

# CURRENTS

Volume 5 No. 4

READINGS IN RACE RELATIONS

March 1990

RACIAL MINORITIES and ACCESS TO EMPLOYMENT

Also  
*Measuring Inequalities*  
*Training for Change*  
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Published by THE URBAN ALLIANCE ON RACE RELATIONS

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FRANÇAISE

## **WHAT IS THE URBAN ALLIANCE ON RACE RELATIONS?**

*The Urban Alliance on Race Relations was formed in 1975 by a group of concerned Toronto citizens. Its primary goal is to "promote a stable and healthy multiracial environment in the community."*

*The Alliance is a non-profit charitable organization consisting of volunteers from all sectors of the multicultural and multiracial Canadian society, supported by a small permanent staff.*

### **IN THE FIELD OF RACE RELATIONS WE ARE COMMITTED TO:**

- Organizing seminars, workshops and conferences
- Increasing public awareness
- Providing forums for dialogue
- Encouraging equality of opportunity
- Researching and publishing reports
- Consulting, facilitating and mediating in the public and private sector

### **ACHIEVEMENTS OF THE URBAN ALLIANCE ON RACE RELATIONS**

Since 1975, the Urban Alliance on Race Relations has sponsored and engaged in:

- Seminars and conferences on Race Relations
- Building community consensus
- Consultations with individuals and organizations
- Working with Boards of Education to develop and implement policies and programs
- Working with police to improve relations with minority racial communities
- Conducting and publishing research studies
- Presenting briefs to the government supporting the development of programs that will ensure equality of opportunity
- Publication of CURRENTS, the only Canadian journal committed to research and dialogue on race relations issues
- Publication of a quarterly newsletter which provides information on activities to members and the general community

### **UARR PUBLICATIONS:**

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- Race Relations Bibliography
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- Immigrants: Perceptions of Ethnic and Racial Discrimination
- Employment Equity for Visible Minority Women: A Guide for Employers
- The journal CURRENTS, readings in race relations:
  - Thematic issues include:
    - Focus on Visible Minority Women
    - Racism and Education
    - Discrimination in Employment
    - Policing in a Multiracial Society
    - Race Equity in Education
    - Native People and Racism

**Editor**  
*Tim Rees*

**Assistant Editor**  
*Elizabeth Hellreich*

**Art Director**  
*Carson Young*

**Chair, Publication Committee**  
*Gerald Rose*

CURRENTS: *Readings in Race Relations* is the quarterly magazine of the Urban Alliance on Race Relations.

The Urban Alliance on Race Relations, formed in July 1975 to promote a stable and healthy multi-racial environment in the community, is a non-profit organization made up of volunteers from all sectors of the community.

The Urban Alliance on Race Relations is an educational agency and an advocate and intermediary for visible minorities. It works toward encouraging better race relations, increased understanding and awareness among our multicultural population through programmes of education directed at both the private and public sectors of the community. It is also focussing its efforts on the institutions of our society including educational systems, employment, government, media, legislation, police, social service agencies, and human services, in order to reduce patterns of discrimination and inequality of opportunity which may exist within these institutions.

The work of the organization is carried out through committees such as: Education; Employment Equity; Media; and Judicial.

All correspondence, including letters to the editor, subscription requests and changes of address should be addressed to:

**CURRENTS**  
 229 College Street, Suite 310,  
 Toronto, Ontario  
 M5T 1R4  
 Telephone: (416) 598-0111

Membership fees to join the Urban Alliance on Race Relations are:

Students & Seniors	\$ 10.00
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Life Membership	\$700.00

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The views expressed in *CURRENTS* are not necessarily those of the Urban Alliance on Race Relations.

Articles offered for publication are welcome. They should be typewritten, double-spaced, with adequate margins for notation.

All enquiries about advertising should be directed to the Editor.

The Urban Alliance on Race Relations wishes to acknowledge the financial support of Multiculturalism Canada.

March 1990  
 ISSN 0715 - 7045  
 2nd Class Mail Registration Number 5972

## EDITORIAL

## ARE WE MAKING PROGRESS?

The pursuit of racial equality demands that the mechanisms for measuring change be in place. We have to move from discussing the principles of equality of opportunity to the measurement of achievement.

Adopting formal equal opportunity policies, implementing mass "sensitisation" training programmes, or undertaking glossy public relations campaigns are worse than useless unless they are combined with concrete programmes of action which are regularly monitored, evaluated and reported on publicly.

The use of effective monitoring systems can begin to provide the information needed to answer the question of progress.

The concept of targets certainly gives sharper definition to the task of monitoring results. At the end of the day we fail if we have not made progress towards reaching defined targets and achieving the desired change.

Readers will once again recognize the persistent refrain made on this editorial page. The quality of work in the pursuit of racial equality is consistently undermined by a seeming inability to measure its impact. Increasing the amount of resources to race relations in and of itself is not a measurement of progress. Increasing the amount of "feelgood" rhetoric contributes only to further obscuring the question of progress.

Collecting the evidence is such an obvious task. Dry and tedious though the activity may be, it is certainly cheaper and more honest than glamorous public relations exercises. Let us not sacrifice race rela-

tions to the greedy principles of the advertising industry. Let us devote more resources to research and evaluation and less to "communications strategies."

This issue of Currents is largely devoted to describing some of the approaches and mechanisms for measuring change in the employment and economic field.

**Employment Equity**

The most notable instrument of measuring change in racial equality presently existing in Canada is perhaps the Employment Equity Act which requires federally regulated companies with more than 100 employees to report annually on the composition of their work forces. The recently published second annual report therefore provides a sad indictment of the current state of affairs in Canada. For example, aboriginal peoples increased their representation in the surveyed workforce to .73 percent from .66 percent. Aboriginal peoples obtained just one in every 400 new professional jobs or promotions, though they make up 2.1 percent of Canada's labour force. Of the more than 20,000 managerial hirings and promotions, just 67 or .34 percent went to aboriginal people.

Visible minorities increased their representation in the surveyed 601,000 workforce to 5.69 percent from 4.99 percent in 1987. But as the article on the banking industry in this issue shows, a disproportionate number of minorities are at the lower income entry levels.

**No Progress**

As Judy Rebick, of the National Action Committee says of the results, "The improvement is so marginal as to be completely unacceptable".

The results of this second annual report give a pretty good indication of the kind of progress that is being made in Canada. They also provide an indication of why there appears such a strong disinclination to put in place the mechanisms for measuring change in other spheres of Canadian life. Clearly it is prudent not to disturb the Canadian mythologies of racial equality by collecting further evidence that demonstrates the contrary!

From Access to Professions and Trades, Access to Government Services, Access to Employment Training Programmes, to Access to Business Opportunities, this issue of Currents shows that racial minorities continue to exist on the peripheries of economic mainstream.

*Tim Rees*

## EDITORIAL

**Faisons-nous des progrès?**

La poursuite de l'égalité raciale exige la mise en place de mécanismes susceptibles de mesurer le changement. Il faut passer de l'étape de la discussion des principes d'égalité et des débouchés à celle de la mesure des réalisations.

L'adoption de politiques officielles d'égalité des chances, la mise en place de programmes massifs de formation et de sensibilisation ou les campagnes retentissantes de relations publiques ne servent absolument à rien, si elles ne s'accompagnent pas de programmes d'action concrets qui sont surveillés et évalués régulièrement et font l'objet de rapports publics.

L'utilisation de systèmes de surveillance efficaces offre avant tout les renseignements voulus pour savoir si l'on réalise des progrès. Le concept des cibles permet de préciser la tâche de surveillance des résultats. À la fin de la journée, nous avons échoué si nous n'avons pas réalisé de progrès pour atteindre les cibles définies et réalisé le changement souhaité.

Les lecteurs reconnaîtront une fois de plus le refrain habituel qui figure dans cet éditorial. On ne peut pas juger de la qualité du travail dans la poursuite de l'égalité raciale, parce qu'on n'est pas en mesure d'en évaluer l'impact. Le fait d'accroître les ressources consacrées aux relations interraciales n'est pas une mesure de progrès en soi. Prêcher les «bons sentiments» ne fait que contribuer davantage à noyer la question du progrès.

Ce qu'il faut faire avant tout, c'est de rassembler des preuves. Même si la tâche semble ennuyeuse, il faut reconnaître qu'elle revient moins cher et qu'elle est plus honnête que les exercices de relations publiques

retentissantes. Gardons-nous de sacrifier les relations interraciales aux principes voraces du secteur publicitaire. Consacrons davantage de ressources à la recherche et à l'évaluation, et moins, «aux stratégies de communication». Le présent numéro de *Courants* s'attache en grande partie à décrire quelques-uns des mécanismes et des approches permettant de mesurer le changement dans le domaine de l'emploi et de l'économie.

**Équité en matière d'emploi**

La Loi sur l'équité en matière d'emploi exige des sociétés de la Couronne, et des entreprises qui sont réglementées au niveau fédéral et qui emploient plus de 100 personnes, un rapport annuel sur la composition de leurs effectifs. Le second rapport annuel qui vient de paraître est un triste témoignage de l'état actuel des choses au Canada. Par exemple, les Autochtones ont accru leur représentation dans les effectifs étudiés : leur participation est passée de 0,66 % à 0,73 %! Les Autochtones ont bénéficié d'une promotion sur 400 postes ou promotions dans les professions libérales, alors qu'ils constituent 2,1 % de la main-d'oeuvre au Canada. Parmi les 20 000 et quelques postes et promotions au niveau des cadres, 67 seulement, soit 0,34 %, sont allés aux Autochtones.

Les minorités visibles ont accru leur participation dans l'échantillon des 601 000 personnes interrogées : le taux de participation est passé de 4,99 % en 1987 à 5,69 %, cette année. Mais comme le montre bien l'article du présent numéro sur le secteur bancaire, un nombre disproportionné de membres des

minorités visibles sont concentrés au niveau débutant peu payant.

**Aucun progrès**

Comme le dit madame Judy Rebick, du comité d'action national à propos des résultats, «les progrès sont tellement négligeables qu'ils sont tout à fait inacceptables».

Les conclusions de ce second rapport annuel nous donnent une assez bonne idée des progrès qui ont été réalisés au Canada. Ils nous donnent aussi une idée des raisons pour lesquelles on ne semble guère enclin à mettre en place les mécanismes de mesures du changement dans d'autres sphères de la vie canadienne. Manifestement il n'est guère prudent de toucher au mythe canadien de l'égalité raciale en fournissant une preuve supplémentaire du contraire!

De l'accès aux professions et aux métiers à l'accès aux services gouvernementaux et aux programmes de formation à l'emploi, en passant par l'accès aux débouchés commerciaux, le présent numéro de *Courants* montre que les minorités raciales continuent à vivre en marge de l'économie.

Tim Rees

## PERSPECTIVES

### ACCESS TO PROFESSIONS AND TRADES

*Report of the Task Force on Access to Professions and Trades in Ontario*

The Task Force was charged with reviewing "all rules affecting entry to professions and trades to determine whether they have an actual or potential discriminatory effect on persons with training or experience from outside of Canada". With this mandate in mind, the Task Force undertook a detailed review of the organizational structures of regulated occupations in Ontario, with a view to determining not only if such structures are giving rise to discriminatory practices but also whether they have the potential to do so, depending upon their use and application. The Task Force also selected for review a small number of unregulated occupational groups.

Regulated occupations include those regulated under public statute, such as law, medicine, and engineering; those regulated under private statute, such as chartered accountancy; those regulated directly by government, such as real estate brokerage, and the trades as whole, which come under the aegis of the Ministry of Skills Development.

The regulatory format determines the degree of public accountability within the occupational body, from minimal to significant. The range extends from private regulatory structures and purely voluntary groups functioning essentially independently of government-imposed structural and procedural controls through to regimes of government licensure and public regulation in which there is substantial accountability. Although only those groups that are publicly regulated, either through a self-regulatory body or a

government licensure regime, have the power to grant licences (exclusive entitlements to practise the profession or trade), privately regulated as well as unregulated bodies have the authority to certify their members. This authority involves granting those who meet standards for membership a credential that may have significant value in employment, in some cases a value almost as great as licensure itself.

The primary obligation of occupational bodies, whether they have the authority to grant licences or merely perform the function of certifying practitioners as competent, is to protect the public interest with respect to health, safety and welfare. In fulfilling this first obligation, however, these bodies must consider a second one: the duty to respect the individual's right to equality of opportunity and to equal treatment without unreasonable or unfair discrimination. These two interests should be complementary, not competing, but the fact is, fixing a balance between them is a difficult task.

The assessment of competence is a multifaceted process, and the sometimes divergent interests must be reconciled at each step, from a person's first inquiry about a certification procedure to the last stage of any available appeal process.

#### **The Barriers**

##### *Prior Learning Assessment*

Difficulty obtaining an accurate, consistent assessment of prior learn-

ing for purposes of certification or licensure is the problem cited most frequently by foreign-trained people, community organizations, and ethno-cultural associations. The Task Force also found that there is cause for concern that the prior learning of foreign-trained applicants is not always being adequately and fairly assessed.

The purpose of an assessment of prior learning is to determine the equivalency of an individual's qualifications or competencies to educational requirements in Ontario. It is typically used as a preliminary screen to determine who should be permitted to write a licensing examination, if there is one. Although some prior learning assessment is currently being performed in Ontario by occupational bodies, the Task Force found, in many cases, significant weaknesses in the methods of assessing the background of the applicants. Sometimes no credit at all is given for training outside an accredited program. Some occupational bodies rely heavily on the personal information provided by the registrar and on other informal sources. Even where a structure for assessment does exist, the information-gathering often tends to be unsystematic and the standards imposed subjective and ad hoc. In addition, there is, with some exceptions, a general reluctance to give credit for any learning obtained outside a formal program of education, no matter how relevant and well documented that learning may be.

The reasons behind the failure of many occupational bodies to make

appropriate assessments of prior learning do not necessarily reflect an intent to discriminate. However, considerable expertise in comparative education, significant physical resource materials, and a familiarity and ongoing contact with international educational systems are all necessary to validate documents properly and make an accurate assessment of an individual's prior training. Inadequacies in each of these areas is frequently cited by licensing bodies as their reason for not evaluating prior learning either at all or in anything more than a cursory manner. The reality is that, from a situation some 20 years ago in which immigration patterns to Ontario were relatively consistent and predictable and therefore easier to respond to, occupational bodies now find themselves confronted with the task of assessing the background of candidates from a far broader and more diverse selection of countries, with little in the way of resources or facilities to assist them. Some professions or trades may have only one or two applicants from a particular country in a five-year period; furthermore, the licensing bodies cannot predict the countries from which applicants will arrive and therefore must, in some cases, act in response to a specific situation. All of these obstacles make it difficult to have a coherent approach.

The Task Force concern here not only is that the assessment procedures in some professions are showing evidence of unfair or unequal treatment of some candidates; it is also that current procedures have the potential to be applied in a way that results in unfair or unequal treatment - and that is the broader issue. Much appears to depend upon the personal information received by the assessors, upon the inclinations of the assessors, and upon the human resources needs of the occupation. These factors can, and do, change. The standard of competence required for entry, however, should not.

The failure to assess prior learning appropriately can virtually negate an individual's previous accomplishments and can result in the individual's having to repeat an entire training program or, at best, to complete partial retraining in Ontario. Additional examinations, required only of foreign-trained individuals, are another common response to a lack of mechanisms for assessing prior learning. The result can be not only frustration for the applicant but a waste of resources. The outcome in some cases is the complete loss of the skills that the individual brought to Canada.

It also became clear from submissions to the Task Force and from meetings with individuals that candidates find this early stage of the process most confusing. Initial inquiries can result in a simple rejection on the basis of the applicant's inadequate training. In the absence of objective criteria against which the candidate can compare and assess his or her training needs, coupled with the general lack of appropriate counselling or guidance, it is difficult for the candidate to know whether the assessment is fair and how best to proceed.

#### *Licensure Testing*

Where a foreign-trained candidate is required to write some tests in addition to those required of an Ontario-trained candidate, the process can be very demanding and very expensive. It may be possible, in rare cases, to justify these additional requirements on the grounds that, in the absence of other means of assessing skill, they are needed to ensure competence. Such a defence, however, to a large extent hinges on the current identified lack of a systematic approach to the assessment of prior learning.

Where the same examinations are required of all candidates, these tests in many cases have not been subjected to objective test development and analysis procedures to en-

sure that the tests are culturally sensitive and administratively fair, that the standard set reflects the required level of competence, and that the level of fluency needed for the examination is appropriate to the occupation.

#### *Language Training*

Acquiring a new language is one of the greatest problems facing a foreign-trained individual who arrives in Ontario without speaking English or French. Some level of fluency is required for certification of licensure in most professions and trades, and a significant level is needed in a number of occupations. Yet, although this skill is essential for integration into the workplace, and although there are available numerous programs, it appears that language training is not meeting the need. Among the common problems conveyed to the Task Force were the long delays in gaining admission to programs; the shortage of training allowances and support; the emphases on training in general fluency rather than on occupation-specific proficiency development; and the difficulty that some categories of immigrants have qualifying for language training.

#### *Language Testing*

In many occupations language is not specifically tested at all, because the occupational bodies assume that the licensure or certification examination will function as an adequate language screen. There is, however, often little evidence that such language screens have been scrutinized to ensure, first, that the level of proficiency required reflects the level appropriate to the occupation, and, second, that fluency in language is essential to practise is being adequately assessed. The main problem is that very few occupations formally assess language, either English or French, by means

of a test designed to determine the level of linguistic proficiency as it applies to the particular occupation. Several occupations rely exclusively on the Test of English as a Foreign Language (TOEFL), the Test of Spoken English (TSE), or the Michigan Test Battery (MTB) in spite of the fact that such standardized tests are weak predictors of performance and do not test occupation-specific language.

### *Retraining*

In the many cases in which a comprehensive assessment of prior learning, based on both academic background and previous experience, is not available to candidates, retraining needs are often not clearly identified. The result of this weakness in the system can be a training requirement that is more onerous than necessary. The scarcity of programs and facilities for retraining is also a significant problem.

### *Review of Decisions*

Mechanisms for reviewing an occupational body's decision to refuse a licence or certificate or to attach conditions or limitations to it are, in some occupations, altogether lacking or severely limited. Some occupations, notable the health professions, are subject to legislative provisions establishing an independent tribunal to review registration decisions. Some provide for an internal review with or without a statutory appeal to the courts. Others have no intermediate appeal mechanism and may or may not provide for an appeal to the courts. The scope of the appeal also varies; for one group of professions, for example, questions of academic and experiential equivalency are expressly excluded.

In addition, a review of complaints lodged with the Human Rights Commission and based on

discrimination related to place of training reveals a record of consistent failure for claimants. The primary reason for their lack of success does not appear to be related to the inability of complainants to make a case of discriminatory practice; rather, it appears related to the assertion by the occupational bodies of a defence that involves, and indeed capitalizes on, the fact that a systematic and reliable means to assess prior learning is not available.

### *The Proposed Solutions*

#### *Prior Learning Assessment*

The fundamental problem facing occupational bodies and foreign-trained candidates alike is the necessity of determining, fairly and accurately what the candidate knows. Yet, making that seemingly simple determination is far from straightforward; indeed, to state the need in such simple terms is to trivialize it.

The Task Force is certain that both real and perceived access to professions and trades in Ontario can be improved through the creation of a mechanism specifically designed to assess the prior learning of people seeking to apply for entry to those occupations. Such a mechanism could consolidate and systematize current Ontario-based assessments of the level and type of learning completed by foreign-trained individuals to determine whether or not their education is equivalent to that required of Ontario trained individuals. This mechanism could capitalize on other Canadian, U.S., and British experience to improve significantly the current provisions in Ontario for assessment of what an individual has learned both formally and through experience. Current developments in the European Community offer other models of leadership in this area.

The Task Force supports the principle that occupational associations

bear the ultimate responsibility of ensuring the competence of members for the protection of the public. For this reason, it takes the position that the preparation and administration of all licensure examinations should remain under the control of the appropriate occupational associations and that these bodies should direct the development and/or articulation of a prescribed standard of performance for competence against which all candidates must be measured. It is also of the view that, as a general rule, clinical assessments are best conducted by the relevant occupational association.

The initial screening of applicants - the assessment of equivalency - is the stage in the process that is least standardized, most difficult, and most open to abuse. Although some prior learning assessment is already being carried out by educational institutions and occupational certification agencies, the Task Force believes that people throughout Ontario should have access to a more systematic mechanism for assessing their training. This mechanism should consider not only formal education - courses, degrees, diplomas, and certificates - but also knowledge gained through experiential learning. Such experiential learning would be subject to close scrutiny and would need the criteria as academic learning; it must be relevant and well documented; it must meet the same standard of competence required of Ontario-trained candidates as specified by the occupational bodies and/or relevant educational institutions; and it must assess what the candidate has learned and not merely represent the duration or contents of the experience.

#### *A "PLAN" for Access*

The Task Force proposes the creation of a Prior Learning Assessment Network (PLAN), to be an inde-



pendent agency operating under the aegis of one or more ministries.

Equipped with the necessary physical resources, linked into the international network of comparative education information, staffed by specialists in comparative education and assessment, and assisted and instructed by advisory bodies representing the various occupations and ethno-cultural groups, this agency would be in a position to provide detailed, accurate assessments of the prior learning of individuals for use in their applications for certification or licensure to occupational organizations. If the candidates were considered to have training equivalent to the Ontario standard, such assessments would entitle them to attempt any licensure to certification examination that the occupational body requires for admission. If the candidates' training were assessed as less than equivalent, the comprehensive nature of the assessments would enable them to determine precisely the retraining required.

Beneficiaries of such a scheme would of course include the occupational bodies themselves, who would be relieved of the expense and difficulty of assessing each individual applicant in a way that not only is but must appear even-handed. At the same time, through the mechanism of occupational advisory committees operating through PLAN, through the articulation of standard, and through the administration of licensure examinations, the relevant occupational bodies would retain control over the standards of competence required of each entering practitioner. The relationship between PLAN and each occupational group would be a close one, formalized through the advisory committees, with a significant transfer of information and expertise going on in both directions. Furthermore, PLAN would have the option, at the agency's discretion and subject to revocation if necessary, of delegating some or all of the assessment procedures to an

occupational body.

Educational institutions would also be served by such a mechanism. Although most universities and colleges, as well as the Ministry of Education, already have some means for assessing prior education of applicants from countries having high and sustained rates of immigration to Canada, many institutions appear to have no means for systematically assessing prior experiential learning and little capacity for assessing the educational credentials of individuals who may lack complete documentation or have arrived from countries having low or irregular rates of immigration to Canada.

Individuals would benefit, particularly those who wish to apply for certification or licensure in an occupation and need to have their prior learning assessed. We believe that those who currently are the most poorly served are people entering Canada with insufficient formal documentation, people who have left countries with relatively low rates of immigration to Canada, or who come from Third World or eastern bloc countries with only recent significant rates of immigration to Canada, and people who have relevant and useful competencies that were gained through experience rather than formal education.

Although these are the principal target groups, the Task Force is confident that the value of its recommendations will extend beyond them. People entering the marketplace directly would also benefit, as would their employers. Also benefiting would be people wishing to re-enter the workplace after an absence, a situation in which women often find themselves. The potential for discrimination in employment is likely to be significantly reduced as employers, presented with comprehensive and credible assessments, would no longer feel compelled or entitled to reject candidates with foreign or

otherwise unfamiliar training or experience simply because their level of training could not be determined.

The structure of this mechanism should derive from several principles that underpin other successful prior learning assessment systems. Not only must this mechanism be expert in assessment and in the training of assessors so that its work be valid and reliable, it must also be systematic if it is to be perceived to adhere to high standards.

The following characteristics are essential to the success of such a network:

- . It is public
- . It is accessible
- . It is comprehensive in its assessment strategies.
- . It is credible to those who use its services - educators, certifying bodies, employers and individuals.
- . It minimizes cost.

The specialization and economies of scale inherent in the prior learning assessment mechanism will mean greater overall efficiency than exists at present. The cost of such a system need not be substantial. A review of comparable models discloses that limited staffing should be adequate, and the physical facilities and purchase of other resources need not be expansive. The cost benefits to be gained have the potential, meanwhile, to be substantial. Some examples of such benefits include:

- The elimination or co-ordination of the now frequently duplicated effort evident among the occupational bodies themselves, the educational institutions, and assessment
- programs that currently offer limited services;
- the efficient gathering of information and the speedier integration of skilled individuals into the workplace
- the accurate allocation of

limited retraining resources to the candidates who require them and in response to their

- more precisely identified needs; and
- the enhanced mobility among related occupations for optimal use of human resources.

Although the primary function of PLAN is to be the assessment of prior learning, we also anticipate it will play a significant role in the validation of documents, in the dispersal of information, in counselling, and in directing candidates to appropriate retraining - functions closely linked to the assessment process itself, but currently not always conducted in a systematic manner.

### **Language Testing And Licensure Testing**

Although licensure tests and language assessments should remain entirely within the professional bodies themselves, the introduction of some new procedures would benefit both the occupational bodies and the applicants themselves.

First, the same licensure examinations should be required of all candidates qualified to write them. An exception to this procedure might be made upon the presentation of a careful case setting out the particular equivalency that cannot be assessed by means other than an additional examination. It would also be necessary to demonstrate that it would be inappropriate to impose such an additional examination on domestically trained candidates. Availability of comprehensive assessments of prior learning should minimize the need for requiring additional examinations of foreign-trained candidates and, correspondingly, limit the grounds available to justify them. This procedure should be monitored and published through PLAN.

Second, to the extent this practice

is not being followed, procedures of licensure test development should be more standardized. The occupational body administering an examination as a prerequisite to licensure of certification should be obligated to demonstrate that the test has been developed and analyzed according to recognized professional standards. Such an analysis would ensure, to the extent possible, that the standard on any examination is fair, that its format and administration are appropriate, that the level of fluency required on it is appropriate to the occupation, and the examination is culturally appropriate. PLAN would play a role in the publication of such standards and would also be available to provide advice and referrals.

Third, although most occupational bodies rely on their licensure examination for language proficiency screening, this use is appropriate only if the examination has been scrutinized to ensure that the level of language proficiency required corresponds with that necessary to perform competently in that occupation, and that occupation-specific language is tested. Ideally, a specific language test would assess such proficiency. The use of standardized tests, such as the TOEFL, TSE, and MTB, should be phased out where they are relied upon as prerequisites to occupational licensure or certification.

### **Language Training And Occupational Retraining**

Although some language training and occupational retraining are available through the numerous programs operating throughout the province, reductions in federal funding, as well as limited facilities and questionable eligibility criteria, mean that the training is not available to all who need it. The Task Force recommendations, although respecting these realities, reflect a conviction that these services are essential to the integration of foreign-

trained individuals into the workforce, with the result that their lack of availability itself carries a large cost to Ontario society. The use of more flexible, focused, and innovative delivery systems coupled with the recognition that learning can be acquired in more than one context is among the methods suggested for dealing with these difficulties. In addition, the Task Force supports targeting, in appropriate cases, of retraining facilities to candidates representing ethno-cultural groups that are in particular need of services. With respect to language training specifically, there is a need for programs geared to occupational qualifications and including occupation-specific language at an appropriate level.

### **Review Of Decisions**

It is essential that candidates know the grounds upon which they are to be refused licensure or certification, that they have an opportunity to make the case against a refusal at an early stage in the process, and that they have a statutory right to obtain a review of a negative decision. Such a responsive appeal structure should be available to candidates in all occupational groups.

Rights under the Human Rights Code, 1981, for individuals who encounter discrimination on the basis of their place of education or training, must also be clarified, and claims must be facilitated. The objective, however, is not to bring people to courts and tribunals but to minimize the need for such remedies: to build bridges over the barriers. The creation of an independent agency to co-ordinate and oversee the most difficult and contentious aspects of licensure and certification will accomplish that most desirable end.

### **A Structural Solution**

Although the barriers to entry do not apply universally to all occupa-

tions in Ontario, it is fair to say that they apply generally. There are occupations in which detailed and comprehensive assessments of prior learning are being undertaken; there are occupations that are currently taking steps through formal test development and validation to ensure that their licensure or certification examinations reflect recognized standards of fairness; and there are a number of occupations in which are reflected adequate and comprehensive appeal rights. There are, however, few occupations in which it can be said that none of the barriers is operating.

It is in the light of this widespread and generalized evidence of practices which are discriminatory, albeit unintentionally, that the Task Force proposes a broad structural solution rather than a patchwork of lesser remedies to meet individual problems. The number of applicants with foreign training is in some occupations very large, in others quite small. Yet the need of the latter group for direction in the assessment of such candidates is also clear; indeed, because it lacks the opportunity to develop any expertise in such assessment, this group stands to benefit significantly. The solution also recognizes the changing demographics of modern times, in which mobility both among jurisdictions and among occupations is on the rise. Programs being introduced in the European Community and bordering states, for example, will result in greatly enhanced freedom of movement between jurisdictions. The changes the Task Force propose have the potential for bringing Ontario into an ever-increasing network of jurisdictions throughout the world in which this demographic reality, rather than being denied or discouraged, is enjoyed to full advantage and for the benefit of all.

It is essential, however, that the introduction of the institution should be seen as evolutionary rather than revolutionary: it will take time for occupational groups and in-

dividuals to adapt to its presence and accept as credible its decisions. Although the Task Force has suggested a phase-in period of three years before full operation, in some cases, for some functions, even that may not be enough. Ideally the idea an institution should grow, with the cooperation and support of the populations they are meant to serve; too early or too rigid an imposition of the scheme is more likely to hinder than help the process.

*Copies of this 500 page report 'Access! Task Force on Access to Professions and Trades in Ontario' (October 1989) are available from Publications Ontario, 880 Bay Street, Toronto, Ontario.*



