).

Article 707(1) is noteworthy as it relates to licensing, certification and registration of workers:

Subject to Article 709, each Party shall ensure that any measure that it adopts or maintains relating to the licensing, certification or registration of workers of any other Party:

(a) relates principally to competence;
(b) is published or otherwise readily accessible;
(c) does not result in unnecessary delays in the provision of examinations, assessments, licences, certificates, registration or other services that are occupational prerequisites for workers of any other Party; and
(d) except for actual cost differentials, does not impose fees or other costs that are more burden some than those imposed on its own workers.

According to the Guidelines:\textsuperscript{117}

[Article 707(1)(a)] means that the principal criteria for granting licensure, certification or registration should be based on the ability to perform the occupation. For example, a difference may exist from one province or territory to another in the length of education or training required to be deemed qualified. That difference in itself should not be a reason for excluding someone from being deemed qualified. Rather, regulatory bodies and governments are to base the decision to qualify an out-of-province worker on the person’s competence.

Article 708 requires (subject to Article 709) that parties undertake to mutually recognize the occupational qualifications required of workers of any other party and to reconcile differences in occupational standards in the manner specified in Annex 708. Annex 708 provides that the parties are to assess the occupational qualifications and requirements of occupations that they regulate in order to determine the degree of commonality in the different jurisdictions. Where there is a high degree of commonality, mutual recognition is expected to occur. Where there is a low degree of commonality, the Parties may pursue the development of mutually acceptable occupational standards. In the interim, it is understood and agreed that a moderate or low level of commonality will allow a Party to assess incoming workers against its own standards (Annex 708(8)). Appendix I of the Guidelines\textsuperscript{118} offers a suggested approach for conducting an assessment of occupational standards as called for in Annex 708.

Article 709(1) provides that parties may have measures that are inconsistent with articles 706, 707 or 708 if they can demonstrate that:

(a) the purpose of the measure is to achieve a legitimate objective;
(b) the measure does not operate to impair unduly the access of workers of a Party who meet that legitimate objective;
(c) the measure is not more mobility-restrictive than necessary to achieve that legitimate objective; and
(d) the measure does not create a disguised restriction to mobility.

According to the Guidelines:\textsuperscript{119}

A legitimate objective means one or more of the following objectives being pursued within the territory of a Party:

- public security and safety;
- public order;
- protection of human, animal or plant life or health;
- protection of the environment;
- consumer protection;
- protection of the health, safety and well-being of workers;
- affirmative action programs for disadvantaged groups;
- provision of adequate social and health services to all its geographic regions;
- labour market development; and
- cost containment in the health sector, such as limiting the number of workers in a given occupation in order to limit public expenditures.

\textsuperscript{117} http://www11.sdc.gc.ca/en/cs/sp/lmp/mobility/9999-000057/page03.shtml
\textsuperscript{118} http://www11.sdc.gc.ca/en/cs/sp/lmp/mobility/9999-000057/page07.shtml
\textsuperscript{119} http://www11.sdc.gc.ca/en/cs/sp/lmp/mobility/9999-000057/page05.shtml
These “legitimate objectives” are set out in the Guidelines’ Glossary of Terms\textsuperscript{120}, which states that “the Labour Mobility Coordinating Group acknowledges a glossary of terms produced by the Canadian Information Centre for International Credentials”.

Article 711 provides that persons may complain to a party regarding the interpretation or application of the chapter. This means that regulatory bodies may be called upon to examine their practices, if a complaint were to be brought forth against a particular practice.\textsuperscript{121} If the complaint has not been resolved to the satisfaction of the complainant within 90 days, the person may seek recourse under the Dispute Resolution Procedures contained in Chapter 17 of the AIT.

**Implementation of the Labour Mobility Chapter**

According to the AIT’s 2001-2002 Annual Report, as of the July 2001 deadline for compliance with the Labour Mobility chapter, 42 of the 51 regulated occupations had agreed to describe or had made progress toward describing how they might facilitate mobility for their practitioners.

The Forum of Labour Market Ministers (FLMM) is responsible for implementation of the labour mobility chapter.

**Appendix 7: Description of Governing Structures**

The governing bodies of regulatory organizations differ in name and differ in provincial ministry to which they report, but have similar accountability structures. They all have on their board a number of Lieutenant Governor appointees. Those appointees can vote on any changes made to the structure and processes; however, the appointees have no requirement to report back to their provincial ministries. For the non-medical regulatory organizations the distinction between the accountability of the council and the organization as a whole was not clear.

Examples of governing bodies and their accountability follow.

- **Law Society of BC**

  The primary responsibility of the Law Society under the provincial *Legal Profession Act* is to protect the public in the administration of justice. The Law Society works to ensure that the public is well served by a legal profession that is honourable, competent and independent. The Benchers are the board of directors of the Law Society. They govern the work of the Law Society in accordance with the *Legal Profession Act*. They establish the Law Society Rules, the *Professional Conduct Handbook* and board policies (including governance policies).

  There are 25 elected Benchers who are lawyers — chosen by other lawyers in nine regions across BC — and up to six non-lawyer (Lay) Benchers, appointed by the provincial Cabinet. Benchers serve two-year terms and can be re-elected. The senior Bencher is the President, who serves a one-year term in that position. The Attorney General of British Columbia is also a Bencher although, in practice, the Deputy Attorney General attends Bencher meetings on the Attorney’s behalf.

\textsuperscript{120} http://www11.sdc.gc.ca/en/cs/sp/lmp/mobility/9999-000057/page06.shtml
\textsuperscript{121} http://www11.sdc.gc.ca/en/cs/sp/lmp/mobility/9999-000057/page01.shtml
The Benchers and the Law Society are responsive to their membership through the Benchers’ Bulletin, the AGM, the election of Benchers, surveys and website information. Similarly, the Benchers and the Law Society are responsive to the public and government through transparent processes including, complaints, discipline and disclosure. Bencher meetings, held monthly, are open to the public as are discipline and credentials hearings.

- **BC Institute of Agrologists (BCIA)**
  The Council consists of: the president, the present-elect, the immediate past president, 3 lay councillors appointed by the Lieutenant Governor, and eight additional councillors, elected from each branch.

  The council and organization is accountable to government through the Lieutenant Governor’s appointees, and through investigations and reports to government. The council is accountable to the professional membership by having eight branches that elect members to council. Branches are given information about persons who are censured and about changes in the organization. Council is accountable to the public through investigation of written complaints. There has been only one censure in 25 years.

- **Architectural Institute of BC (AIBC)**
  The council governs the affairs of the institute and may, by resolution, make rules necessary for that purpose. The Council consists of 15 members: four Lieutenant Governor appointees who are not members of the institute, the Director of the School of Architecture of the University of BC or a full-time faculty member of that school, and 10 members elected by and from among the members of the institute. The council elects a president, one or more vice presidents, a treasurer, a registrar, and other officers.

  The council and organization is accountable to government through the architects Act and through four Lieutenant Governor’s appointees. The council and organization is accountable to the Professional membership through the BC Architects Magazine that comes out four times a year, the AGM, the financial report, and the report from the president. The council and organization are accountable to the public through the public’s ability to make a complaint to the Ministry of Advanced Education or the AIBC, the AIBC administering a complaints process, which can result in possible disciplinary action, and obtaining information through the Freedom of Information Act.

- **Association of Professional Engineers and Geoscientists of BC (APEG BC)**
  The council consists of the president, the vice president, the immediate past president, four councillors appointed by the Lieutenant Governor, 10 elected members, and a member of the faculty of Applied Science, Engineering and Geoscience in British Columbia, if one is not already an elected member of council.

  The council and organization are accountable to government through the Engineers and Geoscientists Act, through reports to the minister, and through four ministerial appointees. The council and organization are accountable to the professional membership through their elected council members and are also accountable to the public at large through: open council meetings, the act, bylaws and code of ethics, the complaints procedure, the investigation committee, and information about inquiries published in local papers.
• **Certified General Accountants of BC (CGA-BC)**

The Board of Governors manages the affairs and business of the association. It is made up of not more than 21 and not less than 15 elected members and one Lieutenant Governor’s appointee who is a layperson to represent the general public.

The Board of Governors and the organization are accountable to the government through the Lieutenant Governor’s appointee who reports to government and currently participates at the committee level regarding issues of ethics and discipline. The board and the organization are accountable to Professional Membership through elected board members, a number of publications (CGA Magazine, Outlook, and Sessions), and the AGM. The board and organization are accountable to the public through complaints procedures, disciplinary hearings, and the press that provides opinion pieces on all regulatory organizations.

• **College of Pharmacists of BC**

The governing council is responsible for leading and guiding the organization towards achieving its vision and organizational outcomes. The council’s role includes “being accountable to the general public for competent, conscientious and effective performance as defined in the legislation.” The council consists of seven pharmacists who are elected from five geographical areas. Two of the seven pharmacists are drawn from hospitals—one from a small and one from a large facility. The pharmacists are not seen as representatives of pharmacists in the field, and the orientation process tries to ensure that each pharmacist understands that they are not on council to represent anyone. Their goal is to protect for the interests of the public. Government appoints the remaining four members. The Dean of Pharmacy sits on the council as a volunteer member, but this will change when the College of Pharmacists comes under the Health Professions Act. Currently all bylaw changes have to be approved by the Lieutenant Governor. There have been only two occasions when the government imposed a bylaw change and disagreed with a proposed bylaw change.

• **College of Dental Hygienists**

The board consists of six elected members and three appointed members. The elected board members are drawn from five geographic electoral districts. The board appoints the members to the seven committees.

• **College of Dental Technicians**

The college’s board is made up of five elected Dental Technicians, one elected Dental Technician Assistant and three government appointed public members. Those elected by the membership are not regarded as representatives of, or advocates for, the members: their purpose is to serve the mandate of the board. Prior to becoming a council member, each individual must sign a conflict of interest statement and follow the guidelines regarding their role and purpose. These guidelines include how to communicate with registrants regarding the activities of the board.

• **College of Physical Therapists**

The college’s board is made up of six elected members and three government appointees. The Board meets four times a year. There are three statutory committees and seven other committees appointed by the board. All board members must adhere to code of conduct and conflict of interest guidelines.
College of Teachers

The college is governed by a twenty-member council. Twelve councillors are elected from the college membership and eight, of whom three must also be members of the college, are appointed. The council has three statutory committees. Changes made in 2004 require that all council members take an oath that all decisions that they make on the council are independent of, and do not reflect the agenda of other interest groups. Core to the oath is that all decisions are made in the interests of the College as a whole and in accordance with the *Teaching Profession Act*.

Appendix 8: Principles and Values and Definitions of “In the Public Interest” and “Protection of the Public”

**Principles and Values**

The following are examples of some of the principles of the regulatory bodies reviewed:

- “To hold paramount safety, health, and welfare of the public, the protection of the environment, and health and safety within the workplace.”

- “To ensure integrity, competence and objectivity in the conduct of its members while fulfilling their professional responsibilities to: the Public, the Employer or Client, the Profession, and other Members.”

- “To stand for: responsibilities to society, due care and professional judgment, no use of deceptive information, professional practice; and responsibilities to the profession.”

- “To protect children and serve the public interest in matters of education.”

- “To be committed to a fair and transparent approval process ... that is a fair, equitable and accountable process for the assessment of applicants for admission to the profession in BC.”

One of the medical regulatory organizations described self-regulation as a core principle. Pharmacists are seen as acting as “autonomous health care professionals advocating for their patients” and “each individual is responsible for governing themselves in the best interests of the client.”

**“In the Public Interest” and “Protection of the Public”**

Several of the regulatory organizations spoke of the principle of acting for the “public interest.” Statements about public interest include:

- “To uphold and protect the public interest in the administration of justice by: preserving and protecting the rights and freedoms of all persons; ensuring the independence, integrity and honour of its members; and establishing standards for education, professional responsibility and competence of its members and applicants for membership.”


- “To uphold and protect the public interest by: preserving and protecting the scientific methods and principles that are the foundation of the agricultural and natural sciences; upholding the principles of stewardship that are the foundation of agrology, and ensuring integrity, objectivity and expertise of its members.”

- “To act in the interest of one’s client or employer. However, whenever there is a conflict between these interests, the professional’s first obligation is to the public at large.”

- “Professional educators value and care for all children, acting at all times in the best interest of children.” The BC College of Teachers cites “in the best interest of children,” which includes ensuring that a person is “of good and moral character and be fit to teach.” It is up to applicants to prove that they are fit through criminal record check, and character and professional references.

One of the medical regulatory organizations used the principle “in the public interest” rather than “ensuring public safety” as the latter term is harder to measure. A representative of the College of Pharmacists said, “in the public interest” is about public protection and is “is embedded in and the foundation to everything that we do.” It is about reducing errors, and refers to the responsibility of the college to support pharmacists so that they can support their clients more effectively.

Several of the regulatory organizations use the principle, the “protection of the public.” Regulatory organizations referred to the “protection of the public” in the following ways.

- Ensuring “the health, safety and well-being of the public, the protection of the environment, the fair administration of the act and code of ethics, the enhancement of the professions.”

- “Ensuring the integrity, objectivity and expertise of its members, holding members accountable, ensuring mandatory professional development” and “ensuring the public that a qualified professional is: qualified to practice with standards of health and safety, regulated, and part of an organization with a complaints procedure.”

- “To make sure that a dental hygienist is doing something that does not harm someone and that their skill set meets the standards. The intention of the standards is to protect the public by setting education requirements and by having a code of ethics to govern all aspects of the practice.”

- The College of Dental Technicians states that licensing for this profession is premised on the concept that there is a risk of harm if services are improperly provided. If a person is licensed, the public is assured that the person has entry-level competency in the profession.

This principle “the protection of the public” guides everything that the regulatory organizations do. The College of Dental Hygienists cites the protection of the public in their mission statement: “The Mission … is to protect the public by developing, advocating and regulating safe and ethical dental hygiene practice in British Columbia.” The College of Dental Technicians defines the principal role of the college as serving and protecting the public by administering the Health Professions Act. The Act is very specific regarding practice standards, registration requirements, and quality assurance. These standards serve and protect the public; they form the basis for and are reflected in everything that the college does.
Appendix 9: Policies and Practices Related to the Process of Regulation and Licensing

a) Credential Review

Specifics about affiliated national organizations that review credentials for regulatory organizations

- The Canadian Architectural Certification Board (CACB) gives accreditation to professional programs of architectural education and determines if architectural applicants with a degree/diploma in architecture from an educational program that is not accredited can meet the Canadian education standard.

- The National Committee on Accreditation (NCA) evaluates the education and experience of applicants to the Law Society of BC. The Law Society of BC, under its Rule making power, has delegated this function to the NCA, and in individual applications has no contact with the NCA and cannot overturn or waive any of their decisions. (The Law Society, under its Rule making power, has the authority to substitute another process in lieu of the NCA process.) The NCA either issues a Certificate of Qualification or recommends that the applicant take courses at an accredited law school or pass challenge examinations in lieu of course work. Once an applicant has been granted the Certificate of Qualification, the applicant is entitled to apply to the Law Society for enrolment in the LSAP.

- The National Dental Hygiene Certification Board (NDHCB) determines whether graduates of a non-accredited dental hygiene program meet the education requirements and are then eligible to write the National Dental Hygiene Certification Examination.

- The Pharmacy Examining Board of Canada (PEBC) evaluates the credentials of applicants to ensure that their degrees “are acceptable to the PEBC.”

- The Canadian Alliance of Physiotherapy Regulators reviews the credentials of all foreign-educated applicants to the College of Physical Therapists. The Alliance evaluates an applicant’s education to determine if it is substantially equivalent to a Canadian university degree in physiotherapy.

Specifics about Regulatory Organizations that do their own Credential Review Process

- Association of Professional Engineers and Geoscientists (APEG) assigns no examinations to graduates of programs that are recognized as accredited or equivalent to accredited through mutual recognition agreements with other engineering accrediting bodies, or whose bachelor’s degree in engineering has been augmented by a masters degree in engineering from an institution whose undergraduate program is accredited. It also uses the Canadian Engineering Qualifications Board’s (CEQB) list of Baccalaureate Programs in Engineering from Foreign Universities, which meet a set of published criteria. Educational institutions are categorized as “listed” when they meet the criteria. Whether programs are listed or unlisted affects the number of confirmatory exams applicants must take. Occasionally, the Association will consult with ICES if an applicant has a credential that has not been evaluated before by APEG or by one of its sister provincial/territorial associations.
The College of Teachers assesses credentials to determine equivalency to BC Grade 12 and Qualifications of a minimum of four years or 120 credits of post-secondary study of academic and professional coursework that a teacher trained in BC will have completed. The college uses a wide range of reference materials from the UK, UNESCO, USA, and Australia to provide information about different teacher education programs. Representatives of the college also attend the American Association of Collegiate Registrars and Admissions Officers (AACRAO) conference on foreign credential evaluation to keep updated. The credential evaluation process is time consuming as education systems are always changing.

The College of Dental Technicians assesses the credentials of an applicant by using their entry-level competency document developed and approved by all dental technology regulators across Canada. If the applicant’s program of studies is substantially similar [80% of the overall entry level competencies are met — 100% of specific criteria] then the program is deemed equivalent for the purposes of eligibility to take the licensure examinations.

b) Licensure Requirements: Specific courses to be taken prior to being licensed

- The BC Institute of Agrologists (BCIA) The requirement for applicants to take for credit AGSC 250 – Land, Food and Community 1 either upon application for or before completion of their articling Agrologist program is currently under review. Another process will be put in place with an emphasis on ethics and professionalism.

- The Architectural Institute of BC (AIBC) requires applicants to take six one-day courses, such as Building Code I, Ethics, the Act & Bylaws, Building Envelope Principles, Law and the Architect. They also take two from the following four courses: Construction Administration, Building Code 2, Management of a Project, and Blueprint for Business. These courses are given at AIBC.

- The Association of Professional Engineers and Geoscientists (APEG) requires applicants to satisfy the law and ethics requirement by attending a two-day seminar or by purchasing and viewing a CD-ROM set and submitting a declaration that they have done so. The seminar is offered only in Vancouver.

- The Law Society of BC requires as part of the Law Society Admission Program (LSAP) that candidates take a 10-week, full-time course based on Professional Legal Training Course (PLTC) practice materials and course work. The Law Society administers the PLTC program. PLTC addresses competency, knowledge of law and procedures, and the skills of writing, drafting, and interviewing. Attitudes and ethical practice are also covered. Included in the program are four competency examinations and two knowledge-based examinations.

c) Licensure Requirements: Competency Assessment

- As part of the Law Society’s Professional Legal Training Course (PLTC), students must pass four skills assessments. These four skills assessments could be competency assessments because there is an emphasis on the practice skills such as advocacy, writing, interviewing, drafting, legal research, alternative dispute resolution, and problem solving. Candidates are required to pass four assessments: advocacy, writing, interviewing, and drafting.
• The Pharmacy Examining Board of Canada’s evaluation process includes the Qualifying Examination Part I (MCQ) and Part II (OSCE), which is designed to assess the competencies required for safe and effective practice. This is a practice-based examination designed in the format known as an objective structured clinical examination (OSCE). The OSCE consists of a series of 7-minute tasks or simulations, which are based on common and critical practical situations.

• The BC Dental Hygiene Practice examination is designed to evaluate the basic knowledge and skills needed to practice dental hygiene safely and competently in BC. Candidates are responsible for providing their own patient and must bring their own tools although the college will provide back-up tools if needed. The examination is offered in one day with an orientation for the examiners the evening before. Applicants are given competencies to study that clearly indicate what they are expected to know and what the examination will be testing.

• The College of Dental Technicians has a practical examination that tests an applicant’s ability to understand and follow prescription directions, technical competency, time management, and organizational skills. The standard practical examination typically lasts 30 hours over the course of a three-day period. Applicants are required to take examinations in five technical areas.

• The Physiotherapy Competency Examination Part Two is a clinical examination involving 16 stations. The examination evaluates a candidate’s understanding and performance of safe, effective application of the principles of entry-level physiotherapy practice.

d) Licensure Requirements, Licensing Examinations
Some more detailed examples of licensing examinations are:

• The BC Institute of Agrologists (BCIA) Professional Practice examination covers understanding of the institute, the local resource sector, professionalism, and ethics. This 3 ½ hour examination can be given in the candidate’s workplace under the supervision of a professional. It is a closed book examination, and in the past few years only one person has failed. On one occasion only, an applicant was given this examination orally because their written English was not adequate at the time.

• The Architectural Institute of BC (AIBC) Architect Registration Examination (ARE), which is designed in the USA. It is a nine-part, computer-based examination; the first six parts are multiple-choice, and the last three parts require computer-based design and drafting. The same examination is given in all provinces of Canada and in the USA; therefore, licensed architects can be licensed in different provinces and in the USA and have mobility in these jurisdictions.

• The Association of Professional Engineers and Geoscientists (APEG) uses both types of examinations. There is a three-hour Professional Practice Examination; the content is law and ethics. It is given four times a year, after a seminar on Law and Ethics, and costs $150. Part 1 is two hours and consists of multiple-choice questions and part two is one hour and involves writing an essay. An applicant is given a choice of situations to analyze. This examination can be offered anywhere in the world with the use of an approved invigilator.
The Association of Professional Engineers and Geoscientists (APEG) assigns technical exams on a confirmatory basis, to confirm the applicant’s level of theoretical training. In this case, the applicant can choose the examinations he or she writes from a list within his or her discipline of engineering. In some cases, the examinations are specified by the examiners, to address a gap in knowledge, or to confirm an applicant’s understanding of a topic in which the applicant appears to be weak. The examinations are technical and relate to specific fields of engineering (such as mechanical, chemical, electrical engineering).

The Canadian Engineering Qualifications Board (CEQB) has a list of baccalaureate programs in engineering from foreign universities that meet a set of published criteria. Educational institutions are categorized as “listed” when they meet the criteria. Candidates coming from an institution that is listed may be assigned a suite of four examinations: three from Group A and B of the syllabus in their discipline of engineering, and one on engineering economics. A candidate who comes from an educational institution that is “unlisted,” may be asked to write six technical examinations: five confirmatory examinations from Group A and B and one on engineering economics.

On occasion an applicant may be asked to take a specific examination, if it is known that he or she has a gap in their education or experience. APEG provides detailed information sheets about the examination topics that include content description and a reading list. It also lists past examinations on its website.

Candidates of the Law Society Admissions Program (LSAP) must pass two qualification examinations that are designed to ensure they have attained a minimum level of understanding of substantive law and procedures in practice areas covered at PLTC, and can apply that knowledge to legal analysis and to solve a client’s problems. Part I covers the areas of commercial, company, real estate, and estate law. Part II covers civil litigation, family law, creditor’s remedies, and criminal procedures. Each examination is three hours, is open book, and consists primarily of short-answer, fact pattern questions, multiple choice questions, and true/false questions. A passing mark is 60%.

The College of Pharmacists requires applicants to pass four examinations, including the Evaluating Examination, which determines whether an applicant has completed a program of study comparable to that taught in Canada. Once an applicant has passed the Evaluating Examination he or she can then take Qualifying Examinations Part I and II. Part I is a written multiple choice examination. The applicant is then required to take the College of Pharmacists of BC Jurisprudence Examination, which is designed to assess the candidate’s knowledge of and ability to interpret and apply all legislation that affects current pharmacy practice in BC.

Graduates of non-accredited (as well as accredited) dental hygiene programs must successfully complete the National Dental Hygiene Certification written examination and the BC Dental Hygiene Practice Examination. The NDHCB examination consists of between 225-250 multiple-choice questions and tests the candidate’s ability to apply knowledge as a beginning practitioner to solve oral health care problems and answer questions related to dental hygiene practice.

The College of Dental Technicians has two theory exams that applicants must take before taking the practical examination. The Jurisprudence examination is designed to test the applicant’s basic knowledge of the current legislation that governs the dental technician profession in BC: the Health Professions Act, Dental Technicians Regulation and Bylaws currently in place for the profession. The second theory examination is a three-hour examination that tests entry-level competencies for dental technology. It is based on general information that is common to all dental curricula.
Applicants for licensure to the **College of Physical Therapists** must successfully complete the Physiotherapy Competency Examination Part One and Two. Part One is the written examination — also known as the Qualifying Examination or QE. This is a multiple choice written examination that evaluates a candidate’s knowledge about entry-level skills, behaviours, and abilities. It tests the candidate’s understanding of the principles and processes of entry-level physiotherapy practice. Part Two is a clinical examination.

The **College of Teachers** does not have a licensure examination. Certification depends upon successful completion of a teacher education program and demonstration of other eligibility criteria.

e) **Licensure Requirements, Oral Interviews**

- The **BC Institute of Agrologists** (BCIA) oral interview provides information about the applicant’s previous experience and knowledge of the field, and informally, the applicant’s ability to understand and to be understood in English. Applicants have been refused membership at this stage if their command of the English language was deemed inadequate.

- The **Architectural Institute of BC** (AIBC). All candidates for registration through either Internship or through Alternative Qualifications must successfully complete an oral competency assessment designed to test the individual’s ability to engage in professional practice in BC. In addition, the Alternative Qualifications for Registration process includes an interview with each candidate early in the process to determine whether the candidate has the education, experience and/or knowledge (as tested through examinations) equivalent to a Canadian-trained architectural graduate. If the candidate can demonstrate equivalency, some requirements of the registration process may be waived.

- The **Law Society of BC** offers an oral interview without an assessment component. The Law Society of BC has a requirement that a candidate participate in an interview with a Bencher (a member of the Law Society governing board). The interview serves as an information exchange where the candidate can talk about the challenges they faced during the PLTC process, and the Bencher can talk about the society’s professional ethics and rules. This interview is believed to be a positive exchange for both parties.

- The **College of Dental Technicians** review process does include an oral interview option. The College does not use this provision as it is presents problems with respect to the perception of an objective review. Any need to obtain full information to best benefit the applicant is obtained early in the credential review process. Formal interviews by the Registration Committee are seen by the College as problematic introducing the perception of discrimination.

f) **Licensure Requirements, Internship with Professional Supervision**

- The **BC Institute of Agrologists** (BCIA) requires two years of articles with a professional supervisor who is a member of BCIA and not a part of the applicant’s employment. At the end of two years, the professional supervisor makes a recommendation supporting the candidate on the basis of his or her work experience. The candidate for P. Ag. status must spend their articling term working in some phase of the practice of agrology.
The Association of Professional Engineers and Geoscientists of BC (APEGBC) requires a minimum of four years of satisfactory work experience, and at least one of those years must be in Canada or in an equivalent Canadian environment. The work experience is to be detailed in a chronological written submission that must include:

- List of work experience in sufficient detail to give APEGBC a good idea of the type of experience gained.
- Professional Engineers who have supervised the work (and who also provide confidential references).
- Examples of engineering projects for which the candidate has been in a responsible position.
- Identification and explanation of gaps in experience.
- List of publications and additional training.

The experience is reviewed through a combination of documentation review and interviews with the candidate. APEG also has a structured, non-compulsory Engineer/Geoscientist-in-Training program; however most internationally trained candidates choose to apply directly for licensing without becoming an engineer-or geoscientist-in-training.

The Architectural Institute of BC (AIBC) has an Internship in Architecture Program (IAP). The applicant selects a mentor to advise and guide him or her, and records experiences in the Canadian Experience Record Book (CERB), which the mentor and professional in the place of employment signs off on. Candidates are required to have at least 3760 hours or 2 years of experience under the personal supervision and direction of an architect in an architectural firm or other acceptable architectural employment situations. An intern’s experience must include a variety of project types, size, and occupancies, and cover defined minimum hours in core areas of practice.

The Law Society of BC requires candidates to have articled for a nine-month period, and it is the responsibility of the candidate to obtain their articling position. The organization has an extremely well defined process for articling, which is covered in a contract between the principal (mentor) and the student. The process includes definition of: the role of the mentor, the role of the student, the skills and practice areas to be covered, and the evaluation process. The student is also to receive training in practice management and ethics and professionalism.

The Certified General Accountants of BC (CGA-BC) requires candidates to work in finance or accounting or related fields for a total of three years; two of those years must be at a senior level, and one year must be Canadian experience. Three quarters of the way through the educational program, candidates are to submit a Practical Experience Assessment Questionnaire, which includes: information about employment, the employer’s comments, and a job description. The employer is not in an evaluative role but is there to verify the work experience. Candidates can obtain up to two years of credit for past accounting or financially related experience by providing detailed letters from previous supervisor(s) that verify employment responsibilities and length of employment. The association will evaluate the letters in combination with the Practical Experience Assessment Questionnaire.

The College of Pharmacists requires a period of internship in a BC pharmacy under the supervision of an approved preceptor for candidates from jurisdictions outside of Canada and the United States. Candidates are responsible for identifying their internship site. Lists of preceptors/sites are available from the college office on request.
• Dental hygienists can obtain temporary registration for a period up to ninety days for the purposes of participating in a clinical course or refresher program provided by an agency approved by the college.

• The College of Physical Therapists grants interim registration to applicants who meet the requirements. This allows registrants to practice physiotherapy in BC under supervision of a full registrant for a maximum of fifteen months while completing the physiotherapy competency examination. The Physiotherapy Association of British Columbia’s (PABC) website (www.bcphysio.org) includes job listings.

• The College of Teachers may require applicants who have completed a teacher education program outside of Canada, in an education system that is not considered similar to the BC system, to complete coursework and a practicum prior to obtaining a certificate. These requirements are to ensure that the applicant will be familiar with the culture and curriculum of the BC school system. Applicants may complete either the Professional Qualification Program (PQP) at Simon Fraser University or undertake a combination of 12 credits of appropriate education coursework and a minimum six-week practicum at another post-secondary institute.
g) **Fees related to Meeting the Requirements for Licensure**

The following table shows the main fees to applicants.

### TABLE OF FEES FOR APPLICANTS TO REGULATORY ORGANIZATIONS

<table>
<thead>
<tr>
<th>Regulatory Organization</th>
<th>Application Fee</th>
<th>Credential Review</th>
<th>Review Procedure</th>
<th>Intern Program</th>
<th>Exams</th>
<th>Examination Review</th>
<th>Course Work Membership</th>
<th>Appeals Reviews</th>
<th>Provincial or Membership</th>
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</thead>
<tbody>
<tr>
<td>BC Institute of Agrologists</td>
<td>$150</td>
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<td>$240</td>
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<td>$300</td>
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<tr>
<td>Architectural Institute of BC</td>
<td></td>
<td>$100</td>
<td>$600-900</td>
<td>$178</td>
<td></td>
<td>$980 USD</td>
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<tr>
<td>Association of Professional Engineers and Geoscientists of BC</td>
<td>$400</td>
<td>License Fee</td>
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<tr>
<td>Law Society of BC</td>
<td>$2250</td>
<td>Includes courses and exams</td>
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<tr>
<td>Certified General Accountants of BC</td>
<td>$100 for Canadians $150 for ITPs $1000 for ICES</td>
<td>$100 for Canadian $150 for ITPs $1000 for ICES</td>
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<td>$107</td>
<td></td>
<td>$400 Challenge Exams</td>
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<td>$95 Exam Re-mark</td>
<td>$600 - $800 $550</td>
</tr>
<tr>
<td>College of Pharmacists</td>
<td>$295 Registration Fee</td>
<td>$470</td>
<td></td>
<td>$107</td>
<td></td>
<td>$300 Part I $1350 P-II $187.25 Jurisprudence</td>
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<tr>
<td>College Dental Hygienists</td>
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<td></td>
<td></td>
<td>$500 Examination Rewrite $1560 Practice Examination</td>
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<tr>
<td>College of Dental Technicians</td>
<td>$25 Consideration for credential</td>
<td>$50</td>
<td></td>
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<td></td>
<td>$75 Theory Examination $675 Practical Examination</td>
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<tr>
<td>College of Physical Therapists</td>
<td>$725 Assessment Fee</td>
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<td></td>
<td></td>
<td>$175 Review Practical Examination</td>
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<td></td>
<td>$375 Interim Registration</td>
</tr>
<tr>
<td>College of Teachers</td>
<td>$260 Evaluation Fee +$20 Criminal Record Check</td>
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</tbody>
</table>
• **BC Institute of Agrologists** (BCIA): Application fee: $150, this covers initial registration plus a framed certificate and a rubber seal (stamp), membership for articling is $240, membership for Professional Agrologist is $300, for graduate student $75, and for retired Agrologist $125.

• **Architectural Institute of BC** (AIBC) Fees are on a cost recovery basis and GST is added: CACB credential review: $1000, Alternative Qualifications for Registration Review: $600 for a review of experience and an additional $300 if an education review is necessary. The Intern Architects Program: $178 per year, ARE (9 exams) $980 USD + GST or $90 - $ 125 each.

• **Association of Professional Engineers and Geoscientists** (APEG): Application fee: $400, academic examination fee per examination: $275, Professional Practice Examination: $150, Professional Practice Study Kit: $132 (by mail), $110 (pick up), Law and Ethics Seminar: $288 early price, $331.70 late price, Law and Ethics CD Rom: $354.95, Reconsideration/Appeal fee: $160.50 per request, Licensing fee: $175, Provisional Membership 12-month fee: $187.25, Secondary Liability Insurance fee: $10, and Professional Annual Membership fee: $256.80.

• **Law Society of BC**: NCA Accreditation is $535, challenge exams are $535 each, a review of accreditation is 50% of the initial cost.

• **PLTC Program**: $2250 + GST which covers course work, four assessment exams and two knowledge based examinations.

• **Certified General Accountants of BC** (CGABC) (GST is added): Annual student registration/tuition fee is $550, credential evaluation for persons with a Canadian education is $100, and for ITPs: $150, or a credential evaluation by ICES which range from $115 for one credential for a basic report to $200 for one credential for a comprehensive report. The fee for each course is $600-$800, and includes course work, text books, and examination fees. The maximum number of courses is 18, but some persons and ITPs who have education and training elsewhere may be required to take fewer courses. Examination re-marked: $95, written critique of examination results: $145, and challenge exams including study materials: $400.

• **College of Pharmacists of BC**: Qualifying candidate registration fee: $294.25, Internship Fee: $107, Jurisprudence Examination $187.25; PEBC fees include Document Evaluation Fee: $470, Qualifying Examination Part I: $300 and Part II: $1350.

• **College of Dental Hygienists**: Academic credential evaluation, certification examination fee: $500 and rewrite fee: $400, and practice examination fee: $1,500.00 (including remedial deposit).

• **College of Dental Technicians**: Application for registration fee: $25, consideration of foreign credential to a maximum of $50, theory examination: $75, practical examination: $675, and review of practical examination: $175.

• **College of Physical Therapists**: Assessment fee: $725, Part I Written Examination fee: $675, Part II Clinical Examination fee: $1100, and Interim registration: $370.

• **College of Teachers**: Evaluation fee for study completed outside of Canada: $280 plus $20 for the Criminal Record Check.
h) Information about the Feedback Processes Related to Licensure Requirements:

Depending upon the organizations, candidates receive feedback from credential review, interviews, licensing examinations.

- **BC Institute of Agrologists (BCIA)**

  **Feedback for the interview process:** Applicants whose English is not strong enough are told they cannot be registered until they can be understood.

  **Feedback regarding examinations:** Candidates receive a letter stating what part of the examination they didn’t pass and are given alternative tasks in lieu of passing the examination.

- **Architectural Institute of BC (AIBC)**

  **Feedback for the CACB credential evaluation:** Candidates receive a letter. Feedback for the ARE examinations: Candidates get little feedback, are told they “haven’t met the requirements for this component.” There is no one to talk to about the results.

  **Feedback for the oral review:** Candidates are sent out of the room, are called back, are told of their strengths and weaknesses, and also receive a letter.

  **Feedback regarding work experience review:** The mentor and employer sign off on the notes of the architect’s experience (the CERB).

- **Association of Professional Engineers and Geoscientists (APEG)**

  **Feedback for the professional practice examination:** Candidates get a report card that delineates how they did on each question and how everyone else did.

  **Feedback for the confirmation exams:** Passing marks for the examination is 50%. Results are available approximately eight weeks after the examination; candidates are notified by mail, and candidates are permitted to view their papers by special arrangement only under supervision in the association office and can request a re-read.

- **Law Society of BC**

  **Feedback for the NCA credential review:** The NCA initially reviews each applicant’s file on an individual basis. Upon completion of its review, the NCA issues a recommendation that the applicant must pass examinations in specified areas of Canadian law, take a specified program of studies at a Canadian law school, or complete a Canadian LL.B. program.

  **Feedback for PLTC:** Assessment exams are marked against formal criteria and given back to the candidate. The passing mark is 70%.
Feedback for the qualification exams: Candidates get back the failed examination and an answer guide.

- **Certified General Accountants of BC (CGA-BC)**

Feedback for the credential review: Candidates will get feedback about: whether their previous education is acceptable, or about how many and what courses they will have to take in the program. In general candidates from programs in particular countries are assigned a set number of courses to take, e.g. persons from the Philippines and India usually have to take 10 of the 18 courses required.

Feedback for examinations: Students have access to their statement of marks, only online, approximately eight weeks following the exams. Students whose examination mark is less than 65% receive a breakdown of the marks showing the number of points earned for each question in the examination.

Credit for past experience: A candidate may apply for this process to reduce the amount of time they must work to be licensed. Candidates receive notification of their assessment results and are given an opportunity to provide additional authenticated information for consideration. The association responds with a written assessment advising the candidate of their status regarding the practical experience requirement.

- **College of Pharmacists of BC**

Feedback for examinations: The Pharmacy Examining Board of Canada (PEBC) does not release the actual overall examination scores or questions/station content, including which responses were correct or incorrect. Candidates are told by letter whether they have passed or failed. Candidates who fail get feedback regarding their performance in each major competency area. The report is very general. The passing score for the examination is not released. The PEBC is concerned that if candidates were given more feedback the examination would be undermined or nullified. As the PEBC has jurisdiction over the examinations, there might be legal implications for the college if they were to provide more detailed information to candidates regarding their performance. This concern has to be balanced against the support the college would like to give and the recognition that candidates could benefit from more detailed feedback. More detailed feedback would enable candidates to focus on the areas of weakness before taking the examination again. The Jurisprudence exam candidates are notified by letter of their results by a pass/fail basis only.

- **College of Dental Hygienists**

Feedback for examinations: All examination results and calculations are checked twice by the examination teams before being reviewed by the registration committee. Candidates are informed of their results verbally, and given the results in writing within 30 days of the examination. Unsuccessful candidates are advised in writing of the sections of the examination in which they were unsuccessful. Specific feedback is given regarding the applicants’ performance.
• **College of Dental Technicians**

  **Feedback for examinations:** Applicants meet with a staff person to go over their applications. They receive their examination results in writing within two weeks after the theory examination and six to eight weeks after the practical examination. Applicants may view their work at the college office within 30 days of receipt of their initial marks for the practical examination. Applicants can review the examiners’ comments.

• **College of Physical Therapists**

  **Feedback for credential evaluation:** The BC College does not provide feedback on the credential evaluation or the examinations.

  **Feedback for examinations:** The Canadian Alliance of Physiotherapy Regulators releases the examination results by mail. Results of the written component are available within six weeks of the examination. Results of the clinical component are available within 12 weeks of the examination. Examination scores are verified several times before results are released. A candidate can request a detailed breakdown of their clinical examination results.

• **College of Teachers**

  **Feedback for the certification evaluation:** All applicants are advised in writing of the results of their evaluation for certification. A letter of evaluation outlines the requirements that must be met before a certificate is issued. If an individual does not meet the requirements of the college, the letter of evaluation will outline in detail the reasons for ineligibility and the coursework or practicum experience that must be completed to qualify for a certificate.

  **i) Information about Appeal Processes**

  Depending upon the organization, candidates can appeal any decision related to their requirements for licensure.

• **The Architectural Institute of BC (AIBC)**

AIBC has an appeal panel made up of two architects, who are not members of the board, and a layperson. The panel reviews the application and makes recommendations. It will overturn decisions that are unfair or based on misapplication of policy. The panel must respond to the applicant within 90 days of receipt of the appeal request. The panel communicates its findings to the candidate and the Registration & Licensing Board and the appeal panel will either confirm the initial decision or refer the matter back to the Registration & Licensing Board with directions to reconsider the initial decision for further deliberation in specified areas. This process has been in effect since July 2004.
The Association of Professional Engineers and Geoscientists (APEG)

APEG has had, since January 2004, a formal appeal policy for all decisions made by the registration committee regarding examinations, courses, interviews, seminars, or experience. After a decision has been received, candidates have 30 days to submit a letter of appeal to the committee. Supporting documentation is requested, and there is a new evaluation. The Registration Committee reviews the results. The decision of the Registration Committee is binding; no further requests for reassessment are accepted.

Appeals of Examination Results: A candidate who believes a paper or examination merits a higher mark may apply for a re-read. The fee for this service is $200, regardless of whether the mark is changed to a higher mark or not. It should be noted that all papers graded between 45% and 49% have already been re-read once by the examiner.

Law Society of BC

NCA credential review decision: An applicant may seek administrative review of the initial decision of the NCA and appeal to a new panel for re-evaluation. The appeal application should set out the basis for appeal, and the applicant should submit any additional facts and evidence and the grounds for the review together with a newly completed application form. The new appeal panel evaluates the appeal and files on the basis of the applicant’s evidence and then issues a recommendation.

The Law Society of BC’s Credentials Committee evaluates the candidate on the basis of “good character, repute and fitness”. Under the Law Society Rules, the Committee may approve an application, approve with conditions, or order a hearing. The case goes before a hearing panel, and if the hearing panel rejects the appeal, the applicant can ask for a review by the Benchers and ultimately, a judicial review by the courts.

PLTC: candidates who fail an assessment or examination have an opportunity to redo the failed part. If they fail again, they must make an application for another opportunity, must have a plan for passing the assessment, and must present that plan to the committee. An academic support person is available to help applicants through the process. Under the Law Society Rules; priority for this support is given to students of aboriginal heritage and then to all other students.

Challenge Examinations: “Candidates for NCA examinations should note that the Committee does not have any process for review of failed papers by second examiners.”

Certified General Accountants of BC (CGA-BC)

To appeal the credential review candidates initially contacts the Manager of Admissions and Liaison. If they are still dissatisfied, they contact the Director of Education, and ultimately, the Education Appeals Committee. CGA-BC has a credit for past experience procedure: Once candidates receive notification of their assessment results, they may apply for this process to reduce the amount of time they are required work to be licensed. They will have an opportunity to provide additional authenticated information for consideration and the Association will respond with a written assessment advising the candidate of their status regarding the practical experience requirement.
Examinations: Candidates can ask that examinations be re-graded for a fee or can ask for a critical analysis and a re-grading where appropriate for a fee. Requests for those processes should be submitted no later than three weeks from the date marks are released.

- **College of Pharmacists of BC**

  Appeals for hand-scoring of examination results for the Qualifying Exam-Parts I and II are considered when made in writing and received within 60 days of release of results. This hand scoring is only to confirm correct data entry and tabulation of scores. The content, methodology, standards, or assessment criteria of the Qualifying Examination are not subject to review or appeal by failing candidates or their agents. Costs for appeals for rescoring the QE-Part I is $50 and for the QE-Part II is $100.

  Appeals for review of examination/assessment results for the Jurisprudence Examination are considered only if candidates apply in writing within 60 days of receiving the results. Requests must be accompanied by a payment of $107. Letters of appeal are considered only in relation to specific procedural or adjudication errors or discrepancies on the candidate examination/feedback survey and/or errors in adjudication in the written performance report provided to unsuccessful candidates.

- **College of Dental Hygienists**

  Appeals for review of a candidate’s unsuccessful certification examination result are assessed by a review committee of the National Dental Hygiene Certification Board. If an irregularity of “sufficient magnitude” has occurred, the candidate is allowed to rewrite the examination.

- **College of Dental Technicians**

  Applicants may advise the college in writing of their request for a review if they are not satisfied with their examination mark. The college will consider a review if the candidate alleges that there was some irregularity, such as an adverse environment that affected the candidate’s performance or the proper assessment of the candidate’s case, such as anomalies in the marking. The review panel is made up of three people who go over the applicant’s written request for a review and address the issues raised. The review panel has the option to consider several responses or remedies depending on the circumstances including requiring a remark or they may simply review the marks given with the candidate in detail.

- **College of Physical Therapists**

  Candidates wishing to have their examination re-scored must deliver a written request to the Alliance within 21 days of the release of the results and must include a confidential letter outlining the health issues, administrative issues, or extraordinary circumstances that affected the candidate’s performance.
Re-scoring involves checking to make sure that candidates were given credit for all marks. The administrative reconsideration reviews the candidate’s performance and the potential impact of the issues raised by the candidate to determine if the issues raised could have put the candidate at a disadvantage relative to other candidates or affected the candidate’s examination result. Three categories are considered in an administrative reconsideration: candidate’s ill health on the day of the examination; administrative issues on the day of the examination, including examination day occurrences or omissions that deviate significantly from the Alliance’s examination administration standards or procedures; extraordinary circumstances, including family emergencies that could reasonably be considered to have affected the candidate’s examination result.

- **College of Teachers**

Applicants who feel that they have met all or some of the requirements of the college may request in writing either a review or an appeal of the evaluation, depending on whether or not they were found eligible for a certificate. Applicants who are eligible for a certificate, but who have been asked to fulfill requirements determined to be missing from their program, may request a review of the evaluation decision. Applicants who have been found ineligible for a certificate and who feel they have additional factors that should be considered may request an appeal of the evaluation decision. The Qualification Hearing Sub-Committee, a three-member panel of council hears the review or appeal.

When a question of suitability arises, the Fitness Investigation Committee reviews the application and may conduct an investigation. Applicants can also request a meeting with the evaluator to ask for a new evaluation based on new information.

Applicants can ask for a further review if their ESL test results are lower than required but close to meeting the required score; a larger review of the person’s English competency is then done.

**j) Regulatory Organizations Review of Licensing Requirements**

- **The BC Institute of Agrologists (BCIA)**

  Committees are constantly reviewing recommended courses and professional development.

- **Architectural Institute of BC (AIBC)**

  The Canadian Architectural Certification Board (CACB) has recently reviewed its credential evaluating procedures and made changes to the process. The ARE examination is reviewed every five years by the developing body in the U.S.; The AIBC does ongoing review of its procedures and rewrites the Bulletins, which are policies and policy changes communicated to members.

- **Association of Professional Engineers and Geoscientists (APEG)**

  Three years ago, the registration staff and a consultant reviewed procedures to discover hidden barriers. If it is determined that a process is not working, staff will remedy the situation. There has been a recent validation survey done related to the professional practice examination.
• **Law Society of BC**

The Task Force on Admission Programs 2002-2003 examined the components of the PLTC and articling process, and made the following recommendations to assist ITPs: the Exemption from PLTC Policy. They conducted the research through input by survey from the profession, feedback from law schools, and from principals (professionals supervising articling students). In 1998, the recommendation to allow for Reduction in the Articling term was ratified by the Benchers.

• **Certified General Accountants of BC (CGA-BC)**

The national organization marks, maintains, and evaluates examinations to ensure they are valid and are current. The national organization periodically conducts studies, surveys and in-depth interviews with employers to verify what competencies are needed.

• **College of Pharmacists of BC**

There is ongoing review of the jurisprudence examination prior to each examination. The review assesses the relevancy of the examination. This is done every two years on average by practicing pharmacists. The OSCE questions are changed for every examination. They are reviewed for currency by multiple groups and refined where necessary. The examinations are based on the practice standards or competencies. These are developed by practicing pharmacists working together to determine minimum standards. Other pharmacists are surveyed for further input. The National Association of Pharmacy Regulatory Authorities (NAPRA), which is made up of eleven provincial regulatory organizations, has developed a set of common standards regarding entry to practice using a rigorous academic approach involving a high level of consultation. PEBC matches the examination to these standards and competencies. Provincial regulatory organizations have the opportunity to give input into the examination process but they are generally not involved in the credential assessment.

• **College of Dental Hygienists**

The college hired a consultant to go through the dental hygiene practice examination in order to establish the minimum requirements that are needed. These requirements were based on entry-level dental hygiene competencies. The examination is reviewed annually to ensure that it directly matches the competencies. The National Dental Hygiene Certification Board examinations are based on the national entry-level dental hygiene competencies which are reviewed and validated by dental hygiene professionals representing all fields of practice and all regions of Canada.

• **College of Dental Technicians**

The practical Examination Assignment Directions and Marking Criteria were developed by the registration committee and approved by the board. They are reviewed annually. The committee seeks input from the examination coordinator, his or her assistants, and examiners when considering any amendments to the current exams. Feedback is also sought from dental technicians and the candidates themselves. The pass/fail rate is monitored to determine if the college is testing appropriately. The practical examination was changed this year to be more in line with other provinces.
College of Physical Therapists

In the 1990s the regulatory organizations began a process of identifying the basic standards for entry-level competencies. Information was collected from physical therapists and sent to a random group of specialist educators for validation. The plan is to update the data every five years in order to keep it valid. When developing specific standards of practice in BC, a draft of the standard is developed by a group of experts and then is sent out to the membership for comments.

The Canadian Alliance of Physiotherapy Regulators has a monitoring and evaluation program to oversee research and quality assurance activities related to the examination, and for implementing improvements based on the results of these activities. The quality assurance processes related to the examination includes examiner feedback, standardized client feedback, candidate feedback, incident reports and site feedback reports. Feedback is provided to the examination sites (about organization, catering, and staff), to the item development committee (about station content and scoring), and to The Alliance staff (about materials and procedures), to continuously improve examination processes.

The Examination Advisory Group is responsible for providing advice to the Board of Directors of The Alliance about research and quality assurance for the examination. The Examination Advisory Group reviews planned research, research reports, and quality monitoring reports, and makes recommendations to the board of directors. Members of the examination advisory group include physiotherapists in clinical practice, physiotherapy program faculty, regulators, examination consultants, and representatives from the candidate advisory group. These representatives are drawn from all participating regulatory organizations.

College of Teachers

The Qualifications Committee develops and recommends policies and bylaws that relate to the criteria for certification. The committee continually reviews the criteria as a result of external pressures, such as changes in education and information arising from the review and appeal processes. For example, many appeals were made by internationally trained teachers about the requirement to take a teaching methods course. The purpose of this requirement was to orientate individuals to the teaching methodology used in BC schools. While the internationally trained teachers recognized that they needed acculturation to BC schools, they did not see the necessity to take the teaching methods course. As a result, the college used this information to work with Simon Fraser University to develop the PQP, a 10-month program to prepare internationally trained teachers to work in the BC education system.

The College of Teachers does a review of any proposed bylaw changes by surveying education partners for feedback. Partners include the faculties of education, Ministry of Education, parent groups, independent schools, principals, superintendents, and teachers.
Appendix 10: Factors that Impact the Assessment and Licensing Process of Regulatory Bodies

a) External Pressures Felt by Regulatory Organizations

The College of Pharmacists of BC indicated that there was a lot of pressure from the National Association of Chain Drug Stores to increase the number of pharmacy graduates. It has been estimated that there is a need for about 480 pharmacists to meet the demand in the field as a result of the expansion of new stores, longer hours, and overall consumer demand for more access; only 140 individuals graduate each year from UBC. To meet this demand, the independent and chain drugstores have been recruiting pharmacists from the Philippines, Egypt, and Malaysia. Some have questioned the perception that there is a skill shortage in the profession. Does UBC need to graduate more pharmacists or does the college need to re-examine its standards to determine if they are appropriate? The College reinforced that the standards of practice for licensure is the same for all applicants. Representatives of the college pointed out that it is not really their mandate to address pharmacists’ shortage issues.

The College of Dental Hygienists indicated that there has been growth in demand for dental hygienists as a result of population changes, a more informed public, and the large number of dental hygienists who choose to work part-time. Therefore, dentists perceive that there is a shortage of dental hygienists. However, the overall attrition of dental hygienists is generally replaced by the 60 individuals who graduate each year in BC and by dental hygienists coming from other provinces.

The College of Dental Technicians pointed out that there is a skill shortage in the profession, but the college cannot respond to it by violating its purpose and allowing individuals into the profession that do not meet the competency requirements.

The College of Physical Therapists indicated that there is a shortage of physiotherapists in BC, and that this does create pressures. As a result of employment cutbacks and the lack of availability of permanent positions, physiotherapists have left the province to take permanent positions elsewhere. The University of British Columbia currently has 40 seats in Physical Therapy. These 40 new graduates each year are insufficient to replace the numbers of those leaving the profession either through retirement or career changes, or leaving the province for various reasons. Physical Therapy shortages, especially in the rural areas, are becoming more acute. Currently one health authority has over 45 vacancies. As a result there has been an increased demand for rehabilitation assistants or support workers. There is a two-year course that includes basic physiotherapy, occupational therapy, and recreation therapy treatment skills but does not include clinical assessment skills.

The Canadian University programs are currently shifting the entry-level education requirements to a Master’s level. The University of British Columbia transitioned to the master’s entry-level program in September 2004.
The College of Teachers indicated that there is not an overall shortage of teachers but there is a shortage in some subject areas such as the trades. To address this shortage, the college has extended the use of the Developmental Standard Term Certificate. This certificate requires completion of: a basic academic program, an acceptable teacher education program, and an inter-provincial trades qualification recognized by the college, or the completion of a First Nations program of studies recognized by the college. Individuals can teach while taking the necessary courses to qualify for a standard certificate. The period of validity of this certificate is four years, although it may be extended once for another four-year term.

b) Reciprocal Agreements

Following are examples of agreements between regulatory organizations, other provinces, and other countries.

- **Certified General Accountants of BC (CGA-BC)**

  CGA: The CGA program is given in China, Hong Kong, Barbados and Bermuda. Candidates who have completed the CGA program in Bermuda and Barbados and want to be licensed in Canada are not be required to take any courses; while those who come from China and Hong Kong may have to take a course on Canadian law and ethics.

- **The Canadian Council of Professional Engineers**, has had agreements for graduates with engineering accreditation bodies in the USA United Kingdom, Australia, New Zealand, and Ireland since 1989. It has had agreements with Hong Kong since 1995, and South Africa since 1999. It also has an agreement with France and Costa Rica. Candidates from these countries may be granted a reduction or exemption from taking examinations. APEG also has mutual recognition agreements at the full professional level with Texas and Mexico (through NAFTA) and with Hong Kong.

- **The Architectural Institute of BC (AIBC)**

  Because requirements and examination standards are consistent in all the provinces of Canada and in the USA, architects can be licensed from province to province and in the USA. Because of NAFTA, a reciprocal agreement is being worked out with Mexico; however, the working out of an agreement takes time. Canada and the Architects Council of Europe have also recently signed an accord that will eventually lead to a mutual recognition agreement between the EU and Canada.

- **The College of Pharmacists of BC**

  The Mutual Recognition Agreement was developed by the National Association of Pharmacy Regulatory Authorities (NAPRA). The agreement will facilitate the reciprocity of pharmacists between Canadian provinces with minimal documentation and assessment requirements.
The agreement includes academic accreditation standards, language fluency requirements, jurisprudence competencies, structured practical training program framework, and assessment requirements based on a national entry-to-practice competency document. All provinces except Quebec have signed the mutual recognition agreement. NAPRA is currently working with the USA equivalent organization to explore the possibility of developing a mutual recognition agreement. While surveys of both Canadian and American pharmacists indicate that there is similarity in competencies, the USA does not have a mutual recognition agreement between the states or a common practice standards document. This will slow down the development of a mutual recognition agreement between the USA and Canada.

**The College of Dental Hygienists**

All provinces except New Brunswick and Quebec have signed the mutual recognition agreement (MRA). The purpose of the MRA is to establish the conditions under which dental hygienists who are licensed/certified/registered in one Canadian jurisdiction will have his or her qualifications recognized in another Canadian jurisdiction that is a party to the agreement. If differences in scope of practice are determined, applicants for licensure/registration to a jurisdiction with a broader scope of practice than that of the originating jurisdiction will be required to demonstrate competency in the additional skills required or acquire additional skills.

There also exists a reciprocal agreement between the Commission on Dental Accreditation of Canada (CDAC) and the Commission on Dental Accreditation of the American Dental Association (CODA). Under the agreement each commission recognizes the accreditation of educational programs in the specified categories accredited by the other agency. Under the arrangement each commission agrees that the educational programs accredited by the other agency are equivalent to its own and no further education is required for eligibility for registration or licensure. The commissions work collaboratively to ensure that any revisions to accreditation requirements are forwarded to each agency for review and comment to ensure equivalency. Representatives from each commission attend an annual accreditation site visit for the other agency.

**College of Physical Therapists**

All provinces and territories have signed the mutual recognition agreement. All the regulatory organizations are currently working towards consistency in standards and a mechanism to accommodate differences. Currently there are no reciprocal agreements with other countries. Every applicant is required to sit the national examination.

In May 2004 the Alliance led a meeting with representatives from the United Kingdom, Australia, New Zealand, USA, and Croatia to discuss the possibility of developing baseline requirements to the practice of the physiotherapy profession in all participating countries. A small working group was set up to work on these issues prior to the World Physiotherapy Profession Conference in 2007. The Alliance was approached by the credential manager of an equivalent organization in Germany to evaluate their standards in order to work towards matching their standards to Canadian standards. There have been some reciprocal agreements between US and Canadian schools, but the move towards a PhD, as an entry-level requirement will hamper the development of further agreements.
• The College of Teachers

All provincial regulatory organizations have signed a provisional mutual recognition agreement. The regulatory organizations have agreed on certain provisions that allow each provincial organization time to meet the standards. There is a continuing commitment to work on the reconciliation of the standards for teacher certification, and on accommodation mechanisms to facilitate the mobility of teachers between the provinces and territories. All registrars from across Canada meet on a yearly basis to help bring certification requirements closer together. There are no other reciprocal arrangements in place.

Appendix 11: Contents for Compendium of Promising Practices

Access to Ontario’s Regulated Professions by International Candidates
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# Title Profession
1. Interactive Web Site & Overseas Application Chartered Accountants
2. Dedicated Web Site Pharmacists
3. Restricted Registration Certificate through APIMG Physicians and Surgeons
4. Academic Assessment Software Optometrists
5. Examination Preparation and Course Exemptions Chartered Accountants
6. PLA Partnership with Educational Institution Respiratory Therapists
7. Comprehensive Approach to Access Teachers
8. Prior Learning and Experience Assessment Midwives
9. Exemption from Technical Exams Engineers
10. Research and Information to Address Canadian Experience Requirement Architects
11. Registration Through Practice Assessment Physicians and Surgeons
12. International Pharmacy Graduate Program Pharmacists
13. Trend Analysis Physiotherapists
14. National Assessment Guides Physiotherapists
15. Provisional Membership Program Engineers
16. Knowledge of Ontario Standards to Prepare for National Examination Nurses
17. Statutory Declaration for Missing Documents Massage Therapists
18. Knowledge of Ontario Practices Massage Therapists
19. Appeal Process Foresters
20. Bridging Program Nurses
21. Bridging Program Respiratory Therapists
22. Transfer Credit Program Certified General Accountants
23. Bridging Program Audiologists and Speech-Language Pathologists
24. Canadian Academic and Practical Training Program Dieticians
25. Regulatory Requirements & Canadian Experience Geoscientists
26. Bridging Programs & Canadian Experience Medical Laboratory Technologists
27. Performance Indicators & Supervised Practice Occupational Therapists
28. Supervised Practice Veterinarians
29. Bridging Program Midwives