



Report: Foreign Trained Professionals

Recommendations from the Iranian Canadian Congress

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EXECUTIVE SUMMARY

Though Canada has a skill-based immigration system, employment outcomes for skilled professionals who come to Canadian provinces like Ontario are recognized by analysts and stakeholders alike as poor, creating detrimental economic and social effects. In 2010, only 32% of new immigrants to Ontario were able to have their credentials recognized. Lack of credential recognition combined with discriminatory labour practices are thought to contribute to larger trends; for example, that newcomers make approximately 60% of the salary of a Canadian-born worker. Furthermore, these inferior employment outcomes for foreign trained professionals are estimated to lose Ontario's economy as a whole over \$15.2 billion annually, equivalent to 2% of our province's GDP.¹

This report, completed by the Policy Committee of the Iranian Canadian Congress, makes a series of recommendations for the Ontario government to address the issue of the inferior employment outcomes of immigrants. Many of these recommendations are taken from provinces outside of Ontario and other immigrant receiving countries. Specifically, we make recommendations that seek to address labour market discrimination, financial difficulties of immigrant professionals, the lack of transparency of accrediting institutions, and social difficulties of labour market integration. These recommendations include:

- Establishing incentive and auditing regimes to combat discriminatory hiring and labour practices;
- Increasing the financial assistance and loans available to immigrant professionals;
- Increasing provincial government oversight of the various accreditation bodies in Ontario, including:
 - The establishment of an independent ombudsman who has the power to issue binding resolutions;
 - Increased legislative involvement in the accreditation process;
- Providing immigrant professionals with social supports including childcare and counselling.

¹https://www.competeprosper.ca/uploads/2017_Immigration_in_Ontario_Achieving_best_outcomes_Full_report.pdf

INTRODUCTION

Canada's immigration policies have prioritized "finding people who have the skills and experience required to meet Canada's economic needs."² As a result, Canada's point system continues to accept immigrants who meet Canada's labour market needs. These professions include engineering, medicine, dental professions, among others as labour market needs change. Immigrants continue to gain points for occupational skills, education level, knowledge of English or French, age, and other attributes. Those who arrive expect to utilize their skills and experience and work in their fields. However, these foreign trained professionals have difficulties in accreditation processes and often end up underemployed once they arrive in Canada.³

Canada's economy loses annually over \$11 billion dollars due to the underutilization of immigrants' skills.⁴ This discrepancy between immigrants' skills and where they are employed leave immigrants earning considerably less than Canadian-born workers who have similar education and work experience. Typically, a newcomer man earns typically 63 cents on the dollar compared to their Canadian born counterpart and newcomer woman earns 56 cents on the dollar compared to their Canadian-born counterpart.⁵ The 2015 Conference Board of Canada report⁶ revealed that Canadians would earn up 13.4 to 17 billion more annually if their foreign educational and work credentials were fully recognized. This figure is up from \$4.1 to \$5.9 billion estimated in the 2001 report.⁷ An estimated 844 000 Canadians have difficulties getting their educational and work credentials recognized; up from the 2001 number of 540 000 people. These findings are concerning especially since the same report showed that Canada's economy is moving towards higher-skilled jobs and these unrecognized credentials are leading to large scale under and unemployment among Canada's newest immigrants and citizens.

Similarly, a 2017 working paper by the Institute for Competitiveness and Prosperity estimated that Ontario in particular is losing \$15.2 billion a year.⁸ This number is equal to 2% of our province's GDP and equal to the combined GDP of Ontario's agriculture, mining and oil and gas industries in 2016.⁹ This loss in individual income is also a considerable loss in government tax revenue.¹⁰

Although this issue has been cited as a problem throughout all of Canada, the responsibility of managing the practice of professional and trade licenses falls under the

² <https://www.loc.gov/law/help/points-based-immigration/canada.php>

³ <http://calgaryherald.com/storyline/skilled-immigrants-wasting-their-talents-in-canada>

⁴ Esses, V. M., Bennett-AbuAyyash, C., & Lapshina, N. (2014). How discrimination against ethnic and religious minorities contributes to the underutilization of immigrants' skills. *Policy Insights from the Behavioral and Brain Sciences*, 1(1), 55-62., p. 56.

⁵ <http://www.cbc.ca/news/canada/nova-scotia/beyond-hello-miia-suokonautio-1.3476082>

⁶ <http://www.conferenceboard.ca/e-library/abstract.aspx?did=7607>

⁷ http://www.conferenceboard.ca/press/newsrelease/16-01-26/canada_could_gain_billions_from_improvements_in_recognizing_education_and_skills.aspx?AspxAutoDetectCookieSupport=1

⁸ https://www.competeprosper.ca/uploads/2017_Immigration_in_Ontario_Achieving_best_outcomes_Full_report.pdf

⁹ <http://triec.ca/ontario-pre-budget-submission/>

¹⁰ <http://triec.ca/ontario-pre-budget-submission/>

jurisdiction of provincial governments. Provincial governments have assigned accreditation and regulatory responsibility to self-governing third-party associations for a number of professions like engineering, law, and medicine.¹¹ The little government oversight of these professional associations has left many foreign trained professionals under or unemployed and the Ontarian economy as not been able to reap the benefits of these skilled individuals. In 2010 52% of new immigrants settled in Ontario, however, the province continues to have one of the lowest match rates. Only 24% of immigrants are working in the occupation most associated with their field of study; a match rate that reflected Canada's national average.¹² Only 32% of Ontario's newly arrived immigrants were able to have their foreign credentials formally recognized.¹³

The Office of Fairness Commissioner (OFC) annual report of 2016-2017 recounted that there have been incremental changes in licensing practices over the years and this has led to the reduction of burdens felt by foreign trained professionals and fairer processes.¹⁴ Although the OFC reports the improvements, both qualitative and quantitative data show the barriers that continue to burden foreign trained professionals in being effectively employed. The Ontario government can help overcome these institutional barriers by implementing thoughtful and effective policies that address these issues. This report identifies four key factors that impede foreign trained professionals' integration into their chosen fields. These include: lack of financing, lack of social supports, a lack of transparency and public control over accreditation processes, discriminatory labour practices, and the disregard of non-Canadian work experience.

FINANCING

Background

The lack of financing and accessibility to loans constitute key obstacles for foreign trained professionals attempting to practice in Canada. Certification programs are notoriously expensive; tests cost an upwards of \$10,000 and certification is often lengthy and requires multiple attempts.

Although Ontario does have a few micro loan programs (i.e. Ontario Bridging Program, Immigrant Access Fund, Ottawa Community Loan Fund, and WIL Employment Connections), research has shown these loan programs are underfunded and fail to fulfill the demand. These current programs leave many foreign trained professionals uncertified because of the enormous financial cost of certification and the added burden of being part-time or unemployed through the process. As most accounts illustrate, foreign trained professionals who undergo these programs in Ontario are not well supported. While often these programs do end up leading to employment,

¹¹ Brouwer, A. (1999). *Immigrants need not apply* (pp. 1-18). Ottawa: Caledon Institute of Social Policy.

¹² <https://www.statcan.gc.ca/pub/75-001-x/2010102/article/11121-eng.htm#a4>

¹³ <https://www.statcan.gc.ca/pub/75-001-x/2010109/article/11342-eng.htm>

¹⁴ http://www.fairnesscommissioner.ca/files_docs/content/pdf/en/OFC_Annual_Report_2016-2017.pdf

they leave individuals in limbo for years because they are unable to secure funding.¹⁵ One foreign trained engineer attended Ryerson's Internationally Educated Engineers Qualification Bridging (IEEQB) Program in order to meet the requirements for licensure by Professional Engineers Ontario (PEO). Individuals who attend this program pay the same tuition per course as other regular students. The six required courses end up costing around \$10,978 - \$11,681 which is particularly costly for those who are not working as many of them are not eligible for any loans.¹⁶ This particular individual needed to work part-time in order to afford life expenses and support his dependents as well as the costly tuition fees. This delayed his accreditation process and left him in a precarious position.

More severely, a report¹⁷ put forth by a group of internationally trained dentists exposes the costs of medical re-licensure programs are much more costly and at times impossible to undergo. The average cost for re-licensing an internationally trained dentist in Canada is \$20,000. Full-time schooling often leaves these individuals unable to work and support their dependents. On average, the living cost for an internationally trained dentist and their family is \$30,000. This makes the initial annual start-up cost for an internationally trained dentist to be on average \$50,000; leaving many internationally trained dentists unable to practice in Canada - a reality that negatively affects Canadians on many levels.

Experiences and accounts like the one described above are plentiful and costly accreditation process leave many newcomers unaccredited and these individuals are left working jobs to make ends meet. This rampant case of underemployment in Ontario has led the province to lose out on taxes and talent. This problem can be addressed by implementing policies that support newcomers and make the accreditation process more affordable and feasible.

Recommendations

Ontario can learn from other Canadian provinces' programs. Provinces like New Brunswick, British Columbia, and Nova Scotia have invested in loan programs that offer loans from \$10,000 to \$15,000, which greatly alleviate these financial burdens.¹⁸¹⁹ Specifically, the New Brunswick Multicultural Association²⁰ launched a new loan program entitled the Career Pathway Program. This program gives out loans of up to \$15,000 to foreign trained professionals who are in need of Canadian and provincial credentials. The New Brunswick Multicultural Association is a non-profit organization dedicated to supporting immigrant-serving organizations

¹⁵ <https://www.universityaffairs.ca/features/feature-article/bridging-programs-help-foreign-trained-professionals-gain-accreditation/>

¹⁶ <https://www.universityaffairs.ca/features/feature-article/bridging-programs-help-foreign-trained-professionals-gain-accreditation/>

¹⁷ "Canada's Toothless Dentists" – Report by Internationally Trained Dentists Organization

¹⁸ <https://www.mosaicbc.org/services/employment/career-paths-for-skilled-immigrants/stream-2-3/>

¹⁹ Information Morning Fredricton - Alex Leblanc - Executive Director of N.B. Multicultural Association

²⁰ Information Morning Fredricton - Alex Leblanc - Executive Director of N.B. Multicultural Association

and ethno-cultural associations in the province. They are funded through provincial and other governmental grants. This is similar to MOSAIC in British Columbia - MOSAIC is a non-profit agency that has a program entitled “Career Paths for Skilled Immigrants” - this program provides general support including financial assistance (\$10,000 loans) to foreign trained professionals. These two provinces fund grassroots non-profit organizations to distribute these loans.

The Career Pathway Program was established in New Brunswick when a report illustrated the large financial barrier faced by immigrants to get their credentials recognized. The report also revealed that these immigrants were accepted through the point-system program and neither Canada nor the province could reap the benefits in terms of skill and income tax. The Career Pathway Program is designed to remove some of these barriers so individuals can become fully accredited in order to practice. Some specifics and takeaways from the program are:

- The interest rate on a career pathway loan is prime plus 1% and the borrower will make interest-only payments while studying.
- The loan is also intended to help build immigrants’ credit.
- They have five years to repay the loan.
- Approximately less than 1% of borrowers defaulted on their loan.
- The loan accelerated many immigrants’ position in the New Brunswick job market, they were earning more, and there was a distinct increase in full-time employment.

Ontario can learn from the Career Pathway Program in New Brunswick and begin funding and supporting programs that are dedicated to fund short-term small loans to utilize the professional skills of immigrants.

Taking the above successful policies from Canadian provinces into account, we have two suggestions to improve access to financial resources for newcomers in Ontario:

1. Ontario can provide funding to already existing grassroots organizations who work to support immigrants in the province. Similar to the New Brunswick Multicultural Council and MOSAIC in British Columbia, Ontario can approach a number of non-profit organizations who support immigrants and hold a contest. Interested organizations can submit proposals of how they would design and implement such a program and the provincial government can select the organization that has the most appealing and promising proposal.
2. Ontario can set up their own department to design and implement a program that will distribute short-term small loans for the purpose of re-licensure. They can do this by expanding existing loan programs (i.e the Ontario Bridging Program, WIL Employment Connections, Ottawa Community Loan Program). This expansion would include offering a larger number of loans and a larger loan (i.e. \$15 000).

This can help accelerate the accreditation process as well as provide loans to a larger number of immigrants who are in need to accreditation.

When foreign trained professionals are employed in their own fields, then they are able to contribute more to both federal and provincial taxes as well as provide services to residents of the province. Ontario has a real economic incentive to be investing more in programs that provide financing and monetary support to foreign trained professionals who are in need of accreditation. Appropriately employed individuals would also allow Ontarians to benefit from more qualified professionals in the fields of dentistry, engineering, nursing, and other professions. Research and financial support programs in other provinces shows that in the long term a high number of foreign trained professionals who take out loans pay back the loans in full and become employed in their fields. Ontario can also benefit from the highly talented foreign trained professionals who live in the province if the government implements policies that support these individuals.

SOCIAL AND EMPLOYMENT ASSISTANCE

Background

A growing body of research indicates that immigrants, a growing population in Canada, face various barriers when it comes to accessing health care services. Immigrants are specifically vulnerable to inadequate health care based on sociocultural, geographic, and economic barriers.²¹ Factors like age, social isolation, language proficiency, and a lack of information about available resources can also impact the health of newly immigrated individuals. Individuals who immigrate to Canada are at risk of mental distress; health care providers commonly identify post-migration stress, loss of personal and cultural identity, depression, and post-traumatic stress in newly immigrated individuals.²²

Child care rates are rapidly increasing as much as 20 percent from 2014, specifically in cities in Ontario. Furthermore, these increases in child care rates are rising faster than inflation rates²³. Fees for child care in Manitoba, Quebec, and P.E.I. are regulated through the government, and, as a result, are generally lower than other provinces, specifically Ontario. The cost of child care for infants in Montreal average \$168 a month, while in Toronto it averages \$1,758 a month²⁴. As a result, families who immigrate to the Greater Toronto Area face great costs to accessing adequate child care on top of accreditation costs for their professional degrees.

²¹ Asanin, J., & Wilson, K. (2008). "I spent nine years looking for a doctor": exploring access to health care among immigrants in Mississauga, Ontario, Canada. *Social science & medicine*, 66(6), 1271-1283.

²² Kirmayer, L. J., Narasiah, L., Munoz, M., Rashid, M., Ryder, A. G., Guzder, J., ... & Pottie, K. (2011). Common mental health problems in immigrants and refugees: general approach in primary care. *Canadian Medical Association Journal*, 183(12), E959-E967.

²³ <https://globalnews.ca/news/3909952/childcare-costs-in-canada-rose-faster-than-inflation-in-2017/>

²⁴ Macdonald, D., & Friendly, M. (2017). Time Out: Child Care Fees in Canada 2017. *Canadian Center for Policy Alternatives*, December.

Consequently, for many new immigrants, the only solution to these high costs of child care is for one parent to stay home, resulting in a single-income family budget.²⁵

To address these social and employment difficulties, Ontario can take inspiration from innovative policies in other parts of the world. In this respect, Israel offers a comprehensive set of policies that directly address immigrant integration into the workforce. Israel's approach goes well beyond the provision of loans and conventional financial tools that assist new immigrants to pay for their retraining and credential recognition. Rather, Israel's immigration strategy also strives to make it easier for newcomers to integrate into Israeli society at large by taking a welfare approach.

For instance, as of 2002, new immigrants to Israel are entitled to an 'Absorption Basket' (*Sal Klita*), a financial assistance package intended to help immigrants during their initial settling in the country. The Absorption Basket includes rent assistance for the first 12 months in Israel and covers living expenses during the period of study at an *Ulpan*, an institute for the intensive study of Hebrew. (1 & 2). It is also worthy to note that single-parent families qualify for rent assistance for up to six years. Additionally, Israeli newcomers qualify for free childcare services which include government-funded daycare centres. In order to qualify for publicly-funded childcare, families must meet one of the three criteria: (1) both parents must be studying full-time (49 hr+/week) at an Ulpan; (2) both parents must be registered as job seekers at the Israeli Employment Service (IES) or at the Ministry of Aliyah and Integration (formerly known as the Ministry of Immigration); or (3), one of the parents must be studying full-time at an Ulpan while the other is registered as a job seeker at the IES or the Ministry of Aliyah and Integration.

Another service that the Ministry of Aliyah and Integration purveys for new immigrants to Israel is the provision of business consulting services which are intended to help aspiring entrepreneurs in establishing and managing independent businesses. Some noteworthy services included as part of this remarkable initiative are:

- Consultation and professional workshops in the fields of marketing and finance
- A leveraged fund to assist the establishment and/or expansion of businesses;
- Business grants;
- Tax consulting.

Recommendations

Many of the initiatives adopted by Israel to assist the country's newcomer population can guide Ontario in developing policy alternatives that accelerate the integration of new immigrants into the labour market. Three policy recommendations, in particular, can be of great utility to Ontario's new immigrants:

1. Ontario can provide new immigrants with financial assistance packages - similar to Israel's 'Absorption Basket'²⁶ - designed to allow new immigrants to concentrate on

²⁵ Man, G. (2004, June). Gender, work and migration: Deskillling Chinese immigrant women in Canada. In *Women's Studies International Forum* (Vol. 27, No. 2, pp. 135-148). Pergamon.

²⁶ http://www.kolzhut.org.il/en/Absorption_Basket

credential recognition, improving their language skills, and finding jobs commensurate with their level of education and their professional experience by relieving them of some of the financial burdens that accompany immigration and settling in a new country. These packages may take on many functions and can be rendered as grants, guaranteed minimum incomes and rent assistance.

2. Ontario can purvey free access to childcare services to relieve families of the increasing childcare rates as to provide the financial resources needed for credential recognition processes and retraining.
3. Ontario can provide new immigrants with business consulting services that provide the financial education needed for aspiring entrepreneurs to establish and manage independent businesses in their new home.

REGULATORY AND LEGISLATIVE REFORMS

Background

Ontario, from July 1st, 2016 to June 30th, 2017 became home to 98,409 immigrants out of the 272,666 that Canada received; this makes up 36% of all Canadian immigrants. To address the large number of immigrants, many of whom are skilled and knowledgeable foreign trained professionals, the Government of Ontario, in 2006, passed legislation in an effort to ease new immigrants into the Ontario workforce.

The *Fair Access to Regulated Professions and Compulsory Trades Act*, and by extension the Fairness Commissioner, is an effort to ensure that the “regulated professions and individuals applying for registration by regulated professions are governed by registration practices²⁷ that are transparent, objective, impartial and fair.”²⁸ However, the act fails to explicitly protect skilled immigrants from prejudicial or subjective judgments and allows the professional associations a great deal of independence and power with no accountability. The act states that no order²⁹

shall require a regulated profession to make, amend or revoke any regulation that it has the authority to make under the Act that governs the regulated profession, but the Fairness Commissioner may,

(a) *recommend* [emphasis added] to the regulated profession that it make, amend or revoke the regulation; and

²⁷ The legislation defines registration as “means the granting of membership, with or without conditions”. Fair Access to Regulated Professions and Compulsory Trades Act, 2006; 2.

²⁸ Fair Access to Regulated Professions and Compulsory Trades Act, 2006; 1

²⁹ Defined as “If the Fairness Commissioner concludes that a regulated profession has contravened Part III or VI or the regulations, the Fairness Commissioner may make such orders requiring compliance with Part III or VI”. Fair Access to Regulated Professions and Compulsory Trades Act, 2006; 26 (1).

(b) *recommend* [emphasis added] to the minister responsible for the regulated profession that the minister exercise any power or powers that the minister has to request or require the profession to make, amend or revoke the regulation.³⁰

Furthermore, the act frequently uses such words as assess, consult, provide, advise but avoids any clauses which would allow the commissioner to enforce, regulate, or monitor professional associations in their accreditation processes. This causes concern as professional associations may not necessarily encourage or support the notion of accepting and fostering skilled immigrants and with the current act; the commissioner's powers are therefore extremely limited. The motives of the professional associations may vary but one documented motive behind policies that may prevent foreign trained professionals from being accredited is a desire to control the market (and the monetary value of the services or goods) by controlling the "supply" of workers. In other words, professional associations in Ontario may have an incentive to erect barriers for foreign trained professionals in their accreditation process in order to protect the wages of established professionals.³¹

Current environment in Ontario

The issue of difficulties in the accreditation process for foreign trained professionals must be put into the greater context of discrimination and racism nationally. Canada has experienced increasing numbers of police-reported hate crimes (4% from 2015-2016)³², with the largest increases of police reported hate crimes reported across Canada occurring in British Columbia and Ontario respectively³³; for example, in 2015, every 5.4 of 100,000 people in Toronto fall victim to hate crimes.³⁴

We also have every reason to believe that this discrimination extends to the labour market. The Ontario Human Rights Commission (OHRC) itself has reported that the "allegations of racial profiling of migrant workers (is) troubling".³⁵ To address issues in policing, the OHRC has recommended the establishment, "through legislation, an independent institution to undertake proactive, independent and transparent monitoring and enforcement regarding systemic discrimination in policing" and "enforcement powers before a court or specialized tribunal that

³⁰ Fair Access to Regulated Professions and Compulsory Trades Act, 2006; 26 (2).

³¹ See, Hou , Feng , and Garnett Picot. "Annual Levels of Immigration and Immigrant Entry Earnings in Canada." *Annual Levels of Immigration and Immigrant Entry Earnings in Canada*, vol. 2014356, Statistics Canada, 2014.

³² Police-reported hate crime, 2016, Statistics Canada 2017-11-28 <http://www.statcan.gc.ca/daily-quotidien/171128/dq171128d-eng.htm>

³³ Ibid

³⁴ Police-reported hate crimes, 2015, Statistics Canada 2017-6-13 <http://www.statcan.gc.ca/daily-quotidien/170613/dq170613b-eng.htm?HPA=1>

³⁵ [9] Allegations of racial profiling of migrant workers troubling: OHRC, 2014, OHRC http://www.ohrc.on.ca/en/news_centre/allegations-racial-profiling-migrant-workers-troubling-ohrc

can order systemic remedies.”³⁶ We believe that the Government of Ontario should combat prevent discriminatory practices in the accreditation process in a fashion similar to policing. We give some recommendations for addressing the challenges of foreign trained professionals below.

Recommendations

First Recommendation: Establishment of an Ombudsman

While Ontario already does have the Ombudsman of Ontario and it does oversee the Fairness Commissioner of Ontario, its mandate does not include the 62 professional organizations listed in the act and therefore, is limited in its scope. Therefore, the establishment, through legislation, of an Ombudsman to provide an avenue for complaints by the newly immigrated professionals against the 13 non-health professions, 23 compulsory trades, and 26 health professions listed in the Act would provide an outlet for foreign trained professionals who face discrimination or bias in their accreditation process.

Therefore, the ICC calls on the provincial government of Ontario to create an ombudsman to accept complaints of unfair instances, to investigate said instances, publish public memorandums on their findings, and to make fair and binding adjudications to those affected by unfair and biased decision-making. This would encourage educated professionals to immigrate to Ontario and have a positive effect on the industries listed in the act, and therefore provide better goods and services for all Ontarians. This would also make Ontario an exemplar example in the field of integration and foreign trained professionals in a time where immigrants are increasingly facing instances of discrimination.

Second Recommendation: Legislative interventions in the accreditation process

Beyond Ontario and Canada, one of the most successful countries in terms of integrating foreign trained professionals is the State of Israel. Foreign-trained doctors accounted for 58% of all doctors in Israel in 2014.³⁷[11] This is largely due to legislative intervention in the process of accreditation and its governing body, the Ministry of Health. Therefore, we know from the example of Israel that legislative interventions into the accreditation process can break deadlocks and ease the process. For example, in 2017, the process was modified by the addition of new provisions which allow dentists with five years of professional experience the possibility of

³⁶ “OHRC Submission to the Independent Review of Police Oversight Bodies.” *Under Suspicion: Research and Consultation Report on Racial Profiling in Ontario*, 15 Nov. 2016.

www.ohrc.on.ca/en/under-suspicion-research-and-consultation-report-racial-profiling-ontario/appendix-c-recommendations-combat-and-prevent-racial-profiling

³⁷ <https://www.forbes.com/sites/niallmccarthy/2015/10/01/the-countries-with-the-most-foreign-trained-doctors-infographic/#3f0d1f845731>

practicing in Israel without passing examinations.³⁸ Doctors, with 14 years of experience can also obtain their license without taking the licensing examinations and passing a six-month observation period. As the state controls much of the accreditation process within Israel, through passing legislation, the process of accreditation can be modified to react to trends.

The ICC recommends that a similar approach be taken in Ontario. We recommend that the Ontario government extend legislation directly into the accreditation process of select professions when other means are exhausted and the accrediting bodies are unwilling or unable to enact relevant reforms. In this way, the government of Ontario can ensure that vitally important accreditation processes are subject to democratic oversight in the form of government intervention. Furthermore, showing that such intervention is possible could prompt accrediting bodies to enact reforms to preempt and avoid direct legislative intervention. We believe that such a policy, enacted appropriately, will alleviate some of the problems that foreign trained professionals face.

Third Recommendation: Expanding the powers of the Fairness Commissioner

In Ontario, the accreditation process is in the hands of business associations and, as mentioned above, the Fairness Commissioner cannot forcefully address instances of discrimination and racism. As shown in the background section, the Fairness Commissioner can only recommend changes and it is prohibited, according to Clause 26 of the Act, to force the business associations to change, amend or revoke any of their regulations.

Therefore, taking into account that business and professional associations have an interest in controlling the market and the value of services and products by limiting membership to foreign trained professionals, the effectiveness of the Fairness Commissioner as it exists is limited. Thus, through the expansion of the Fairness Commissioner's powers, the Government can ensure that the accreditation process is transparent, objective, impartial and fair. Specifically, we recommend that the Ontario Government adjust Clause 26 of the Act and allow the Fairness Commissioner to expand its oversight power to force professional associations to change, amend, or revoke their regulations as needed to ensure fair and transparent access to accreditation by foreign trained professionals.

Summary

The current process for accreditation has improved with the passage of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006; however, the Act fails to follow through with its mandate and the fundamental problems remain. While the Fairness

³⁸ <http://www.loc.gov/law/foreign-news/article/israel-foreign-trained-dentists-immigrating-to-israel-may-be-exempt-from-licensing-exams/>

Commissioner's overseeing of the accreditation process has shown some success, it fails to address the bias and opacity in the accreditation process that forms the core of the problem. Therefore, the ICC recommends three legislative methods to improve the situation of foreign trained professionals in Ontario:

1. The establishment of an independent body to accept, investigative, and rule over allegation of discriminatory practices. We recommend the establishment of an Ombudsman as it has largely been effective throughout Canada as a body for effectively handling complaints.
2. Direct legislative involvement in the accreditation process that would expand government authority over the accreditation process and requirements. This is based on legal interventions in Israel: e.g. the Dentists Ordinance Amendment (No. 6) Law, 5776-2016, made to effectively substitute years of practice for the accreditation examination.³⁹
3. Lastly, expanding the Fairness Commissioner's powers, through legislation, allowing this office to play a larger role in the accreditation process. Ontario has already made great strides in accepting and integrating immigrants from all corners of the globe; however, it is essential that the skills and knowledge they bring be fully utilized by the province to increase the quality of life. We recommend that the Fairness Commissioner's powers be expanded to issue binding directives to change, amend, or revoke the regulations of accrediting bodies.

DISCRIMINATORY HIRING PRACTICES

Background

Anti-immigrant bias is widespread and this affects immigrants in a myriad of ways; its effects on employment, income, and their experience are most notable. There are a number of problematic hiring practices that act as barriers for immigrant employment. Two notable barriers are devaluation of non-Canadian and Western education and experience, and inherent biases towards more racialized individuals. These social biases and unofficial practices, compounded with explicit policies and institutional barriers result in a complex system of discriminatory hiring practices for immigrants who have professional degrees and non-Canadian work experience.

Multiple academic studies and reports have shown that a strong bias against foreign-born and foreign-trained professionals from employers and other employees exists. This is in part inspired, or at least supported, by the institutional barriers and policies. For instance, the requirement that foreign professionals need to re-credit themselves by submitting a wide-range of documents, pay to undergo re-training, and have their experience put under question creates a

³⁹https://www.health.gov.il/English/Services/MedicalAndHealthProfessions/Dentistry/Pages/dent_license_abroad.aspx

culture where foreign trained professionals are considered to be less qualified than domestic ones.⁴⁰

Although some of this retraining is intended to tease out the discrepancies between different programs and countries' different requirements, research has shown that the education and experience of racial minority immigrants are more negatively looked at than their white foreign born counterparts.⁴¹ Additionally, multiple surveys revealed that immigrants' foreign experience are discounted, scrutinized, and unvalued which result in both underemployment and unemployment. The systematic devaluation of racialized immigrants' education, the skepticism of their country of origin, and training has resulted in overall skepticism of an accredited immigrant's skills.⁴²

Although in 2013 the Ontario Human Rights Commission (OHRC) had released a statement that declared the explicit requirement of "Canadian experience" in job postings as a human rights violation, this practice still exists. In 2017, a report done by Ryerson University and the University of Toronto revealed the extent to which racialized minorities and immigrants are discriminated against during hiring. These individuals are subject to not only biases against names but of the de facto requirement of Canadian experience. The report⁴³ showed:

- Postings that require a university degree, Asian-named (includes East and South Asia) applicants who have exclusively Canadian qualifications and experience are at a 20% disadvantage for large employers and 40% disadvantage for small companies compared to their Anglo-named applicants who have extremely similar experience and education.
- Asian-named applicants with all foreign qualifications are at a 35% disadvantage for large employers and over 60% disadvantage for small employers.
- Larger organizations discriminate less frequently (although discrimination still occurs) than smaller organizations because they have more resources devoted to recruitment, a more professionalized human resources recruitment process, and more experience with a diverse staff.

Some of these discriminatory practices and discriminatory culture against racialized new immigrants are expected to subside once discriminatory institutional barriers that harshly scrutinize foreign trained professionals have been adjusted with more progressive policies. However, research has shown that proper legislation can regulate and minimize the bias against foreign trained professionals, racialized immigrants, and foreign experience.⁴⁴

Recommendations

⁴⁰ Louis et al. Bias against foreign-born or foreign-trained doctors

⁴¹ Louis et al. Bias against foreign-born or foreign-trained doctors

⁴² Esses VM, Dietz J, Bhardwaj A. The role of prejudice in the discounting of immigrant skills. In: Mahalingam R, ed. Cultural Psychology of Immigrants. Mahwah, NJ:

⁴³ Which Employers Discriminate

⁴⁴ Barron 2012

There are policies and legislation that the province of Ontario can adopt to counter these discriminatory practices. These policies and practices include mandatory audits, combating bias at the application stage, encouraging human resource departments to monitor diversity on the one hand, and a series of incentives that can help the adoption of these policies on the other.

Running mandatory audits of organizations' and companies' hires every 3-5 years. Effective auditing can address discriminatory practices since it can identify employers' discriminatory hiring practices. Studies show that audits reveal observable variations in applicants' quality and unbiased measures of employer discrimination than survey data. A regular audit can highlight the biases of employers during the hiring process. The conclusions of audits can lead to changes in company policies that try to ensure fairer hiring practices.

Encourage the practice of having hiring committees of more than two people to review resumes. Committees should consider all relevant work experience regardless of where it was obtained as well as to anonymize resumes to deter unconscious bias. These committees should also ensure the hiring rubric frames the job qualifications and criteria in terms of competencies and job-related knowledge and skills rather than requiring prior Canadian work and using subjective language such as "fitting in" when considering an applicant's ability to succeed. Hiring committees should be open to not only non-Canadian experience/education but should accept non-local references as well.

It is also crucial for human resources (HR) departments to actively monitor diversity ratios of new recruits to make sure they reflect the diversity of competent applicants overall. Currently, this is not implemented on all levels of HR and instead varies from organization to organization. HR should provide all staff with mandatory education and training on human rights and cultural competence, as well as a set minimum number of interviews given to racialized/immigrant applicants. Each municipality should set a minimum according to their specific demographics. This has shown to tackle unconscious bias.⁴⁵

The above described practices can be incentivized by the Ontario government through a number of policies. The Ontario government has already adopted a grant incentive for companies to hire individuals who are in need of extra training however this grant, entitled the Canadian Ontario Job Grant, does not explicitly target immigrant hires. This vague language fails to incentivize companies to hire immigrants or racialized individuals. Introducing more targeted tax and financial incentives may lead to some more direct results.

Germany, in 2008, committed to €150 million EUR to its equal opportunities program in Universities. Germany noted that 15% of tenured professors in the country are female and this pushed the government (both federal and state) to create financial incentives for universities. The government committed to 200 additional posts for highly qualified female academics and they would be compensated for five years at €150 000/year each.⁴⁶ This process included selecting universities' bids for the funding and the funding was only secure once the universities had

⁴⁵ TACKLING UNCONSCIOUS BIAS IN HIRING PRACTICES: THE PLIGHT OF THE ROONEY RULE, Brian W. Collins (2007)

⁴⁶<http://www.spiegel.de/international/germany/sexism-in-germany-universities-rewarded-for-hiring-women-professors-a-576238.html>

submitted plans that illustrated their long-term and sustainable commitment to gender equality and promoting more women into top academic positions in the university.⁴⁷ Overall, this program was deemed successful. In the last 12 years, the program has led to a double in female professorships in the nation (from 10% to 20%).

Ontario Council of Agencies Serving Immigrants (OCASI) suggested a more targeted tax credit to hire immigrants.⁴⁸ Small and medium sized businesses will be given a tax credit for hiring immigrants in order to provide employers with the resources to build their internal capacity to work effectively with their new Canadians. OCASI believes that this tax credit would further strengthen and stabilize these companies' HR departments and lay out long-term structures to streamline this kind of employment.⁴⁹ This tax incentive would ideally be working against ingrained biases against foreign trained individuals, foreign experience, and racialized individuals because companies would be incentivized to employ and invest in these educated and qualified individuals.⁵⁰

Some policy suggestions from the information above include:

1. Ontario can take the German model and commit a certain amount of money to create financial incentives for diverse hires (i.e. immigrant and racialized individuals).
2. Ontario can invite companies to bid on the funding by providing plans that illustrate their long-term and sustainable commitment to diversity in the workplace and the promotion of racialized employees to executive and management positions.
3. Ontario can give tax credit to small and medium sized businesses when they hire immigrants in order to provide employers with the resources to build their internal capacity to work effectively with new Canadians as well as provide necessary training
4. Ontario can also provide this tax credit to also hire racialized and marginalized individuals in hopes of diversifying companies to combat unconscious biases.

Discriminatory hiring practices are rampant and have reinforced the systematic devaluation of immigrants' experience, education, and labour. If the government of Ontario implements meaningful policies and funds targeted projects to eradicate discriminatory hiring practices, the effects would be felt among immigrants and racialized Canadians alike. These policies can also ensure that foreign trained professionals can gain meaningful employment once they have become accredited by Ontario's professional accrediting institutions. Diversifying our provinces' workplaces would lead to more equitable companies and institutions. It is imperative for the province to take meaningful action and implement policies that would incentivize workplaces to be more equitable in their hiring.

⁴⁷<http://www.spiegel.de/international/germany/sexism-in-germany-universities-rewarded-for-hiring-women-professors-a-576238.html>

⁴⁸ <http://www.ocasi.org/ocasi-statement-tax-credit-hire-immigrants>

⁴⁹ <http://www.ocasi.org/ocasi-statement-tax-credit-hire-immigrants>

⁵⁰ <http://www.ocasi.org/ocasi-statement-tax-credit-hire-immigrants>

CONCLUSION

Above, we have taken a sweeping look at the multifaceted and complex problems constituting the dire situation of foreign trained professionals. We have identified problems in financing, social and employment support, discrimination in the labour market, and legislative deficiencies in the accreditation process. We have recommended increased financing, expanded social and employment support programs, policies that combat labour market discrimination, and legislative reforms to improve the situation of foreign trained professionals.

As such, we expect Ontario's political parties to examine these recommendations and respond with their plans to address the problems facing foreign trained professionals.

We encourage all parties to keep in contact with us and approach us with any questions you may have about this report and the recommendations therein. You may reach our Policy Chair, Pouyan Tabasinejad, at policy@iccongress.ca.