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Official Report of Debates (Hansard)

Wednesday 6 December 2006

Journal des débats (Hansard)

Mercredi 6 décembre 2006

**Standing committee on
regulations and private bills**

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

Fair Access to Regulated
Professions Act, 2006

Loi de 2006 sur l'accès équitable
aux professions réglementées

Chair: Andrea Horwath
Clerk: Susan Sourial

Présidente : Andrea Horwath
Greffière : Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

Wednesday 6 December 2006

The committee met at 1002 in the Hamilton Convention Centre, Hamilton, Ontario.

ELECTION OF VICE-CHAIR

The Chair (Ms. Andrea Horwath): Good morning, everyone. I'm going to call the meeting of the standing committee on regulations and private bills to order and welcome everyone. We're here today to continue the public hearings on Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

However, the committee first needs to do a little bit of our own business, which is the election of a new Vice-Chair. I will now ask for nominations.

Mr. Khalil Ramal (London–Fanshawe): I nominate Jeff Leal for Vice-Chair.

The Chair: Thank you, Mr. Ramal. Any other nominations?

Mr. Frank Klees (Oak Ridges): I would nominate Mr. Bob Delaney.

The Chair: Thank you, Mr. Klees. Do you accept, Mr. Delaney?

Mr. Bob Delaney (Mississauga West): I respectfully decline and thank my nominator, however.

The Chair: Okay. Mr. Leal, do you accept the nomination?

Mr. Jeff Leal (Peterborough): Ready to go.

The Chair: Okay, that's excellent. Then with no further nominations, it appears that we have a new Vice-Chair. Congratulations, Mr. Leal.

Mr. Klees: How much additional pay do you get now for this?

Mr. Leal: I'll do it for free.

The Chair: You would do it for free. That's a good sentiment.

Mr. Delaney: Double what a committee member gets.

Mr. Mario Sergio (York West): That's why he paid for my breakfast.

The Chair: Very good.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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

Mercredi 6 décembre 2006

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

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

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

**SETTLEMENT AND INTEGRATION
SERVICES ORGANIZATION**

The Chair: We're actually going to begin the process of hearing from our witnesses today. I'll call the first organization forward, which is the Settlement and Integration Services Organization, represented by Morteza Jafarpour and Aurelia Tokaci. If you can come to the end of the table, I'll explain the process, which is that you have 10 minutes for your presentation. If you leave some time at the end, members of committee will be able to ask questions. If you don't leave any time, unfortunately, we won't have that opportunity. I'll let you know when you have about a minute left in your presentation. Please introduce yourselves for the record and begin your presentation.

Mr. Morteza Jafarpour: Good morning. I am Morteza Jafarpour. I am the executive director of the Settlement and Integration Services Organization, known as SISO.

Ms. Aurelia Tokaci: Good morning. I'm Aurelia Tokaci. I am the manager of the employment services at SISO.

Mr. Jafarpour: Thank you very much for giving us an opportunity to talk about this important bill. As I mentioned earlier, my name is Morteza Jafarpour. SISO is a settlement agency in the Hamilton area. We provide a variety of services to facilitate settlement and integration of newcomers.

The city of Hamilton receives around 5,000-plus immigrants and refugees per year and the majority of them are internationally trained professionals. Through the caseload we've had, through the interaction we've had with the newcomers—and we have strong employment services—we have seen the stories about the barriers

faced by internationally trained professionals and other immigrants accessing the labour market.

Our position and the information we provide today are based on these 14 years of experience in working directly with immigrants and refugees. It is for this reason that SISO has received the news about Bill 124 with hope and confidence that this would be but the first step in a long and complicated system change that needs to happen in the licensing process.

SISO considers that Bill 124 is one of the most significant pieces of legislation for Ontario's immigrants and refugees. It is our understanding that Bill 124 promises, in its spirit and principle, to advance equitable access to licensing and registration for the regulated professions in this province.

We see and hear every day the sad and painful stories of highly skilled immigrants who cannot access employment in their field and related to their skills, education and experience. We see and hear the barriers and challenges that employers are facing and we hear and see challenges faced by regulatory bodies. At the end of the day, the picture shows that it is not the immigrant who fails to integrate and access meaningful employment, but it is the system that fails to support meaningful integration. The system fails to create the conditions for meaningful integration of newcomers.

Although newcomers are accepted through the immigration system based on the skills and experience they bring, many are struggling to work in their occupation. The Conference Board of Canada estimates that failure to recognize the skills and credentials of newcomers costs our economy over \$5 billion per year.

Non-recognition of the education and experience brought by newcomers is the single most important factor contributing to the increased rate of underemployment and poverty among immigrants. I would like to bring to your attention that in Hamilton, 52% of newcomers live below the poverty line, and that's directly employment-related, considering that our own stats show that over 70% of the clients accessing SISO services have a post-secondary education. Some of these unemployed and underemployed immigrants are well qualified to work in a regulated profession and some are even passing Canadian exams and getting their licence or registration but are denied internship or employment.

Internationally trained individuals are not asking that regulatory bodies ease or lower their standards. They understand that regulatory bodies have an obligation to maintain standards that protect the public. What they do want is fair, equitable entry criteria into their profession.

Upon analysis of the proposed Bill 124, we are of the opinion that this bill respects the principle of self-regulation while showing strong leadership and asking that the occupational regulatory bodies are held accountable to standards of practice that are transparent, objective, impartial and fair. We believe that implementation of Bill 124 will help everybody understand it is in the best interest of the public that regulators ensure that all licensed individuals are competent, while they also create

conditions for all competent individuals to become licensed.

The principles of fairness and equity are paramount to all SISO's activities. While analyzing Bill 124, we have found that this legislation creates the foundation to ensure that the framework in which occupational registration processes operate is one that is based on equity, transparency and accountability, while respecting the independence and integrity of regulatory bodies.

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We believe that Bill 124, if properly implemented, will address the issue of fairness and equity related to licensing and registration. It is for this reason and because of that impact on the livelihood of internationally trained individuals that we believe the bill should receive full support and not be delayed. However, we would like to bring to your attention that Bill 124 will address only half of the equation. Having a licence does not guarantee employment. There is much to be done outside and in support of this bill to ensure that equity and fairness are applied in the process of recruitment and hiring and that artificial barriers such as the myth of Canadian experience are removed.

We have heard a number of perspectives and critics brought in relation to this bill. Ultimately, while continuous improvement is something that we all need to strive for, it is also true that we need to start somewhere. Bill 124 is bold legislation as it puts our society on the path of creating clear accountabilities and standards.

Over the past 13 years, SISO has worked in partnership with all other stakeholders to create conditions for a system change. We see change happening through Bill 124. We believe that the bill represents one of the boldest attempts by a provincial government to address inequities that confront newcomers. We are concerned that delays in approving this bill compromise opportunities for internationally trained professionals. SISO would rather suggest that Bill 124 receive final reading during this session of Parliament and that the implementation phase be based on full and broad consultations with all stakeholders.

In closing, we consider that, if properly implemented, this legislation sets a new standard of accountability that will impact our system, individuals and our economy. Last but not least, we see that Bill 124 sets a new standard of accountability in the area of human rights, as it sets out to create an equity framework that protects and promotes the human rights of internationally educated professionals. It ultimately shows what Canada stands for. We urge all parties to address the issue of occupational licensing and to support Bill 124, for the benefit of all Ontarians.

Thank you so much for giving us this opportunity to talk about this bill.

The Chair: Thank you very much for your presentation. Unfortunately, you haven't left very much time for any questions, so we're just going to have to say thank you for joining us this morning. We appreciate your comments.

MAHMOUD NASER

The Chair: Our next presenter is Mahmoud Naser. Please join us, Mahmoud. As you know, you have 10 minutes for your presentation. If you leave some time at the end, people will be able to ask you some questions. Please begin with introducing yourself. Welcome.

Mr. Mahmoud Naser: Thank you. Good morning. I would like to start by thanking the committee for coming to Hamilton to hear us. Also, I would like to thank the audience for their participation.

My name is Mahmoud Naser. My address is 191 Candlewood Drive, Unit 17, Stoney Creek. My family and I first landed in Canada in February 2005. During my presentation, I will be talking about my qualifications before and after coming to Canada, how I was able to succeed in obtaining Canadian qualifications and finally, what I think is the best method of integrating newcomers like myself into the Canadian workforce.

I graduated from university with a bachelor's degree in science, in aviation and business administration. Immediately after that, I joined the Jordanian air force. After 18 years, I retired with the rank of major. My last position was a senior transport pilot with more than 3,000 hours of flight time. During my career, I was qualified as a staff officer and a flight safety officer. In January 2006, I started an accreditation program with the assistance of Ontario Works, city of Hamilton. In October 2006, after passing eight exams, I obtained a Canadian airline transport pilot licence, which is the highest pilot job requirement in Canada and everywhere else. I would not have been able to succeed if it wasn't for the guidance and training I received from my flight instructor and mentor, who was very experienced as an aviator.

In my opinion, which I would really like to share with you, because I'm in this stage right now, the internship program is an excellent path for newcomers like myself who have passed the stage of obtaining licences and are willing to take entry-level positions in their field of expertise. It allows the employers to test the workers and allows us to gain Canadian experience.

Furthermore, I hope Bill 124 will stress more the importance of providing internship positions at all three levels of government and in the private sector.

Again, thank you all, and I'll be glad to answer any questions.

The Chair: Thank you very much. I was asked by one of the committee members, Mr. Naser, if you were representing a group or if you're representing your own opinions.

Mr. Naser: Myself.

The Chair: Okay; that's great.

You've left a couple of minutes for questions, so I'm going to start with the Progressive Conservative caucus.

Mr. Klees: Thank you, Mr. Naser, for coming forward. I think you're really going to the heart of the issue, and that is, how does one transition into permanent employment? It's one thing to get the qualification; it's one thing to get the equivalency rating and so on; the real

challenge, as I think we all probably agree, is that you can have all of that, but then there's the issue, as the previous presenter referred to, of the so-called Canadian experience that an employer wants before they'll hire you. So the question is, how do you get the Canadian experience? The internship program is certainly one.

One of the things that we've been really challenging the government on is—clearly we're going to support Bill 124. We have some amendments that we want to bring forward and we're hopeful the government will accept, but the real message to the government is: Move on, move beyond this. What is it that the government is going to do to ensure that there are practical programs in place so that people like you can connect and access those internship programs, the mentoring programs that are there?

Let me ask you this: You spoke very highly about your flight trainer who helped you get through the qualification. Are you finding the same kind of helpfulness out there now in terms of this next step or is this where you find some challenges?

Mr. Naser: Actually, my mentor was a private citizen who did not have any kind of job related to—or benefited from assisting me in doing this. Actually, he volunteered his time. He even volunteered his airplane. He took me for flights for free.

Mr. Klees: How did you find that person?

Mr. Naser: I think it was just my luck. I went through the accreditation program. I went to the airport. When you go to the airport, you find pilots and trainers, and I ran into him by chance. But he was part of the school I went to or the—

Mr. Klees: The training program.

Mr. Naser: The training program, yes.

Mr. Klees: So you're now looking for permanent employment?

Mr. Naser: That's right.

Mr. Klees: And what is your experience now in terms of making that transition?

Mr. Naser: I haven't had too much experience in that, because I just finished in late October. I've been trying to write or find out where possible positions would be. I applied almost everywhere through the Internet. But I understand the problem like you explained. We need to break into the culture of Canada. As you know, culture does not necessarily mean from one country to another one. Probably if you go to British Columbia and try to be a member of Parliament there, you're going to have a hard time breaking into that culture.

Mr. Klees: I'd never get elected in British Columbia.

The Chair: Mr. Klees, we have to move on to Mr. Tabuns for a couple of questions.

Mr. Peter Tabuns (Toronto-Danforth): Mr. Naser, thanks for taking the time this morning to come down and speak to us. Could you talk a bit about the experience of others who haven't been able to get access to internship programs or work experience that would allow them to break into the market?

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Mr. Naser: I don't know anybody specifically, because in my case I was very lucky. I just moved in. By the time we settled down with the family, I started a program. I've been very busy going through the program, because it's not easy going back to the basics and back to studying six hours and eight hours a day. So I didn't have much experience, but I know many people are not working in their field of expertise. I know they would like to. I know they would take entry-level jobs. I am prepared to do that, but I know it's not easy. I even tried applying to the internship program on the Internet. As you know, they accepted 3,500 people into the program but actually just 200 people got positions. So I know it's a big problem there. I don't know much information about other people, but I know about myself.

Mr. Tabuns: It's unfortunate. This bill actually doesn't deal with internships at all—

Mr. Naser: Exactly.

Mr. Tabuns: —and that's a big part of the whole problem that faces new Canadians. It isn't being addressed.

Mr. Naser: The bill touches on it maybe with the access centre, but it doesn't say too much about it. I really would hope that maybe the bill would give it more importance, because it is important.

Mr. Tabuns: It's a huge part of the puzzle; there's no question. This bill has more to do with the registration process and possibly helping people go through that registration process. But it doesn't touch on internships, so it doesn't touch on a very big part of the problem that all new Canadians face. But I appreciate your coming forward and talking to us about your experience and what you see as the needs that new Canadians face in this country.

The Chair: From the government side, Mr. Ramal.

Mr. Ramal: Thank you, Mahmoud, for coming and presenting to us and telling us about your experience. Bill 124 talks about breaking the barriers and allowing you to pass all these hurdles and get a licence, which you already did. You already did this stuff. But I'm wondering, what do you think about the bill itself? Will it help other people?

Mr. Naser: I think it does. I consider myself lucky, because my field of expertise is aviation and it has already been regulated heavily by being part of the International Civil Aviation Organization, which is part of the UN. So for me, it wasn't really a problem, because the aviation field has already been regulated and you know exactly what to do if you come from Jordan to here, as far as licensing is concerned. But for other people, I think it is really important to know exactly what you need to do and how to do it, and to make a law that makes people do things—

Mr. Ramal: According to law.

Mr. Naser: As required by the law, not just by their own initiatives.

The Chair: A very quick follow-up, because we're going to run out of time.

Mr. Leal: Mr. Naser, thanks very much for coming. Did you talk to the officials in the Canadian embassy in Jordan before you came to Canada? Because one of the things I think we need to do is to lay groundwork in our embassies throughout the world, have a provincial presence and, as I said, try to lay groundwork for new Canadians coming. I think that might be the way to facilitate moving into the professions and other areas and making better use of our embassies as a vehicle to really work with potential new Canadians coming to Ontario, particularly in Canada, from a larger perspective.

Mr. Naser: I haven't talked to anybody there but I did my research before I came. I know there is a need for pilots in Canada. We know that there are pilots available who are newcomers like myself. The problem is to get connected, I think, mostly because we don't understand completely the importance of missing out on this resource.

Mr. Leal: That's why I asked the question. I think we could get better connections out of our embassies throughout the world.

The Chair: I'm sorry, we're actually running out of time. Thank you very much, Mr. Naser, for coming in. We appreciate your comments.

COMMUNITY MICROSKILLS DEVELOPMENT CENTRE

The Chair: Next on the agenda we have the Community MicroSkills Development Centre. Is there someone here from that organization? Welcome. Can you please join us at the table? On our list, we have Kay Blair. Are you Kay Blair?

Ms. Kay Blair: Yes, I am.

The Chair: Okay. Welcome. The format is that you have 10 minutes for your presentation. If you leave time during that time frame, members of the committee can ask you some questions. So please introduce yourself for the record and begin.

Ms. Blair: Great. I want to say thank you for the opportunity to present here and to share with you our support for Bill 124 and its enormous capacity that highlights the coexistence of commerce and social justice.

My name is Kay Blair, and I am the executive director of Community MicroSkills Development Centre in north Etobicoke. The organization is commonly known as MicroSkills. MicroSkills is a not-for-profit agency that has been serving newcomers to Canada and low-income women since 1984. To date, we've provided employment services, English-language training, information technology, and self-employment training for thousands of marginalized individuals throughout the GTA.

As an organization whose primary service is facilitating access to employment for immigrants, we are aware that the employment difficulties that immigrants have experienced have intensified over time. Consequently, we believe changes are desperately needed, because today, 60% of Canada's immigrants do not work in their chosen field. We're very familiar with the challenges faced by

highly trained newcomers, highly skilled individuals who believed the advertising and invested their futures in opportunities they believed would be theirs upon arrival in Canada—opportunities for themselves and their children—only to find a major disconnect between what they heard and what they actually experience.

Since we established our JobConnect services for newcomers, we have heard first-hand the stories of people who have come to Canada in the firm belief that this country needs—and it does—professionally trained individuals to maintain and grow its labour force. These people are highly skilled individuals in whom their countries have already made a heavy investment. Upon their arrival, however, these newcomers have often found that their skills, whether in engineering, medicine, accounting, the law, teaching, or social work—in fact, all regulated professions—have gone unrecognized, while they themselves work in subsistence fields as taxi drivers, delivery persons, or retail salespeople. We have witnessed their initial confidence, their patience, their struggle, their determination, their growing dismay, and, all too often, their eventual disillusionment with the entire process.

There's no question that the barriers to newcomer access are certainly many, but what we hear most frequently mentioned are the requirements for licensing and registration by those provincial bodies which regulate access to professions. As an agency, we have for many years been very optimistic about possible legislative changes that would facilitate newcomers' access to professional employment in their chosen fields. Certainly, we were never more hopeful than with the November 2005 release of the Thomson report, with its 25 recommendations for implementation of a fair registration practice.

I must say that the scope of the Thomson report is quite vast. We could not and we cannot expect that all its recommendations would be addressed in one single piece of legislation. At the same time, however, I would like to applaud the leadership of this government in taking this very significant first step on behalf of Ontario's internationally trained individuals in creating the framework for change that is captured in Bill 124. It articulates, I believe, a strong message that the government is serious and committed to improving the conditions that could possibly result in the elimination of systemic practices.

Let me share with you how we think Bill 124 does support internationally trained individuals.

First, it establishes the responsibility of regulated professions to “provide registration practices that are transparent, objective, impartial, and fair.”

It defines the duties incumbent upon regulated professions as to the provision of information to applicants, the documentation of required qualifications, and the creation of processes for timely decisions, their justifications, and responses. More importantly, it provides for training of those entrusted with these responsibilities.

It also establishes the Office of the Fairness Commissioner to liaise between the regulated professions

and the government to ensure compliance with the legislation.

Of importance is that it creates an access centre for internationally trained individuals through which applicants or potential applicants for registration can receive current legislative, labour market, and professional standards information. Essentially, this centre could facilitate timely responses to applicants and eliminate the fragmented array of services newcomers currently must deal with. It also ensures that an audit process will track the compliance of regulated professions with the legislation, and establishes fines for possible non-compliance.

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I will say that in practical terms, what this means for Canada's internationally trained individuals is that people from other countries will be able to determine for themselves, prior to emigration, whether actual or potential labour market demands exist that will lead to employment opportunities.

Furthermore, newcomers will be able to ascertain the registration requirements of their professional occupations and will be able to work towards meeting those requirements even as they wait for their applications to be processed.

Newcomers will be entitled to a timely review of their applications and to appeal any decisions made on their behalf.

Once in Canada, internationally trained individuals will be able to access a system built on fair and just practices that will ensure their equitable treatment regardless of where they have received their training.

I will say that the legislation is not perfect, however; the thousands of immigrants with whom we have consulted have said it's not perfect. For example, although Bill 124 specifies the professions that are not covered by the legislation, it does not specify which professions are included, nor does it provide for an independent appeals process.

At the same time, however, Bill 124 represents an excellent start, a solid foundation upon which to go forward by creating an equitable environment for registration, whether by Canadian graduates or by the internationally trained, in the regulated professions. Essentially, this bill is about real equity.

I will share with you that, together with the newcomers loan program through the Maytree Foundation, the internship programs for newcomers, and the expanded bridge training programs, the Fair Access to Regulated Professions Act sends a clear message of this government's support for Ontario's internationally trained individuals. By enacting this legislation, you will be conveying a clear message to all internationally trained individuals and those who work on their behalf that Ontario as a province has heard their concerns, understands their position, and is willing not just to talk about the need for skills, but to take action that will give those skills a place in Ontario's present and future economy. The beneficiaries of your support will be our clients, their children, and the province as a whole as we move

forward to build a workforce that will meet the demands of the 21st century's globalized economy.

With the passage of Bill 124, I think we are one step closer to creating the kind of society in which newcomers are not just invited to Canada but are truly welcomed and are able to contribute productively.

Having said that, I believe that this bill should not be treated as a partisan piece of legislation but as a bill that speaks to the co-existence of commerce and justice. At this time, Ontario's internationally trained individuals need the support of all three political parties to ensure their fair access to all the opportunities Ontario offers. It is timely legislation. It is time for change.

Thank you for allowing me to speak here today.

The Chair: Thank you very much, Ms. Blair. Unfortunately, we don't have very much time for questions at all, so I just want to thank you very much for your presentation and for coming to Hamilton to speak to us this morning.

HAMILTON'S CENTRE FOR CIVIC INCLUSION

The Chair: Our next witness to committee is Hamilton's Centre for Civic Inclusion: Madina Wasuge. Please join us at the table. As you know, you have a 10-minute time frame for presentation. If you leave any time within that time frame, you can expect some questions from committee. Please introduce yourselves to the members of committee and begin your presentation. Welcome.

Ms. Madina Wasuge: My name is Madina Wasuge. I am the executive director of Hamilton's Centre for Civic Inclusion. Thank you very much, members of the committee, for this opportunity to convey to you on behalf of Hamilton's Centre for Civic Inclusion our position on Bill 124, the Fair Access to Regulated Professions Act.

Hamilton's Centre for Civic Inclusion is a community-based civic resource centre committed to working as a catalyst for anti-racist change across Hamilton. HCCI initiates and supports transformative processes that promote equity and create racism-free and inclusive environments in all areas of civic life.

Our mission is a community-based network mobilizing all Hamiltonians to create an inclusive city, free of racism and hate.

Our vision is a united community that respects diversity, practises equity, and speaks out against discrimination.

The goal is to create, in every sector and among youth, effective and sustainable ways of integrating all Hamiltonians into the civic life of the community, using their contributions to create a strong and vibrant city.

Employment, as you all know, is one of the main issues raised by Hamiltonians during the many consultations conducted by the centre and many other community organizations, specifically from internationally trained professionals. HCCI has developed these goals to work on the issues of employment to create models of inclusive, racism-free work environments that ensure equal

access to job opportunities, equitable treatment in the workplace and inclusive participation within the employment sector.

I will not retell the sad and painful stories of the many immigrants who are failing to integrate successfully into our economy, as those stories are well known to you. However, the result is that poverty rates among visible minorities and immigrants in Hamilton have grown. Newcomers account for about 52% of those below the poverty line in Hamilton, and this at a time when Ontario is getting the best and brightest cohort of immigrants in its history. Many of these unemployed and underemployed immigrants are well qualified to work in regulated professions and are passing Canadian entry exams, but are then denied internships, resident positions or other qualifying standards that effectively shut them out of the professions. We can say unequivocally that none of these thousands of internationally trained individuals who have come to Hamilton have said that regulatory bodies should ease or lower their standards. They understand that regulatory bodies have an obligation to maintain standards that protect the public. What they want are fair and equitable entry criteria into the profession that they were trained in for many, many years.

Bill 124 addresses this issue directly, and it is for this reason, and because of the impact on the livelihood of internationally trained individuals, that we believe the bill should be proclaimed into law without delay. The bill represents one of the boldest attempts by the provincial government to address inequities that confront newcomers. We are concerned that delays will continue to compromise opportunities for internationally trained individuals.

Unfortunately, there is a long history in this province of missed opportunities to address issues of importance to immigrants. As long ago as 1989, the Ministry of Citizenship, Culture and Recreation released the Task Force Report on Access to Trades and Professions, which was also meant to address this issue. There was much hope and anticipation that the important recommendations contained therein would be executed. It took 11 long years before even one of the recommendations was realized with the establishment of an academic credential assessment service. This cannot be allowed to happen again to this legislation. All three political parties need to declare their commitment to ensure that Bill 124 receives final reading during this session of Parliament.

With regard to proposed amendments to the bill, much has been made of the fact that Bill 124 does not contain some of the recommendations made by George M. Thomson in his report entitled *Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions*, released by the Ministry of Citizenship and Immigration last year. More specifically, it has been proposed that the bill incorporate the establishment of independent regulatory appeals tribunals and a fair registration practices code. What has been ignored by critics is that Bill 124 replaced these recommen-

dations with a Fairness Commissioner and a set of fair practices and principles to achieve the same results.

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

Section 7 goes on to require regulated professions to ensure that decisions are made within a reasonable time. Time is everything in a newcomer’s life.

Section 8 requires a regulated profession to provide reviews or appeals of its decisions.

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

In conclusion, Hamilton’s Centre for Civic Inclusion believes that Bill 124 represents a bold step forward in correcting inequities and unfair practices faced by internationally trained professionals. HCCI is looking forward to participating in further consultations during the implementation phase of Bill 124 and is urging the government and all parties to collaborate in the process of addressing the issue of licensing and accreditation for the benefit of all Ontarians. We urge you to support it and to recommend it for third and final reading.

Nevertheless, Bill 124 is a small touch of what internationally trained newcomers face in our community. Internships, residency spaces, fairness in recruitment, and retention are all things that need to be kept in mind.

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

The Chair: Thank you. Can you just introduce the person who’s with you at the table for the record? Then we have time for a quick question from Mr. Klees.

Ms. Denise Doyle: Denise Doyle, community development coordinator, HCCI.

The Chair: Thank you. Mr. Klees.

Mr. Klees: I appreciate your presentation. I do have a question for you. You refer to the Fairness Commissioner as, I suppose, based on what I’m hearing you say, sufficient to displace the specific recommendations of the Thomson report. We have had many presentations over the course of the hearings suggesting that what is important, if the Fairness Commissioner is going to have his or her effect, is that fairness be defined. What’s miss-

ing in this bill—there are a lot of very good words: transparent, objective, reasonable time, all of these things. But the definition of those can be so broad that at the end of the day we once again have a piece of legislation of little effect for the person in the real world. Would you support that the government accept specific definitions of some of these terms so that we have more specifics to deal with?

Ms. Wasuge: No legislation is perfect when it is approved, but my hope is that the ministry round table for fair access to regulated professions will have the opportunity to make sure that every glitch in the legislation would be addressed.

The Chair: Thank you. Unfortunately, we’ve run out of time. I appreciate your presentation. Thank you for joining us today.

LONDON CROSS CULTURAL LEARNER CENTRE

The Chair: Our next presenter is the London Cross Cultural Learner Centre. Do we have someone from that organization with us? Welcome. As you’re making your way to the table, I’ll just explain the process. You have 10 minutes for your presentation. If you leave a little bit of time within that 10 minutes, the members of the committee will be able to ask you some questions on a rotating basis. Please begin your presentation by introducing yourself.

Ms. Mary Williamson: My name is Mary Williamson, and I’m the executive director of the London Cross Cultural Learner Centre. We are an agency that supports new immigrants and refugees who come to our region. I have the pleasure of knowing many people who’ve been affected because of the barriers, and many who see hope in the passing of this bill.

Many submissions have been made where we want to not talk about the human costs. I want to talk about the human costs.

I travelled a long way to get here this morning. I was late; I barely made it. There were roadblocks along the way. I had everything planned when I left the house this morning; I was prepared. I was not prepared when I got into Hamilton and saw the construction. It delayed my arrival. And that’s what’s happening to so many immigrants who are coming here—coming here prepared, coming here with the skills and the abilities to contribute to Canada, and particularly to Ontario.

I don’t have notes; I don’t have materials to hand out. I have, in my mind, the conversations that I’ve had with so many who get here, full of hope, full of promise that this country is going to offer them and provide them with a future, and then I have the voices of those who lose that hope.

This bill must be passed immediately. It may not be perfect. We don’t need perfection. We need something to give them hope. We are losing far too many excellent people to other provinces, to other countries. Our province needs a labour market. We need the resources. We

are in a competitive environment right now, more so than we have ever been in. We need them and we need to show them that we, as a government, as a province, are doing something, that we are acknowledging the barriers and that we are determined to make a difference for them.

I'm not going to talk about the taxi drivers, the medical doctors who are delivering pizza. We all have heard that story. We have so many internationally trained professionals and skilled workers who are sitting on unemployment, who are sitting on our welfare rolls. Look at the cost of not doing something. Look at the family breakdowns when they come here with so much hope, where the head of the household is here and has convinced family members to travel with him or her. They get here. They come with money to support them for a year because we've told them that that's about the amount of time it will take. The money is running out. The despair and the hopelessness is in their face, in their eyes. We see family breakdowns as a result of the conflict that their inability to engage in the labour market is causing. We see far too many divorces. We see far too many suicides. We see far too much mental anguish and emotional instability as a result of our inability to allow them in.

People talk about, "We have to be careful. We have to protect. We have to make sure that they're qualified." Give them a chance. Let them know that when they're not engaging, when there is something that they have to do to get there, the road is a short road. Right now, we're seeing people coming who are delaying their engagement in their profession, delaying it for survival jobs, delaying it to the point that they give up any possible hope of ever re-entering. It is those folks we must consider when we're looking at this bill.

I look at it as a parent and I remember how many times we heard, "Do you wait until everything is perfect to have a child?" No. If we waited for a perfect world, we wouldn't see evolution. We need to make it. When this bill was presented in London, we had a room full of internationally trained, internationally educated individuals there in the audience, who for the first time in years saw light at the end of the tunnel. They applauded, and they have been out on the streets and in the media promoting this bill.

It's not for me, although it will make my job 100% easier. It will make the work of everybody in the community a lot easier. It will make the economy of our communities grow faster. It will get people off the welfare rolls and get them into positions where we need them. We are now entertaining provincial nominee programs where we're going to start possibly being able to recruit offshore for the labour market needs in Canada. Well, darn it, it's here already. The people are here with those skills. They just need the opportunity.

1050

I did a survey of more than 80 doctors, medical doctors in London, and that's just one example. They were with us three years ago. They attended a workshop. Last

summer we were doing a piece with the local A Channel on medical doctors and I tried to get in touch with them. I found out that more than half of them had left our city. They had gone to Alberta, to Quebec, to the Maritimes, to Vancouver, and a lot had gone to the United States. Many who had gone were practising. They found that key. They found their way. I hear them say, "Just let me show you what I've got. Let me prove that I am worth it." They don't want anything put down to allow them in. They don't want the gates lowered. They just want the gates to be open and available to them.

I speak. I'm a white woman, a woman of privilege. When I took this job, I thought, "I'm not the person to speak. Why doesn't my organization have an immigrant woman at the head?" It was through an interchange at a job search workshop where the client stood up and said, "We need people like you to speak for us because all too often, when we open our mouths and our voices come out, the ears are turned off and people don't hear our words." So I am here to bring the faces and the voices of those people who feel so disenfranchised.

The Chair: You have about a minute.

Ms. Williamson: I'll give another example of one of the things I don't understand. Again, I'm going to the medical profession. We run a translation business where people come in and get their documents done. I have medical doctors who are here on temporary work visas who have fallen in love with our country and would like to stay. They have been brought here to work under these temporary permits but have also been told that, should they decide to stay, they would have to go back home and reapply to come under the skilled workers program, apply and get in under the points, but once they got to Canada, they would not be qualified to work. So when we look at this legislation, we need to remember that there are so many people who will benefit, if not immediately, at least it will give them hope. Thank you very much.

The Chair: Thank you very much. We appreciate your coming, notwithstanding the construction, to share with us your comments this morning. Unfortunately there's no time for questions.

HUMAN ENDEAVOUR

The Chair: Our next witness to today's committee is Human Endeavour. Is someone there from that organization? Please join us at the table. You'll have 10 minutes for your presentation. Should you leave a little bit of time during the 10 minutes, committee members will be able to ask you some questions. Please begin your presentation by introducing yourself. If you choose to take the whole 10 minutes, I'll let you know about a minute before the end of the time that it's time to wrap up. Welcome, and thank you for coming.

Mr. Noor Din: Thank you, members of the committee. My name is Noor Din, executive director of Human Endeavour.

I came to Canada in 1990. I had a bachelor's of computer engineering degree, engaged in employment in my field in 1991, and completed a master's of computer engineering from U of T in 1997. In 2004, I entered into the community service sector by establishing Human Endeavour in the city of Vaughan and in York region.

Slide number 3, the importance of immigration: "There is growing recognition that migration is an essential and inevitable component of the economic and social life of every state, and that orderly and properly managed migration can be beneficial for both individuals and societies." That's from International Organization for Migration.

I would like to quote the Deputy Minister of Citizenship and Immigration, from one of the conferences: "Ability to manage migration will become the essential measure of successful countries in the 21st century." The numbers that we normally see, 240,000 or 260,000 immigrants coming in, is kind of irrelevant if we are unable to integrate them into the economy.

Some more statistics to cover my points: In 2004, 70% of the net labour force growth in Canada was due to immigration. In 2011, this will become 100%.

We have an aging population. Canada has a birth rate of only 1.5 children for each woman. If current trends continue, there will be more people in 2017 over the age of 65 than under the age of 15.

On the population growth side: In this decade, as of 2006, net immigration has accounted for 60% of the population growth, up from 46.2% a decade earlier. In 2030, net international migration would become the only factor in Canada's population growth. Those are some statistics.

I will just go through quickly who the immigrants are. They are highly educated and of prime working age. They are family-oriented with a positive birth rate that is double our national average. Canadian investment in their education is zero; rather, we gain billions of dollars on the education that they bring in. And they are the best of their countries. That is our selection criteria.

Slide number 6 shows you how, over time, Canada has inclined towards economic and skilled labour, which accounts for 60% of the immigrants who come to Canada.

Slide number 7 covers some statistics about the education of immigrants. These are from Statistics Canada. They are for men. Women are pretty close to this; there are similar trends as well. It is recognized by Canada that the immigrants who arrived during the 1990s helped to lift the national education level in Canada. These are the types of immigrants who are coming to Canada.

I would also like to bring some perspective from the technology sector on some of these immigrants. I give one example, ATI Technologies in Markham, which is one of the largest graphic chip manufacturers in Canada. The vice-president of ATI said, "ATI has found that international skills and credentials are transferable to the Canadian labour market. By sourcing globally, it has

created a working environment that contributes to attract and retain the very best people from around the world."

I have given you some statistics about what type of immigrants are coming and two earlier quotations about managing immigration. I would just like to show some statistics that show how we are managing these individuals when they arrive in Canada.

Slide number 10 gives you a continuous decline. In the 1980s, it was only taking 10 years for immigrants to catch up to the Canadian-born. In the 1990s and 2000s, there's a continuous decline, which is quite disturbing. In other words, it's taking longer and longer for immigrants to catch up to the Canadian-born workforce.

Slide 11 shows the disparity in treatment. On one side I just show the decline. This particular slide is in colour. The lighter colour shows that the income levels of the Canadian-born are increasing whereas the income levels for immigrants are decreasing, which is a quite disturbing trend. Some of the factors are how recognition happens and how they are integrated into the workforce.

I would just like to give a quotation on the recognition of credentials, because that is one of the keys for Bill 124. This statement is from Prime Minister Stephen Harper: "The biggest barrier to new Canadians is the frequent failure of Canada to recognize legitimate foreign credentials."

1100

On the recognition of credentials: One statistic I have found is on slide 13. Between October 2000 and September 2001, a total of roughly 124,000 immigrants arrived in Canada with one or more foreign credentials. After six months in Canada, only 14% of these immigrants had their credentials assessed and fully accepted. I mean, if you just realize that these immigrants come with maybe no more than one year of income at hand—there are only 14% that have been recognized. I could not find any statistics about one year or two years from Stats Canada, but from my point of view it should have been more than 60% or 70%—even close to 80%—because the initial few months are key. Then they should actually get into the job search. After six months, the majority are still trying to get their credentials done.

The next statistic is from Stats Canada, that 60% of unrecognized learners are foreign-trained. This is the gap between the number who have been recognized versus who could have been recognized and rewarded. What the information that I have provided shows is that we have a dysfunctional system of integrating newcomers and recognizing their skills, yet this is one on which our future depends. I will give you some more information on why I'm giving you that.

Some of the next slides basically go into some of the things that I think are very key, in terms of the perspective of this bill and how we as Canadians should really look into addressing the issue of integrating newcomers. Some of the few important points are:

Canada loses approximately one in six of its newcomers within the first year because they are unable to integrate. This number is higher for certain groups. I have

seen a number that was given—30% by Stats Canada—but that was for certain communities.

Six in 10 immigrants are forced to change their careers, not for the good but actually for the worse.

Tremendous economic opportunities that are happenings in Asian countries are creating reverse immigration, and there are clear signs of this. I have some information that I will give for the record so you can take a look. It can be seen in Silicon Valley in the US that a lot of the Indian immigrants have gone back and started their businesses; and the drop in Chinese students all over the US and Europe—like 30%. I have given Mr. Peters some information on that. These are some of the trends that we as Canadians have to, if we want to—

The Chair: Can I just let you know that you have less than two minutes left. I know you have lots of slides, so you might want to prioritize.

Mr. Din: Okay.

The economic implications and the future of Canada: What type of Canada are we building with so much talent waste and frustration? Unfairness one day can lead to social unrest, like the very recent events in France and Australia.

Bill 124 is a recognition of an issue that has national implications. It's not about preferential treatment; it's about fairness.

I will skip some of the things.

It's a spirit of working with the regulatory bodies, along with the three main sections that it talks about.

Bill 124: A balanced approach. Bill 124 is the first of its kind, and demonstrates a balanced approach of authority and co-operation. Imposing legislation will only result in compliance and resistance. This will not help our immigrants. What we need is the commitment of all involved, including regulatory bodies. This can only be achieved with a blend of authority, co-operation, fair and open practices and information-sharing. I believe that Bill 124 is providing a balance through its three key elements and a spirit of co-operation with the regulatory bodies.

Some of the suggestions I have for Bill 124 are:

Efforts should be focused in educating, and getting the full support and commitment of the regulated bodies. They should also learn from the private multinational sectors how they are conducting their businesses.

Provide meaningful mentorship, internships and training opportunities. Regulated professionals have the right to work in the Canada, and Canada has the responsibility to provide those opportunities.

Invest billions of dollars that Canada is losing due to non-recognition—and again, because of their education—into programs and opportunities.

The Chair: Thank you very much, Mr. Din. Unfortunately, we've run out of time, and we're already a little bit behind. We want to thank you for your presentation. It has a lot of great information in it. We very much appreciate you coming to share with us here your thoughts this morning. Thanks very much.

Mr. Din: Okay. Thank you.

HAMILTON URBAN CORE COMMUNITY HEALTH CENTRE

The Chair: Next we have Hamilton Urban Core Community Health Centre. Good morning; welcome. You have 10 minutes for your presentation. If you leave some time during those 10 minutes, members of committee will be able to ask you some questions. If you decide to take the whole time, I'll let you know about a minute before to wrap up. Please begin by introducing yourself. Welcome this morning.

Ms. Denise Brooks: Good morning. My name is Denise Brooks. I'm the executive director for Hamilton Urban Core Community Health Centre. We certainly appreciate the opportunity to appear before the standing committee and speak to Bill 124.

Hamilton Urban Core is a community-based agency mandated to provide primary health care services and health promotion programs to individuals, families, groups and communities within the inner city. The centre was founded in 1996 and provides services to more than 10,000 clients within our inner city. The primary populations served by the centre include people who are homeless or at risk of homelessness; immigrants and refugees, particularly those who are newly arrived; low-income individuals and families; people with mental health issues; street-involved youth; and isolated seniors.

As you know, Hamilton is one of the most diverse cities in Ontario and, in fact, in Canada. With a population of approximately 500,000, Hamilton is the third-largest receiving centre for immigrants and refugees and a popular choice for many for secondary migration. Approximately 40% of the population identifies as being born outside of Canada, and there are over 52 language groups represented in this area.

Recently, the Social Planning and Research Council's report *Incomes and Poverty in Hamilton* noted that the poverty rate in Hamilton is 20%, with the highest incidence being in the inner-city areas. Within the 20% poverty rate found in Hamilton, racialized communities and immigrants and refugees experience an even higher rate of poverty. For example, recent immigrants and refugees experience a poverty rate of 52% in Hamilton.

In this context, the challenges experienced by new immigrants are even more pronounced. Newer communities experience barriers to labour market integration as well as discrimination on a number of levels, such as lack of recognition of and value for internationally earned credentials, devaluing international employment histories and differential treatment in recruitment and hiring processes. This inequity leads to chronic unemployment and underemployment of internationally trained professionals and contributes to the higher rates of poverty amongst immigrants and refugees.

Hamilton Urban Core has a history of assisting internationally trained professionals in gaining valuable professional experience by providing opportunities to shadow or to be mentored by health professionals. Fair and equitable access to regulated professions is of great

concern to us, particularly as poverty, employment and social inclusion are key determinants of health. It is with great anticipation and a sense of hope that we are watching this process unfold, and it is with support for the spirit and intent of the act that we make the following recommendations that are intended to help strengthen Bill 124.

Regulated professions: The bill identifies that professions that are not included in this act are those that are covered by the Regulated Health Professions Act; however, the bill does not list the specific professions that are included. In comparison, the RHPA lists all of the colleges that are covered by the act and includes a list of self-governing health professions. A decision to list the specific professions in regulations rather than in the bill may open the possibility of changes by future governments to the list without oversight. If the listing of professions were contained in the bill itself, it may lead to a longer oversight process; however, it would give some assurance of securing input before these changes are made.

Hamilton Urban Core recommends that the regulated professions covered by the bill be named in the bill, and, if the list is not inclusive of all regulated professions, that authority be given to allow the additions in future. We understand that professions addressed in the Regulated Health Professions Act are excluded from being listed explicitly in this bill, and we support the direction of amending the wording of the RHPA to be consistent with Bill 124.

The bill states that a regulated profession should provide an internal review of or appeal from its registration decisions within a reasonable time and that the choice of the process rests with the regulated profession. It also notes that the regulated profession also decides the format of submissions, that is, oral, written or electronic submissions. In comparison, the RHPA provides for the applicant to apply to the Health Professions Appeal and Review Board to hold a review of the application and the supporting documentary evidence.

1110

Hamilton Urban Core recommends that the bill maintain consistency with the Health Professions Appeal and Review Board process and require all professions to provide an avenue for the internationally trained professional to actively participate in the appeal process. As noted in Judge Thomson's report to Citizenship and Immigration Canada, "The opportunity to present one's case to those making the decision is powerfully linked to the perception of fairness."

It is important that the bill provide the internationally trained professional with the right to engage in an appeal process that includes both a written and an oral, or in person, component. Should this process prove to be a barrier for the internationally trained professional, the decision of the format of the appeal should be the choice of the internationally trained professional, not left solely to the regulated profession.

Hamilton Urban Core further recommends that the bill specify who should conduct the review or appeal. An independent third-party appeals tribunal or appeals body should be established to conduct the appeals. The appeals tribunal or body should be adequately resourced to ensure that high-quality reviews are conducted in a timely way. This would support the principles of fairness and transparency espoused in the bill.

The bill seeks to establish an access centre for internationally trained professionals to provide information and assistance for applicants for registration; provide schools, employers and occupational associations with training and information on fair registration practices; and serve as a government resource on issues pertaining to internationally trained professionals. However, the relationship between the centre and the commissioner or the ministry is not clear.

Hamilton Urban Core recommends that a mechanism be established in the access centre to evaluate the equivalence of standards between regulatory bodies and educational institutions in Ontario and in other countries. This information or data could be provided to regulatory bodies to expand their knowledge base and assist them in determining equivalence of credentials.

Internationally trained professionals would benefit from support and guidance as they navigate seemingly complicated processes that are often masked by traditions, norms or nuances that are unknown to those outside.

Hamilton Urban Core recommends that the role of the access centre be strengthened by requiring the centre to engage trained advocates to work with the internationally trained professional in navigating the application and appeal processes. The advocate should be available to the internationally trained professional without charge and should provide legal and professional advice.

Hamilton Urban Core further recommends that the centre would benefit from being connected directly to the commissioner's office or to the Ministry of Citizenship and Immigration, thereby giving its work legitimate standing.

The Fairness Commissioner is responsible for providing oversight through the reporting and audit requirements of the bill and for reporting annually on the implementation and effectiveness of the act.

Hamilton Urban Core recommends that the Fairness Commissioner be appointed by the Legislature. The Fairness Commissioner should report annually to the Legislature on the impact of this act on the employment and the certification of internationally trained professionals.

The bill, however, does not permit the commissioner status at any hearing by a regulated profession, including an internal review or appeal. While it is clear that the commissioner should not be involved in an individual application for registration, disallowing the commissioner standing at an application appeal or other tribunal would exclude the commissioner from participating in hearings where there are issues of systemic barriers.

Hamilton Urban Core suggests that this section be reconsidered to make the best use of the commissioner's expertise and experience in identifying and seeking to address systemic barriers

The Chair: You have just less than two minutes left.

Ms. Brooks: The bill requires that the regulated profession make its own assessment of qualifications and that it must do so in a way that is "transparent, objective, impartial and fair." The bill further states that if a regulated profession retains a third party to assess qualifications, it is expected to only take "reasonable measures" to ensure that it is transparent, objective, impartial and fair. This appears to be two standards, without clarity about why two standards should be applied. The bill also provides for oversight of third-party assessment by the Fairness Commissioner in order to ensure that the assessment is based on the obligations of regulated professions under the act. It would seem that this language should also be applied in any instance where there is reference to third-party assessment.

To a large degree, this bill is the result of long-term concerns with barriers experienced by internationally trained professionals. Of particular note are the barriers within the assessment process. In the interests of ensuring consistency, Hamilton Urban Core supports the Ontario Council of Agencies Serving Immigrants recommendation to ensure that the bill clearly define the meaning of "transparent, objective, impartial and fair" in the main body of the bill and in amendments to the Regulated Health Professions Act. Because these are broad, abstract terms that are both highly interpretive and quite subjective, it is important to establish clear definitions or benchmarks, rather than leave an open-ended interpretation. This may not address systemic discrimination in access to the process or in conducting assessments, but it is a step in the right direction.

The Chair: I'm sorry, I'm going to have to interrupt. Unfortunately, we've run out of time, but we do have your written submission. Members of committee might notice that there is an error in photocopying, but we do have the full submission and we'll make sure that members of committee are given that submission before the end of the day. Thank you for your presentation.

MAHESH BUTANI

The Chair: Next we have the presentation from Mahesh Butani. Is Mahesh here? Welcome. Can you just join us at the end of the table? I've been asked, as Chair, when there's an individual presenting, to just clarify whether you're bringing your own opinion or that of an organization or group. So make yourself comfortable. You have a 10-minute time frame and if you leave time within that, members will be able to ask you questions.

Mr. Mahesh Butani: Hello. My name is Mahesh Butani. I am bringing, I guess, an individual opinion to the public issue.

I happen to be very familiar with this issue of foreign-trained professionals as I came to Canada to practise

architecture and build a life. Having got my licence to practice architecture 25 years ago from India and having taught architecture at the university level, I ended up discovering the ground reality of building a professional career in Canada.

Bill 124, I think, is timely and I think it's needed. In my opinion, however, what we need to understand as a society is, is this kind of legislation going to solve the problems that professionals face in making a living? We do have a very serious problem in terms of being competitive as a society internationally. Most of the people who have been affected locally have moved out. Most of the people have moved out, and by virtue of electronic transmission and the Internet, the word among a lot of professionals has already been circulated that Canada is not a place to come and practise any of the careers, whether it's architecture or funeral director, for that matter. So what we're facing here is trying to come up with legislation which may be a little too late in the game.

The basic markets, I think, have already shifted to the East and Far East, and what we're trying to do now is something that Canadian society should have done 20 years ago. How do we turn this into some kind of positive thing for people who have chosen to stay here? I don't know. My gut feeling is that Bill 124 is talking about registration, but it's not talking about employment in the sense that there's a presumption that every foreign-trained professional is wanting to practise here. The markets have shifted, as I said already. There is very little room to practise, outside of medical practice. There is no real incentive to stay back and practise in this country. So a lot of the issues foreign-trained professionals are facing are about employment, and no matter what Bill 124 does, it's not going to change the basic premise of generations of Canadian-trained professionals who have essentially grown up to believe in the sense of entitlement that "We are going to decide who gets hired or not." That's not going to change. We need to have something much more than legislation to change the social tragedy.

I don't know if that area is even addressed by this bill, but I did come across another bill with the same name, Bill 124, by the minister of housing affairs, which had a tremendous, almost devastating effect on the architectural profession in Ontario. For a while I thought it was connected, but apparently they're two different bills with the same number, Bill 124. Bill 124 by Minister Gerretsen, Minister of Municipal Affairs and Housing—they ended up actually having every single architect and engineer to get recertified. In a way, it was almost like divine irony that here are these local guys who have been trained and who are being forced to be recertified.

1120

Can this Bill 124 have that effect? I don't know. The way it's drafted, it might be difficult, because it's too generic and too soft. In my opinion as an individual, what I am trying to do is actually seek employment equity, and through a class-action lawsuit that I'm proposing against all the 40 to 50 associations, I am intending to get the lost

income of all these professionals, which might amount to 80,000 to 100,000 over the last 20 years. I'm attempting to do that, and in a way I think that might have some social justice angle.

We need to continue with these efforts, but I think Canada has already lost that battle, as cynical as it may seem. I don't know what the future holds for existing foreign-trained professionals here. Sadly enough, just last week I interviewed with an architectural firm out of California. So nine or 10 years later, out of Hamilton; I may be leaving. That's a ground reality. As adults, as people eyeing the respect of the world, we don't seem to be making the right choices, repeatedly.

A quick snapshot of how self-regulation came about in the architectural profession: There's a book written by a professor from Kitchener documenting the architectural history from 1890 to 1930, and it somehow very interestingly captures the whole essence of how self-regulation came to be in the architectural profession. It had nothing to do with Canadian standards or trying to establish certain safety measures. It had everything to do with greed, essentially, and greed not to keep foreign-trained architects as much as Americans out. In the 1920s, American architects from Buffalo and Chicago were coming to Toronto, and to keep them out, there were a couple of individuals in Toronto who decided to impose self-regulation. As a private member's bill, it went through below the radar and it got approved. So self-regulation came about by that position. Even the local architects that I mention it to don't have a sense of that history, so they look back and say, "Hey, you know what? This is what we are entitled to."

Absurd as it sounds, there is no rationale for self-regulation. It's like giving a knife in the hands of a monkey. You don't regulate yourself. In the US, when you get your licence, you go the ministry of education. You don't go to your peers and say, "Look, certify me." That's where the root cause of evil of this kind is, and rather than try to negotiate or rationalize with these associations, I think what we need to do is to take a serious look at the very nature of self-regulation and see whether there is any precedent of this kind in the world. I don't think there is. So what we need to do is to actually hand over all self-regulatory mechanisms to the relevant ministries, and I think the issues will end in themselves, because your peers are not going to help judge you. Your peers are not going to decide whether you are going to come into the profession or not; it's an administrator from the ministry who is going to decide.

I think there are simpler ways to skin the cat and to come up with more legislation. Twenty years ago—this is like Groundhog Day, written all over. Twenty years ago, this society went through a similar exercise, and there is extensive documentation in the Hamilton library of these same issues discussed repeatedly about foreign-trained professionals. So this is not new. It's like we keep doing this to ourselves. As a result, we have become pretty much intellectually bankrupt as a country, because most of the creative enterprises have moved out. There are

very few creative industries left in Canada. They are all protected industries, self-serving of themselves and their members. In Europe, Asia, all kinds of creativity, in every aspect, from automobile design to aeronautics—everything—is happening outside of Canada. That is the sum total of what these kinds of policies can lead to.

The Chair: You have less than a minute left.

Mr. Butani: These are some random thoughts. If that minute can be used for any questions, then I'll leave it at that. If there are any thoughts to continue with this line of thinking, I'd appreciate if there are any comments on that.

The Chair: Unfortunately, you haven't left enough time for any questions. But we do very much appreciate your coming to speak to us today. Thank you.

Mr. Butani: Sorry about the impromptu nature of the comments. I didn't end up preparing much. These are thoughts that have grown over the last 10 years. Thank you very much.

HARISH JAIN

The Chair: Our next witness to the committee is Harish Jain. Welcome. Please make yourself comfortable at the end of the table. You have a 10-minute time frame for your presentation. You can introduce yourself for the purposes of the record. If you leave any time at the end, members of committee will be able to ask you questions. I'll give you a warning when you have about a minute left, in case you use all the time.

Mr. Harish Jain: Thank you very much, Madam Chair.

I teach at McMaster University. The mandatory retirement legislation came too late for me. I'm still doing some teaching. I just want to say what a great opportunity it is for the province to introduce something like that. I remember that in the 1960s there used to be a CBC show, *This Hour Has Seven Days*, and that came up with the restrictions on the professions and how the professions actually regulate themselves in a way that restricts the supply of people to raise the qualifications of people. So for me to say that—it's unfortunate that this has been going on. That show started in the 1960s. That still remains; whether it's professions or trades or what have you, that's a big problem.

Let me just say that I want to congratulate the government of Ontario on bringing forward this bill. It's a very important bill. The intent is very good, but there are some changes that need to be made. I think the Hamilton Urban Core referred to some of the problems that immigrants face, and one of the problems of course is that of discrimination, which I'll go into in a minute.

Most of the recent immigrants to Canada are visible minorities. Hamilton will have almost 16% by 2017, and had more than 9% in 2001. Immigrants are younger and better-educated than the average Canadian population. I looked at the statistics. Hamilton is the seventh-largest—not the third-largest—city in Canada to receive more than 600,000—to be precise, 655,055—immigrants in 2001.

That, I'm sure, has changed now, but at least those are the figures I came up with from the census. That's a fairly significant number. We in this city are facing a very big problem. Immigrants—I know my colleagues from the SISO board are here, and they'll probably tell you some of the problems that immigrants face.

What I have done studies on is the discriminatory practices that immigrants face. One of them is hiring practices. Most employers, whether they do it intentionally or unintentionally, by systemic or any other way—there is a lot of discrimination against immigrants. There's a lack of familiarity with foreign-acquired education among Canadian employers. That may be part of the systemic problem. There are differences in specific skills represented by qualifications acquired overseas.

1130

Lack of Canadian work experience: The Ontario Human Rights Commission and a number of other commissions did a study in the early 1970s that looked at MBAs who acquired Ontario university MBAs and they compared them with immigrants and native Canadians, and they found that with less education they had more difficulty in finding jobs, they had great difficulty in getting promotions, getting more money—they had a lot of problems. That, I think, is a continuing experience that immigrants face.

There is high unemployment, and hidden unemployment of those who simply give up this job search.

Occupational segregation: People are driving taxis. Some immigrants—if you go to Alberta or Toronto, you'll see that the taxi drivers are Sikhs, but a lot of them have higher qualifications than for driving taxis or delivering pizza. But that, unfortunately, is the case.

The evidence of these systemic type of job barriers is significant. It costs the Canadian economy close to \$15 billion every year. And that's not my study; that has been studied by a number of organizations. I can give you the references if you're interested. In addition, it has been calculated that immigrants earned \$2.4 billion less than native-born Canadians with similar skills because of working in occupations at lower skill levels. That's what I mean by underemployment.

Consequently, as the lady from Urban Core mentioned, there is a great incidence of poverty among many immigrants, a significant loss of potential provincial and national output. This places a great strain on our social support system, including higher welfare and penal system costs. These are all related, and there are many other things related.

They tend to be underrepresented in skilled professional and managerial occupations. I haven't done a study about the Ontario public service, but I have done a study about the federal public service. Of all the four groups covered by the Employment Equity Act, visible minorities, because the Employment Equity Act didn't apply to the federal public service, are 8% now compared to 13% in the population.

I think next I'll just go into the bill itself. I think there should be a human rights and fair practices code. Regis-

tration requirements should be in compliance with the Ontario Human Rights Code. There should be a human rights and fair practices code which should clearly indicate and outline the principles governing the assessment of qualifications and the prohibition of discrimination in the assessment of overseas qualifications, training and experience. It's very important that the accreditation process should be based on published criteria that can be reviewed by external experts. It's not so now. The assessors should be trained in human rights and principles of law and they should have demonstrated competency. Why do we require our arbitrators and judges to know the Canadian Charter of Rights and Freedoms? Why shouldn't they be told to do the Ontario or Canadian or any other jurisdiction's human rights code? That's not required right now.

The Chair: You have about a minute left.

Mr. Jain: Okay. It's very important to define terms that were referred to earlier: "transparent, objective, impartial and fair."

Since I have a minute left, let me just say—I teach labour relations; I teach recruitment and selection—that any tests administered by professional bodies must be culturally sensitive, fair, reliable and valid. That provision is lacking. I think that should be there. I'll leave it there. I have many other things, but I can't—I've given a copy of my presentation.

The Chair: Thank you very, very much, Professor Jain. We appreciate your comments and your presentation this morning. Thank you for joining us.

HAMILTON IMMIGRANT AND REFUGEE ADVISORY COMMITTEE

The Chair: Next we have the Hamilton Immigrant and Refugee Advisory Committee, if you could join us at the end of the table. As you join us, you'll know you have a 10-minute time frame for presentation. If you leave any time within that time frame, you can expect questions from committee members. As you begin your presentation, please introduce yourselves for the record. Welcome, and thank you for joining us.

Ms. Carolann Fernandez: Good morning honourable Chair, Andrea Horwath, and other members of the standing committee. I'm Carolann Fernandez, and with me here today is Betty Chou.

We are here representing the immigrant and refugee advisory committee to Hamilton city council. Our other members couldn't attend because, as you are aware, as new immigrants they have the challenges of work, attending school or child care. Having this meeting during the day certainly presents a barrier and a challenge to newcomers and the members of our committee who are so passionate and committed to the issues raised by Bill 124.

The committee's mandate is to make recommendations related to policies, procedures and guidelines which address the needs and concerns of immigrants or refugees to the mayor, city councillors and city staff. Our terms of

reference include: information sharing; education and awareness of issues; collaboration with other city advisory committees, community agencies and committees; engaging with the immigrant and refugee communities; and building relationships with other levels of government to ensure that a coordinated effort to eliminate barriers for immigrants and refugees exists.

Our committee is made up of individuals who bring a diversity and wealth of life experiences, skills and expertise to the table. We represent different races, colours, ethnicities, cultures, faiths and family structures, and hence a variety of needs, desires and hopes for themselves and their families. They share similar experiences with respect to systemic barriers, lack of relevant service and gaps in service when trying to access and navigate the professions and trades systems.

Many of us share similar stories, including the stories that we have each heard from many newcomers and refugees, with respect to expectations when we made the decision to come to Canada. Our expectations are no different than others in that we came here with a promise of a better life for our families. We were told that our professional background, designations and credentials would be valued in Canada, and that is what the point system also implied when we made the applications. Why should we have a point system that values various professions and levels of education if only to come to Canada and find out that our hard work and accomplishments mean nothing here but hurdles, barriers and eventually living in poverty? These are circumstances that many immigrants did not experience in their countries of birth or where they migrated from. In Canada, many of us are underemployed or not employed at all, due to this dismissal of credentials and work history from professional bodies and many employers.

We would like to congratulate you for bringing Bill 124 to fruition, as we see it as a step forward to ensuring transparency and hopefully clarity in the processes required by regulated professions that would enable trained immigrants to practise in their field. We also applaud you for bringing the consultation process to Hamilton, where we have many qualified professionals not working in their field, or even related fields, to provide input from their perspectives.

I'll now ask Betty to take over.

1140

Ms. Betty Chou: Thank you, Carolann. Our committee fully endorses the eight recommendations that were put forward by the New Democratic Party. We've grouped these recommendations according to the proposed legislation, and we present our comments. Our themes focus on the issues of access as well as accountability.

Under part II of Bill 124, Fair Registration Practices: General Duty, we support fully establishing a fair registration practices code within the legislation.

We also support naming the regulated professions that are covered by the act and giving authority to allow the adding of more regulated professions in the future.

Our committee supports these recommendations because they help define and establish standards across all the professions as to what should be a "transparent, objective, impartial and fair" assessment practice. That code of ethics would also facilitate the development of benchmarks in order to measure the success of the intent of this act. It also clarifies what is meant by a regulated profession versus an unregulated profession or even where the trades fit into this. This whole thing is to facilitate navigation of people who are not part of the system.

Under part III, Fair Registration Practices: Specific Duties, we support establishing an independent regulatory appeal tribunal to hear the appeals to rejection of registration in a professional body. These tribunals need to be adequately resourced for high-quality reviews in a timely way.

Our committee supports this because it provides more recourse and rights to immigrants who wish to appeal a decision made by a regulatory body regarding their qualifications.

Under part IV, concerning the commissioner, we support that the Fairness Commissioner be appointed by the Legislature and that the Fairness Commissioner report annually to the Legislature on the impact of this legislation on the employment of internationally educated professionals and report on the success rate of internationally educated professionals in applying for certification.

We also support giving the minister, upon recommendation from the Fairness Commissioner, the power to eliminate registration practices that are contrary to the fair registration practices code.

Our committee supports these recommendations because we see this as helping to strengthen the accountability for the intent of the legislation.

Under part V, issues pertaining to the access centre for internationally trained individuals, we support establishing a department within the access centre established by the act which will evaluate the equivalence of standards between regulatory bodies and educational institutions in different countries and in Ontario. This data will be provided to regulatory bodies to assist them in determining equivalence of credentials.

I've digressed a little bit here, but I think it's an important point. World Education Services, otherwise known as WES, has been deemed as the province's credential assessment agency of choice; however, we know that there are others out there. Perhaps there should be some consistency and standards in this area in order to improve service not only to the immigrants but also to employers and educational institutions that are faced with having to assess the assessment of the credentials.

We also support the provision of legal and professional advice to new Canadians seeking recognition of credentials. This includes provision of trained advocates, without charge to applicants, to present the cases of applicants before the regulatory appeal tribunal.

Our committee supports these because they help clarify the supports that are necessary and also improve accessibility.

The Chair: You have about a minute left to wrap up, Ms. Chou.

Ms. Chou: Okay. In addition to these recommendations, we felt that we should incorporate these other ideas.

The assessment centre needs to work with the regulated professions in building capacity to streamline the processes. There's so much emphasis on auditing mechanisms that we're concerned that the resources won't be in place to implement the processes and the services. Training should also be given to individuals in assessing qualifications, and that should include building flexibility and quality in the assessment processes. Ontario used to be a leader in flexible assessment.

Equity should be the measurement for access in the process, not equality, as these terms do not mean the same in terms of opportunities. We also would like to see assurance that the intent and the processes of Bill 124 are well communicated to newcomers in Canada and potential immigrants abroad and we'd like to see assurance that this legislation will not increase barriers to immigrants or become costly for them to participate.

The Chair: Thank you very much. We really appreciate your presentation. Time, unfortunately, has run out and we still have another presentation; we're running a little bit behind time. I want thank you for joining us today. Thank you for your comments. We very much appreciate them. Unfortunately, there's no time for questions.

Ms. Chou: Thank you.

RANKO TODOROVIC

The Chair: Next on the agenda we have Ranko Todorovic. Good morning. You have an opportunity to speak for about 10 minutes. If you leave time in that time frame, members can ask you some questions. State your name for the record. If you decide to use the whole time, I'll let you know about a minute before so that you can wrap up.

Mr. Ranko Todorovic: Thank you. Good morning, everybody. My name is Ranko Todorovic. I immigrated to Canada in 1995 from Bosnia. I worked for seven years as a mechanical engineering technologist, eight years as a mechanical engineer and three years as an economist in Bosnia. I am unemployed now, living on social assistance. Besides my two diplomas from Bosnia, I have a Canadian Microsoft certified systems engineer computer network specialist diploma.

More than half of the immigrants arriving to Canada choose Ontario as their new place to live. That means over 130,000 new immigrants arrive in Ontario, or 356 every day, or 15 every hour, or one every four minutes. I was told that my presentation was supposed to last 10 minutes. By the time I finish my presentation, two and a half new immigrants will arrive in Ontario.

Nobody can convince me that the Ontario government and its Ministry of Citizenship and Immigration can organize the bringing of immigrants to the country so perfectly, and after the moment they cross the country's border they are forgotten and left as old used cars in a scrap yard. We cannot say that only this government ignores such a crucial issue. Every government before them did exactly the same, even though they did not originate from the same party as this one. I'm talking about the two-term Mike Harris government. This has obviously been a long-term political trend.

According to the Canadian Council for Refugees, in the period from 1979 to 2003, 4,330,619 immigrants came to Canada. According to the CIC website, in 2004, 2005 and 2006, another 618,060 immigrants crossed the Canadian border. It's 4,948,679—or almost 5 million, if it's easier for you—approximately, for the whole period from 1979 to 2006. That is more than the entire population many countries on this planet have. Let's say that at least half of them came to Ontario, which was almost two and a half million. I don't want to bother you with numbers. Considering the fact that about 45% of them have a university degree, which is precisely 1,113,452, while at the same time the rest of the population have this statistical category on only an 8% level, I would be interested to know how many of them work in a university degree position, excluding those who brought some money and bought their own businesses. If this isn't proof of the long-term trend in inappropriate politics toward Ontario's immigrants, then what is it? It's hard to say what the reason for this social phenomenon is. I can only speculate with a logical assumption that immigrants serve as the least expensive and most qualified labour for this province.

The Ontario government should have an answer to this question. Almost half of the immigrants have a university education; only 20% of them do not have a high school education. Almost half of them speak English on their arrival. How, then, to explain the fact that so many highly qualified, internationally trained professionals work in minimum-wage-job positions? I tried to find out the structure of immigrants' labour myself, but unfortunately my attempt was not successful. It might not even be available. If there is such a record, the Ministry of Citizenship and Immigration should let the public know about it.

1150

Despite the fact that over 50% of all Canadian immigrants come to Ontario, this province was the last one to sign an agreement with Canada about all the issues related to Ontario immigration. The agreement was signed on November 21, 2005. Even though it's been more than a year since it was signed, I could not find any positive outcome as a result, or any concrete action with regard to this agreement. If there is some, I would be very glad to hear it, as a person directly affected by the efficiency of the execution of this agreement.

Summarizing this whole issue, one can come to the conclusion that the Ontario government and some of its

ministries, the Ministry of Citizenship and Immigration in the first place, have to make a total turnaround with regard to Ontario immigration matters. In my opinion, this turnaround should be a logical continuation of the very successful process of bringing them to the country. I would construct this process in several phases:

Phase 1: personal record information collecting.

Collect all of the immigrants' relevant information: personal, educational, medical, information about working experience, English language skills, other languages skills, any useful extra skills and any other relevant information.

Phase 2: personal record information sorting and classifying.

Classify records according to English language proficiency, using an efficient method of testing. Form groups and open classes for immigrants who need to learn English, including the group ready to work. Execute the ESL program for those who need it, and, in cooperation with other respective ministries, establish internship programs for those who do not need to learn the language.

In the meantime, establish an appropriate correspondence with each country's respective ministries and educational institutions, if possible, in order to collect the relevant educational standards information needed in the future processing of the educational records' evaluation. At the same time, contact previous employers for work experience evaluation. The translation of all the documents should be done in this phase too.

Phase 3: international education and experience equivalency process.

After collecting all the relevant information from abroad, establish appropriate communication with any respective ministries and other systems' relevant establishments to find out the discrepancies between the Canadian educational system and economy and each respective system abroad, estimate the grade of the discrepancies, and put it in each personal record. Sort all the records according to this query and undertake appropriate action, either to move a record toward recognizing it or toward an additional examination process. Contact each person and get their agreement with regard to the next action plan. In the meantime, undertake appropriate action to back up this process with the legal system.

Phase 4: the integration process completion.

As soon as Canadian experience is optimally gained, support sufficiently trained professionals to move toward regular jobs within their professions. Support their job search and, in coordination with respective ministries, fight long-term saturated prejudice and ignorance in the system toward immigration. If possible, give precedence to immigrants in the government's job structure. With the Ministry of Labour, ensure that there is no discrimination in the process of hiring immigrants, and if there are such cases, establish a system for adequate penalizing. For those who need additional education to bridge significant discrepancies, the ministry should make a plan in regard to the procedure and expenses encountered. If possible,

education should be gained by self-teaching in order to reduce expenses. In every possible way, compensate education with experience. For those who want to resume their career in a regulated profession, the government should cover the expenses as well.

After internationally trained professionals are properly integrated into the Ontario system, they can equally compete with native citizens. Their record should stay at the Ministry of Citizenship and Immigration as long as they are not equal competitors on the job market.

The complexity of this issue is so great that it stretches across the whole system. Bill 124, in its present form, cannot solve this complex issue, even with all the amendments. The main problem here is that the main issue elaborated in Bill 124 does not have anything to do with internationally trained professionals and the immigration issue. It's supposed to regulate a totally different area, which is the educational standards of Ontario's regulated professions. When internationally trained professionals are equal to native professionals, only then will they be able to take full advantage of this bill, and there will not be a need to emphasize them as a different group, which is, per se, an issue with a discriminatory nature.

The Chair: You have less than a minute to wrap up

Mr. Todorovic: Okay.

How devastating this inappropriate political approach towards the immigration issue is best described by the fact that the Canadian economy loses up to \$5 billion every year for not taking advantage of the potential that immigration brings to the country.

I will conclude my presentation with an appeal to this body and all relevant participants in the solution of this issue to turn this matter over to the Ontario Ministry of Citizenship and Immigration for reconsideration and better planning and construction in order for this problem to be solved properly and permanently. A bad patch within for this issue, irrelevant to the bill of the Ontario Legislative Assembly, is not an appropriate mode to execute this plan. This issue needs much more attention and consideration, especially from the Ministry of Citizenship and Immigration, with appropriate contribution from the rest of the government and the system as a whole.

I would like to express my appreciation for the time and effort this political body invested to come to our place and give us ordinary people an opportunity to say what is on our mind. I have a lot more to say, but unfortunately, 10 minutes is too little. I hope I will have more opportunity in my new party, the NDP. Thank you very much.

The Chair: Thank you very much, Mr. Todorovic.

Mr. Klees?

Mr. Klees: I think that a record has just been broken in terms of the speed with which a presentation could be made. I want to commend the presenter for his presentation.

The Chair: Thank you, Mr. Klees.

Our next presenter is Nirmal Takhar. Is Nirmal Takhar here? Okay. Unfortunately, our final presenter must have been taken away with other responsibilities.

At this point, then, I want to thank all of the people who came to committee to make presentations to us today. We appreciate your thoughts and your comments.

Committee members, I just wanted to raise with you the fact that we've received a number of further pieces of information from the legislative library, research and information services. Thanks again to Elaine Campbell for helping us with this information. I'm not going to list it through, because we are running a little bit short of time.

Again, thanks to everyone who came today.

Committee members, we do have reconvening of committee at 3:30 this afternoon, or after question period, anyway, at the Legislature; I believe we're in committee room 1. Thank you all very much for your participation today. We'll see you again this afternoon. The meeting is adjourned.

The committee recessed from 1159 to 1554.

The Chair: Good afternoon, members of committee. I'm going to call the standing committee on regulations and private bills to order. We're here today for clause-by-clause consideration of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions. This is my first time doing clause-by-clause of a government bill as Chair, so I ask you to be gentle with me. Thank you very much.

We're going to start with a bit of a procedural issue. We have an amendment to Bill 124 that introduces a schedule. Reference is made to that schedule in two or three amendments, so we would need to defer consideration of the sections in order to deal with the amendment that introduces the schedule. If the amendment passes, the amendments that refer to the schedule will be in order. I'm asking for unanimous consent. Do I have the consent of the committee to start with the amendment on page 66 first, which is the introduction of the schedule? Great. Thank you very much.

We'll move to the amendment on page 66 of your packages. This is a government motion.

Mr. Ramal: I move that the bill be amended by adding the following schedule:

"Schedule 1

"Regulated Professions

"Regulated professions named

"1. The following are named as regulated professions to which this act applies:

"1. The Association of Professional Engineers of Ontario.

"2. The Association of Professional Geoscientists of Ontario.

"3. The Association of Ontario Land Surveyors.

"4. The Certified General Accountants Association of Ontario.

"5. The College of Veterinarians of Ontario.

"6. The Institute of Chartered Accountants of Ontario.

"7. The Law Society of Upper Canada.

"8. The Ontario Association of Architects.

"9. The Ontario Association of Certified Engineering Technicians and Technologists.

"10. The Ontario College of Social Workers and Social Service Workers.

"11. The Ontario College of Teachers.

"12. The Ontario Professional Foresters Association.

"13. The Society of Management Accountants of Ontario.

"Application date

2. This act first applies to the regulated professions named in paragraphs 1 to 13 of section 1 on the day section 4 of this act comes into force."

The Chair: Would you like to speak to the motion, Mr. Ramal?

Mr. Ramal: No. We're just specifying the regulatory bodies which we mentioned. We can reference this section many different times, so that's why we did it in the end—in order to make reference to a section, one known by all the members of the committee.

The Chair: Is there any debate?

Mr. Klees: I'd like the parliamentary assistant to give us an explanation as to why they have introduced this schedule.

Mr. Ramal: Why I introduced the schedule?

Mr. Klees: Why you have moved this amendment.

Mr. Ramal: Why I moved it? Because we heard, during the committee, many people ask us to name the regulatory body which we were talking about. That's why we came to name them. Then when we reference our different sections, we'll know exactly what we're talking about.

Mr. Klees: Thank you.

Mr. Tabuns: I just wanted to say that I'm very pleased that we in the NDP asked for this in the first place, in the first round of debate, second reading. I'm glad that we were able to mobilize people in the community to demand it. I think at a minimum this listing should be here. I find it interesting there are amendments further in here to allow the government to remove professions without going to the Legislature for permission, but notwithstanding that section, I think we should go ahead and make sure there is a list of professions in this bill.

The Chair: Any further debate?

Mr. Klees: I want to concur and give credit to Mr. Tabuns for having taken the initiative early on in the discussions around this bill to call for the registration, the listing of the various regulated professions.

We also had submissions that requested that some of the other professions be listed as well that would come into play on this. We'll see how things go here, as to whether the government has listened to that as well. We had an amendment that I will now withdraw—it's 3.1—which we were proposing for the purpose of addressing this very issue.

The Chair: All right. Thank you, Mr. Klees. With no further debate, then, all those in favour? Any opposed? That's carried.

Interjection.

The Chair: The clerk has just asked me to remind members that I'd like to see hands go up on the votes. Thanks very much.

We're now going to go back to section 1 of the bill. I believe we're going straight to page 1 of the package on a government—

Interjection.

The Chair: Sorry, in section 1, there's nothing to be amended. Is there any debate on section 1 as a whole? All those in favour? Any opposed? That carries.

Section 2: We have page 1, which is a government amendment. Ms. Mossop?

1600

Ms. Jennifer F. Mossop (Stoney Creek): I'm going to just act as reader today and then let the PA do—just to save breath and voices.

I move that the definition of "registration decision" in section 2 of the bill be struck out and the following substituted:

"registration decision" means, without regard to the terminology used by a regulated profession, a decision,

"(a) to grant registration to an applicant,

"(b) to propose that an applicant not be granted registration,

"(c) to not grant registration to an applicant, or

"(d) to grant registration to an applicant subject to conditions; ('decision en matière d'inscription')."

The Chair: Merci. Mr. Ramal, you wanted to debate the amendment?

Mr. Ramal: Actually, if you go back to the original bill, it says "to grant or not to grant," and then "to grant registration." We moved it to strengthen it and to clarify the definitions. Basically, it's a technical adjustment, just to give strength and force to the definition.

The Chair: Any debate, any other members? No. All those in favour? Any opposed? That's carried.

The next, page 2, is an NDP motion.

Mr. Tabuns: My motion is now redundant because we've adopted schedule 1. So I would withdraw it.

The Chair: You're withdrawing? Thank you, Mr. Tabuns.

The next is a government motion on page 3.

Mr. Ramal: I move that the definition of "regulated profession" in section 2 of the bill be struck out and the following substituted:

"regulated profession" means the body corporate or association that is responsible for the governance of a profession named in schedule 1 to this act; ('profession réglementée')."

The Chair: Did you want to speak to the amendment?

Mr. Ramal: The same thing: just to give more strength to the definitions. That's why we identified those words.

The Chair: Any further discussion on the amendment? All right then, all those in favour? Any opposed? That amendment carries.

Shall section 2, as amended, carry? All those in favour? Any opposed? That's carried.

Page 4 is next. It's a government amendment. It's a new section.

Mr. Ramal: I move that the bill be amended by adding the following section:

"Fair registration practices code

"2.1 The registration practices set out in parts II and III shall be known in English as the fair registration practices code and in French as code de pratiques d'inscription équitables."

Judge Thomson asked to use the word "code" before the definitions to give more clarity and strength. That's why we added it, listening to Judge Thomson's report.

The Chair: Is there any further discussion on this new section? Shall section 2.1 carry? All those in favour? Any opposed? That's carried.

Shall section 3 carry? There are no amendments. Thank you.

Section 4, page 5: We have an NDP amendment.

Mr. Tabuns: This motion is now redundant, given that we've adopted the schedule. So I withdraw it.

The Chair: Thank you, Mr. Tabuns.

Next we have a Progressive Conservative amendment, page 5.1.

Mr. Klees: I want to speak to this.

The Chair: I believe you have to read it into the record first.

Mr. Klees: Okay. I'll do that.

I move that section 4 of the bill be struck out and the following substituted:

"Regulated professions

"4(1) The following are regulated professions for the purposes of this act:

"1. College of Audiologists and Speech-Language Pathologists of Ontario.

"2. Ontario Association of Certified Engineering Technicians and Technologists.

"3. Certified General Accountants Association of Ontario.

"4. The Society of Management Accountants of Ontario.

"5. The Institute of Chartered Accountants of Ontario.

"6. College of Chiropractors of Ontario.

"7. College of Chiropractors of Ontario.

"8. College of Dental Hygienists of Ontario.

"9. Royal College of Dental Surgeons of Ontario.

"10. College of Dental Technologists of Ontario.

"11. College of Denturists of Ontario.

"12. College of Dietitians of Ontario.

"13. Ontario Professional Foresters Association.

"14. Board of Funeral Services.

"15. Association of Geoscientists of Ontario.

"16. Association of Ontario Land Surveyors.

"17. Law Society of Upper Canada.

"18. College of Massage Therapists of Ontario.

"19. College of Medical Laboratory Technologists of Ontario.

"20. College of Medical Radiation Technologists of Ontario.

"21. College of Physicians and Surgeons of Ontario.

- “22. College of Midwives of Ontario.
 “23. College of Nurses of Ontario.
 “24. College of Occupational Therapists of Ontario.
 “25. College of Opticians of Ontario.
 “26. College of Optometrists of Ontario.
 “27. Council of the Ontario College of Pharmacists.
 “28. College of Physiotherapists of Ontario.
 “29. Professional Engineers Ontario.
 “30. College of Psychologists of Ontario.
 “31. Real Estate Council of Ontario.
 “32. College of Respiratory Therapists of Ontario.
 “33. Ontario College of Social Workers and Social Service Workers.

“34. Ontario College of Teachers.

“35. College of Veterinarians of Ontario.

“36. Such other bodies corporate and associations responsible for the governance of professions as are named in the regulations.

“Same

“(2) Despite section 5.1 of the Regulated Health Professions Act, 1991, section 14 and part V apply to the colleges to which that act applies and to applicants for registration by the colleges.”

The Chair: Mr. Klees, I thank you for reading it into the record as an amendment, but I hear from the clerk and leg counsel that because the committee has already approved the schedule at the beginning of the proceeding of the committee, the question has already been decided by committee. So I'm going to have to rule this amendment out of order.

Mr. Klees: Well, let me speak to it, though.

The Chair: You can speak to it when we vote on the section.

Mr. Klees: Okay.

The Chair: As it's an out-of-order amendment, it can't be spoken to, but we can do that at the section.

Mr. Klees: I'm happy to do that.

The Chair: Next, we have a government motion on page 6.

Ms. Mossop: I move that section 4 of the bill be struck out and the following substituted:

“Application

“4. This act applies to a regulated profession as of the date set out in schedule 1 for that profession.”

The Chair: Do you want to speak to the amendment?

Mr. Ramal: Madam Chair, we decided to name non-health professions in schedule 1 rather than do it in the regulation just to give more clarity, because we've been asked many different times in the committee to name them and be clear about them.

The Chair: Is there any further debate on the amendment?

Mr. Klees: Yes, I'd like to get some clarification here. So we have just approved schedule 1, which is on page 66, which lists regulated professions named.

Mr. Ramal: Yes.

Mr. Klees: And the government's motion listed 13.

Mr. Ramal: Correct—from 34 regulated bodies.

Mr. Klees: From 34. And what I want to clarify now is, what happens to the rest of them?

Mr. Ramal: The rest of them, the regulatory bodies named in the RHPA—there is no need to repeat them. They are already listed in the bill. We don't want to repeat ourselves.

Mr. Klees: Okay. So you just simply preferred not to list them out separately.

Mr. Ramal: No, because they're already incorporated in the bill and repeated under the RHPA.

Mr. Klees: Okay. Thank you.

The Chair: I believe leg counsel has a comment to make.

Mr. Donald Revell: Just to clarify, the colleges under the RHPA are not actually named in the bill, but they are of course named in the RHPA itself. So the colleges are in fact covered by the second part of this bill, which sets out the amendments to the RHPA.

Mr. Klees: And that's what I wanted to cover off. I appreciate that.

1610

The Chair: Any further discussion? All those in favour? Any opposed? That carries.

Shall section 4, as amended, carry? All those in favour? Any opposed? That's carried. Thanks very much.

We're now onto page 7, a government motion.

Ms. Mossop: I move that the heading to part II of the act be amended by adding “code” after “practices.”

Mr. Ramal: The same thing: Judge Thomson recommended to use “code” many different times. We listened to his recommendations.

The Chair: Thank you. Any further discussion on the amendment? All those in favour? Any opposed? Carried.

Shall section 5, as amended, carry? All those in favour? Any opposed? Carried.

Next is a government motion on page 8. Ms. Mossop.

Ms. Mossop: I move that the heading to part III of the act be amended by adding “code” after “practices.”

The Chair: Mr. Ramal?

Mr. Ramal: Same reason.

The Chair: Thank you. Any further discussion? All those in favour of the amendment? Any opposed? That carries.

Page 9 is an NDP motion. Mr. Tabuns.

Mr. Tabuns: I move that clause 6(d) of the bill be struck out and the following substituted:

“(d) a scale of reasonable fees related to registration.”

The Chair: Do you want to speak to that amendment?

Mr. Tabuns: I do. Thomson was concerned about the scale of fees that would be charged to applicants for registration. I think that it should be noted in this legislation that the fees should be reasonable. On page 16, Thomson says, “While it is appropriate for regulatory bodies to charge application and registration fees, the amounts should not be so large as to deter qualified applicants. In addition, registration decisions should be processed within a reasonable time.” It's the fees that are of concern here.

I note that the Chinese Canadian National Council; the Chinese Canadian National Council, Toronto chapter; the Institute of Chartered Accountants of Bangladesh, North American chapter; the certified management accountants of Bangladesh, Canadian chapter; and the Pakistani Professionals Forum all spoke in favour of ensuring that the word “reasonable” was used in setting the fees so as to make sure that a barrier was not artificially placed in the way of these internationally trained individuals. I would ask all present on this committee to support this amendment.

The Chair: Any further debate?

Mr. Klees: I want to support this amendment and I would hope that the government members would as well, even though it's not a government amendment. I think it simply inserts a reference to the fees being reasonable. I think that we've all experienced circumstances where applicants have come forward—often economic circumstances are difficult enough. If we're really going to address the issue of barriers, the economic barrier is a substantive one and a very practical one. So it's one thing for the government to deal with access and equivalency and all of these other things, but if there's a fee that's put in place and that fee becomes a barrier, I think we've missed the mark. I think it is a reasonable amendment; it's only one word. I would think that government members would see their way clear to supporting this as well.

Mr. Ramal: I think we're going to vote against this amendment because we strongly believe that it doesn't provide any additional value to our structure. We are going to talk about registration fees proposed in the bill later on. We don't see it giving us any additional value, so that's why we're not going to accept it.

Mr. Klees: I would like to know what Mr. Ramal means by this amendment not giving value. Is that what you said?

Mr. Ramal: No. It's not going to provide additional value, because we are going to address the fee issue in our proposed bill later on. So if we accepted this one here, it's going to be in conflict with our addressing the fee issue in registrations later on in the bill.

Mr. Klees: And where would you do that?

Mr. Ramal: When we go to section 18.

Mr. Klees: Section 18. What page is that in our amendments?

Mr. Ramal: It's not an amendment; it's in the original bill. If you go to clause 18(2)(c) of the original bill, you can see it.

Mr. Klees: If I could speak to that, there is a considerable difference here, because what section 18 refers to is a review that is to be undertaken. The review, according to section 18, must include an analysis of the reasonableness of the fees.

We can have an analysis of the reasonableness of the fees and still not end up with a reasonable fee. So if we're going through the process of legislating and sending a clear direction to the professions that we don't want

barriers, to direct them by legislation that their fees should be reasonable only makes sense.

I think Mr. Ramal, if he reads section 18, will understand that it does not do at all what the NDP amendment is trying to accomplish here.

Mr. Tabuns: Mr. Klees is entirely correct. In fact, all that we have here in 18(2)(c) is a report. The Fairness Commissioner can come back and say, “Yes, the fees are unreasonable,” end of story. Life goes on. People still don't get to register.

What we're saying is, if you're going to ask for the Fairness Commissioner to report on the reasonableness of the fees, one should require earlier on that the fees themselves be reasonable. In other words, Mr. Ramal, then you find yourself simply reporting on an injustice without addressing it.

Mr. Delaney: Just one short comment: I appreciate the amendment and certainly the spirit within which it's offered. However, the proposed addition—the word “reasonable”—is itself subjective and in and of itself doesn't offer a tangible benefit to that particular clause.

Mr. Klees: If Mr. Delaney is correct, then we're in serious trouble, because the parliamentary assistant relies on the word “reasonable” in section 18 to achieve the same thing. If we can't trust section 18 to give appropriate direction for the review in referring to the reasonableness of fees, then we do have a serious problem.

Look, I understand this process and I understand that government members are directed to come into this committee and to do exactly what their paper in front of them tells them to do. But what I'm going to do is ask members of the government side of this committee to step outside of that for just a bit and look at this. We've all been involved in the hearings. We've all heard from people who have come forward to tell us that they're pleased about the government's bill. What they're pleased about is that it's going to remove barriers. They're asking and expecting that that removal of barriers will be very practical.

What I'm concerned about is that whoever has been preparing your recommendations here in terms of how you should be voting may not have been party to all of those deliberations. The staff don't always take into consideration all of these nuances. That's what you, as members of the government side of this committee, are here to do. I just can't believe that we would move beyond this amendment and not be willing to insert the scale of reasonable fees related to registration here.

Mr. Tabuns: Interestingly, Mr. Ramal, further on in the act you talk about a reasonable length of time for processing an application. I actually put forward an amendment to set a fixed time. But in using the word “reasonable,” I relied on legal counsel. I said, “How do I ensure that what we have is something that is defensible, something understandable by the population, something that won't be a barrier?” The best legal formulation that was available to me—and I will ask legislative counsel to address this—was to use the term “reasonable,” so that, should there be an outrageous charge, should a charge be

applied that would be a systemic barrier, that could be challenged.

Having made that statement, I would like to ask legislative counsel to speak to the word “reasonable” in these terms and its utility.

1620

The Chair: Mr. Revell?

Mr. Revell: Mr. Tabuns is summarizing correctly what we discussed several weeks ago now on this issue. Indeed, I thought that the word “reasonable” is—if this motion is going to pass, this is the right test. The courts are familiar with the concept of reasonableness, and certainly people like Fairness Commissioners and so on, even if they are not lawyers, are going to quickly become aware of the reasonableness tests that are required and where they have to address their minds to these issues, and they will be given legal guidance.

We may not know “reasonable” until we start looking at an actual schedule, but there are tests for determining “Is this too much?” For example, a reasonable fee can be charged under many pieces of legislation. If a court looks at something and says, “That’s not really a fee anymore. That has become a tax; it’s just too high.” So we do have these kinds of things.

I can’t speak to the policy of the motion, but I can say that I think, if you’re going to pass this motion, this test in fact works.

The Chair: Thank you, Mr. Revell. Mr. Tabuns, is that—

Mr. Tabuns: I think he has expressed it well. Thank you, Mr. Revell.

The Chair: Mr. Sergio?

Mr. Sergio: No; if it is acceptable, I’ll leave it at that. I don’t want to prolong the debate on this. I was going to speak before, but I’ll leave it at that.

Mr. Ramal: As is well known, the fee has always been asked by the regulatory body to cover the cost. It’s not intended for the fee to make a profit. That’s why most regulatory bodies ask for almost the exact fee to cover their costs when they run the examinations and read applications etc. So this is part of the cost.

Anyway, that’s what we believe. We put it in the bill. This would address this issue in the bill.

The Chair: Okay. Any further debate?

Mr. Tabuns: Recorded vote on this. I just find it extraordinary—

The Chair: Hold on, Mr. Tabuns. I think there might be further debate.

Mr. Klees: Chair, I’m not going to let this thing pass easily. Now Mr. Ramal is defending the fee structure and he’s making a presumption that all of the colleges, all of the regulatory bodies, will always do the right thing. That’s just simply not the case, and we know that. If everything was okay, we wouldn’t be here. And if everything was okay, Mr. Ramal, why do you need section 18 in the bill? Why would you direct that a review take place as to the reasonableness of fees charged by a regulated profession? There must be some basis on which you included that in the original bill. I’ll tell you why you

did: because we’ve heard from people saying that it’s a barrier. Right? So that being the case, surely we’re not going to rely on people to always do the right thing. That’s why we’re here. We’re setting out legislation that hopefully, in the end, is going to create better access. That’s the name of the bill, I think. Isn’t that it? An Act to provide for fair registration practices. A fair registration practice means that there’s going to be a reasonable fee, and we should be directing that.

I’m just asking you, Mr. Ramal, to break out of these blinders that you’ve been given by your ministry to just do what they tell you to do on this paper. We’re having a reasonable discussion. You’re a reasonable man. I’ve heard you in the course of these committee hearings. You want to do the right thing. I would like to know: What is unreasonable about this amendment? How will it damage the bill?

The Chair: Mr. Ramal, were you interested in responding?

Mr. Ramal: No.

The Chair: Okay. Further debate, then?

Mr. Tabuns: It’s pretty clear to me that the government has its instructions and it’s going to follow through on those instructions. But I do want to put on the record that to have just moved a series of amendments to insert the words “fair practices code” and then to ignore one of the more fundamental elements of a fair practice—that is to say, the fees have to be reasonable—is quite extraordinary to me and I think shows that the instructions that were given to the government members on this were entirely unreasonable instructions and designed to frustrate the actual breaking down of barriers that has to happen if people are going to get their credentials recognized.

I don’t think there’s a lot more to say. I think there should be a recorded vote. But I think you should go back to the minister after this and just say, “You made a bad call on this one.”

Mr. Klees: I’m sorry, Mr. Tabuns, I don’t want to scuttle your recorded vote.

Mr. Tabuns: We don’t have to have it right now.

Mr. Klees: I want to be helpful here, and here’s what I’m going to suggest. I believe that when the minister has an opportunity to look at this question, I believe the minister would agree with us as well. I also understand the box that you’re in, in terms of the direction that you have, and that you don’t want to get into trouble when you leave here.

I’m making a reasonable suggestion here. Why don’t we set this amendment aside and give you an opportunity to speak to the minister about it, and we can deal with it at the end?

The Chair: Standing down requires unanimous consent. Is there unanimous consent? No.

There has been a recorded vote requested. Is there any further debate on this? All right, then I’ll call for the vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: The amendment is lost.

I believe that completes this section. Shall section 6, as amended, carry?

Mr. Klees: Recorded vote.

Ayes

Delaney, Leal, Mossop, Ramal, Sergio.

Nays

Klees, Tabuns.

The Chair: The section, as amended, carries.

Next we have 9.1, which was the additional—I'm sorry, Mr. Sergio?

Mr. Sergio: Excuse me, did you say "as amended"?

The Chair: Yes, I did.

We have the one that was added, 9.1, which is a government motion.

Ms. Mossop: I move that section 7 of the bill be amended by adding the following clause:

"(0.a) notify applicants when their applications are complete and it has received all supporting documentation;"

The Chair: Does anyone want to speak to that amendment?

Mr. Ramal: That's fine.

The Chair: Is there any debate on the amendment that was brought forward?

Mr. Klees: I have a question as to why we wouldn't have included in here "notify applicants in a reasonable time when their applications are complete." We've heard many submissions over the course of the hearings that there's often a delay, that information isn't returned in a timely manner. This is an opportunity, while we're at the point of drafting legislation, to include some signal that we expect a reasonable turnaround of this information.

I would just like to know from the parliamentary assistant why the government chose not to seize the opportunity and become much more directive here and send that signal of a reasonable turnaround.

The Chair: Thank you, Mr. Klees. I'm not sure if Mr. Ramal is in a position to respond.

Mr. Klees: No, no. I'm asking him to respond, Chair.

The Chair: It's actually Mr. Ramal's pleasure whether he determines it an opportunity to respond or not.

1630

Mr. Ramal: Madam Chair, Ms. Mossop read section 7. We would like to withdraw that section. Is that possible?

The Chair: That would have to be done by Ms. Mossop, then. Are you withdrawing the amendment, Ms. Mossop?

Ms. Mossop: I will withdraw the amendment.

The Chair: Okay. Then 9.1 has been withdrawn, and we move on now to—

Mr. Tabuns: Can we have an explanation as to why it has been withdrawn?

Mr. Ramal: We think this one doesn't go in line with our structure of the bill. That's why we withdraw it. It doesn't make sense. After we pass several sections, this section will go in detail in a different section of the bill, so there's no need to repeat it in here.

Mr. Tabuns: Okay.

The Chair: Thanks very much.

Procedurally, I hear from the clerk that it's appropriate to reverse the order of the next two motions, so page 11 would be the next one that we look at, and it would come first. That's an NDP motion.

Mr. Tabuns: I move that the bill be amended by adding the following subsections:

"Extension of time

"(2) A regulated profession may, from time to time, extend the time for making a registration decision if required documentation is not available to it or, if for reasons beyond its control, it is unable to complete its assessment of an application.

"Same

"(3) The regulated profession shall not extend the time for making a registration decision by more than three months at a time and it shall give written reasons to the applicant at the time of making the extension."

I'll talk to this, Madam Chair, when you're ready to have me talk to it.

The Chair: Certainly. Go ahead.

Mr. Sergio: Madam Chair, before he speaks, are we reading motion number 11?

The Chair: Page 11, Mr. Sergio.

Mr. Sergio: For clarification, I heard Mr. Tabuns at the end of clause 2 saying, "of an application." It's "of an applicant." May I have that—

The Chair: Would you like to clarify, Mr. Tabuns? I noticed the same thing. The clerk told me it wasn't necessary to have it done over, but if you would prefer that, that's not a problem: just that word at the end of subsection 2 that you introduced.

Mr. Tabuns: "Applicant": to complete its assessment "of an applicant."

The Chair: Thank you very much. Is that all right, Mr. Sergio?

Mr. Sergio: Thank you.

The Chair: All right, then. Did you want to speak to that amendment, Mr. Tabuns?

Mr. Tabuns: Very simply, there has been a concern expressed by quite a few people, both directly at this committee and also to me personally, that the processing time for applications is a concern, and there was not enough comfort, people felt, with simply saying "reasonable time." They wanted an outside limit. I consulted

with legislative counsel on what was a time that courts would see as reasonable as an outside limit. Six months seemed to be a very reasonable time for any organization to process an application. It seems long to me, but let's, for the sake of argument, give them that time. If it takes beyond that, it's in three-month increments and they have to give explanations as to why things are being held up.

It really does go in concert with my next amendment, which is to say that there's a six-month time limit on applications, but this gives the potential or the power to have extensions should there be extenuating circumstances. I think, again, it's reasonable for us to have in a fair practices code an envelope within which decisions should be made, a discipline imposed on regulatory bodies, so that there is a very clear expectation that these applications will be dealt with in an expeditious manner.

The Chair: Is there any further debate on this amendment?

Mr. Klees: I just want to speak in support of this amendment. I agree with Mr. Tabuns. Again, to be practical, we understand there are going to be delays, but there also should be some framework. We should know what the outside limits are. There should be no reason why there wouldn't be a response, and for that reason, I would support this.

Mr. Ramal: I think both members know we have 34 regulated bodies, and every regulated body has a different time table, a different requirement. So I think it doesn't work. They have various requirements, various acceptance times, so we cannot just set up one time frame for all of them. I think it wouldn't be fair. That's why we said "reasonable" instead of setting out the time frame.

The Chair: Is there anything further?

Mr. Tabuns: I'll just say that six months is a long time. Land surveyor, one would think, could process that more quickly than a doctor. But I would say six months is a good length of time—half a year—to go through an application and determine what sort of background documentation sufficiency or insufficiency exists. I don't think it's an unreasonable length of time. In fact, some would say that it's too long. But I would say, if we say six months, as I've said in the next motion, and providing for three-month extensions and reasons for those extensions, that gives applicants a sense of the envelope within which these time lines are going to be contained. And I would say that to simply use the word "reasonable" is not to give people enough comfort on this one.

Mr. Klees: Our worst fears are starting to show. We've just spent a number of weeks on the road. We've had people come here with great expectations about this bill. We've warned them not to get their hopes up too high, because it's one thing to have a photo op and make a media announcement about all of the access that they're going to have as a result of this bill—and we said from the very beginning, what is missing in this bill are the details. The wobble words that are being used are not going to help address the very issues that people came to us with, and that is that it takes too long and it costs too much. What this amendment does is try to put some time

limits in, and the parliamentary assistant is going back again to basically saying, "It's all up to them. We've got 34 different colleges. They're all going to do things differently." Well, that's exactly why we're here. We want them to comply with certain time frames and time lines. So for the government not to accept this is just a signal I'm afraid to the public out there that what we've got here is something nice and out there for public consumption, but in terms of what it's actually going to do for them, it's not going to measure up unfortunately.

The Chair: Is there any further debate?

Mr. Tabuns: Recorded vote.

The Chair: A recorded vote has been requested on the NDP motion on page 11.

Ayes

Klees, Tabuns.

Nays

Delaney, Mossop, Ramal, Sergio.

The Chair: The motion fails.

The next one, then, is back to page 10, which is an NDP motion.

Mr. Tabuns: I move that clause 7(a) of the bill be struck out and the following substituted:

"(a) subject to subsection (2), ensure that its registration decision is made within six months of receiving an application for registration";

I believe the arguments have been made, at least on my part. Others have debate, and that's fine by me. At the end of the debate, I'd ask for a recorded vote.

The Chair: Any debate on the motion?

Mr. Ramal: Same reason.

Mr. Klees: I'll give the same reason as well. I think it's a failure on the part of the government to do something practical here.

Mr. Ramal: That's what we're doing.

Mr. Klees: So we do want a recorded vote, and it will show the government voting against something that—I mean, if people can't expect an answer in six months, what are we doing here? What is this all about? It's a sham. Recorded vote.

The Chair: A recorded vote has been requested on the motion on page 10.

Ayes

Klees, Tabuns.

Nays

Delaney, Mossop, Ramal, Sergio.

1640

The Chair: That motion fails.

That takes us to the end of section 7. Shall section 7 carry? All those in favour? Any opposed? That carries.

Next, on page 12 is an NDP motion.

Mr. Tabuns: I move that section 8 of the bill be amended by adding the following subsection:

“Reasons for decisions

“(3.1) Except when unconditional registration is granted, a regulated profession shall give reasons for its decisions in its registration decisions and in its internal review or appeal decisions and the applicant shall be given notice of the decision in his or her case and a copy of the reasons within 30 days of the decision being made.”

The Chair: Would you like to speak to that amendment?

Mr. Tabuns: I would. Judge Thomson in his recommendations, in the text of his report, said, “An understandable decision, with reasons, in plain language and linked to published criteria will help applicants to understand the basis for a decision.” Frankly, if we want to make sure that people know what’s going on, they need to have those written decisions explaining why a decision was reached and they need to have it within a reasonable period of time. I would urge the government, in the spirit of having a fair registration practices code, actually adopt this recommendation.

The Chair: Is there any further debate?

Mr. Ramal: I guess we have another motion to speak to a part of Mr. Tabuns’s motion. We already talked to the first part and made a different motion, which we rejected, in terms of a time frame for the decision and applications. That’s why we’re going to reject that motion and we have another motion that’s going to come later on.

Mr. Klees: Where is it?

Mr. Ramal: 12.1.

The Chair: It was part of the other package with 9.1, the add-on. It came afterwards. It’s not in the actual stapled package.

Mr. Ramal: It came separately.

Mr. Tabuns: But, Madam Chair, what’s being proposed is page 12 versus page 12.1. Page 12.1 doesn’t talk about timelines. It doesn’t talk about the written reasons. It does say that an applicant shall have the right to request a review of or appeal from a decision. That’s useful in its own right. It doesn’t contradict my motion. It could stand on its own. I’m moving that people be given detailed reasons that they can understand within a set time frame, which is an entirely reasonable part of a process. So I would hope that the government would have no difficulty supporting this, just as I think it’s reasonable that people have an opportunity to know that they can appeal a decision that has come forward.

The Chair: Is there any further debate?

Mr. Klees: Well, once again, I think to turn this amendment down because there’s a subsequent motion by the government—the two are totally unrelated. Page 12.1, the government motion you’re referring to, Mr. Ramal, simply states that “A regulated profession shall inform an applicant of any rights the applicant may have to request a further review....” What kind of comfort does that give to an individual who’s having difficulty

accessing information about why he or she is not being processed or maybe has been turned down? All your motion does is say that they’ll inform the applicant of any rights they have. You’re not even saying they have rights. You’re simply saying they’ll be informed of any rights that they may have, not shall have. Do you understand?

Mr. Ramal: I understand.

Mr. Klees: Well, it’s sad, because I think you’re going to disappoint a lot of people who have an expectation that Bill 124 is going to remove barriers and give them some access to information. One of the biggest complaints I’ve had, and probably you too, from people who are going through the process now is that they’re turned down and they don’t know why. No reasons are given so that they can make some adjustments and learn perhaps from the first application process that they’ve gone through or the first interview that they’ve gone through.

What we’re trying to do, I thought, through Bill 124, is give people some practical help to access professions. One practical way to do that is to ensure that they have feedback and information about how they’re conducting themselves, where the improvements need to be made and where they’re failing. If you’re not prepared to provide that kind of information within a reasonable period of time—in this case I think 30 days is a reasonable period of time—I fail to understand how you can continue to claim that Bill 124 is going to have any practical help at all for people who are desperately looking for assistance from this bill.

The Chair: Is there any further debate?

Mr. Tabuns: No, but we’d like a recorded vote.

The Chair: A recorded vote has been requested on the amendment on page 12.

Ayes

Klees, Tabuns.

Nays

Delaney, Mossop, Ramal, Sergio.

The Chair: I declare the motion defeated.

Next is the government motion 12.1.

Mr. Ramal: I move that section 8 of the bill be amended by adding the following subsection:

“Information on appeal rights

“(3.1) A regulated profession shall inform an applicant of any rights the applicant may have to request a further review of, or appeal from, the decision.”

The Chair: Would you like to speak to that?

Mr. Ramal: We’ve spoken about this issue several times. When Mr. Tabuns spoke about his motion on page 12, he mentioned two sections talking about the time frame and the decisions. In this section, we provide for the decisions, which I think every applicant has a right to ask for.

Mr. Klees was talking about how we can ensure that people are being treated fairly and have access to the regulated professions. That's why we brought this bill forward, Bill 124, to appoint the Fairness Commissioner to oversee the conduct of the regulatory bodies. That's why we brought this forward, to make sure that people's rights are being protected.

The Chair: Thank you. Any further debate?

Mr. Tabuns: Just commentary from legislative counsel. I've got an amendment, page 13, subsection (3.2) and this is subsection (3.1). If (3.1) is adopted, does that knock (3.2) out of the running?

The Chair: Can you repeat that?

Mr. Tabuns: I just want to make sure that if (3.1) is adopted, that it does not make (3.2) a redundant motion.

The Chair: Can I ask for an opinion on that, Mr. Revell?

Mr. Revell: I would think it would make it redundant because subsection (3.1) as proposed by the government motion deals with the very issues about informing the applicant of rights and appeal rights. So I think that indeed it would be out of order.

Mr. Tabuns: Thank you for that advice. Then, I'd like to speak, Madam Chair.

The Chair: All right.

Mr. Tabuns: I think that it would make more sense for people to adopt my amendment on page 13, which informs people of their rights for review or appeal on any registration decision or decision of an internal review or appeal. This amendment (3.1)—

Mr. Ramal: It's the same thing.

Mr. Tabuns: —is limited, although I think I know a way I can get around this. I will put it to folks this way. I think that people do need to know that they have the potential to appeal, because it's been my experience, having had meetings in my riding on this issue, that very few people know that there are any appeal mechanisms in any professional area. They think if you're turned down for registration, that's it. Game over, time to move on. So I think people do have to be informed of their rights to further appeal when the decision is given to them.

1650

The Chair: Is there any further debate?

Mr. Ramal: The same analogy applies in this section.

The Chair: Okay. Then if there's no further debate on 12.1, the government motion—

Mr. Klees: Recorded vote.

The Chair: There's been a request for a recorded vote.

Ayes

Delaney, Leal, Ramal, Sergio.

Nays

Klees, Tabuns.

The Chair: That amendment carries.

Page 13, the NDP motion.

Mr. Tabuns: I move that section 8 of the bill be amended by adding the following subsection:

“Information on appeal rights

“(3.2) A regulated profession shall inform an applicant of his or her rights to a review or appeal at the time it notifies the applicant”—and I'm going to remove a few words here—“of a decision in an internal review or appeal.”

Madam Chair, I'm going to assume that we will have debate on independent tribunals covering applications. It mightn't be a bad idea to hold this one down until we go through the whole question of external independent tribunals, because this would become relevant after that debate takes place.

The Chair: So if I can just be sure, Mr. Tabuns, are you standing this down?

Mr. Tabuns: I'd like to stand it down until we go through the whole debate on independent tribunals.

Mr. Ramal: Unanimous consent?

The Chair: Do we need unanimous consent for standing it down? The way this works, Mr. Tabuns, is that you can withdraw it until the question is put.

Mr. Sergio: Wasn't it declared redundant because we dealt with 12.1?

Mr. Tabuns: Yes, but I have amended it.

The Chair: It's been amended.

Mr. Sergio: You're amending your own—

Mr. Tabuns: Yes.

The Chair: We'll need something in writing to ensure that the clerk makes copies.

Mr. Tabuns: I can do that.

The Chair: Okay. My advice from the clerk is that you can withdraw it temporarily until we get to the end of the section, but once the section has been approved by committee, you'll need unanimous consent to reopen it.

Mr. Tabuns: I see. Okay. I will do that, because that's the logical path. I'll withdraw it until we get to the end of the section.

The Chair: Okay. All right, then.

Mr. Sergio: I think we should agree. I'm not so sure that it's going to get unanimous consent at the end to reopen it. I'm just playing the devil's advocate.

The Chair: Any time before we actually vote on this section as a whole, he can bring it back. Once we've gone to the final vote on this section—

Mr. Sergio: Before we vote, okay.

The Chair: That's right. Okay? Thanks very much.

Mr. Tabuns: Fair enough. Thank you. I appreciate that.

The Chair: We then go to page 14, which is a government motion.

Mr. Ramal: I move that subsection 8(4) of the bill be struck out and the following substituted:

“Same

“(4) No one who acted as a decision-maker in respect of a registration decision shall act as a decision-maker in an internal review or appeal in respect of that registration decision.”

I think this motion is very clear: to give strength and fairness to that section and to clarify it. I think it's important to mention that the judge cannot be a judge and at the same time be the victim or the criminal.

The Chair: Any further debate? No? Then on the amendment, all those in favour? Any opposed? That carries.

We next have 14.1. Mr. Klees.

Mr. Tabuns: Could I actually ask Mr. Klees—sorry, Madam Chair. Mr. Klees, I see your motion as—

The Chair: The motion is not even on the floor yet, Mr. Tabuns.

Mr. Tabuns: Rather than having him read it out and then speak to it—

The Chair: That's the better process.

Mr. Tabuns: All right. My apologies, Madam Chair.

The Chair: Mr. Klees, number 14.1

Mr. Klees: Mr. Tabuns wanted to save me some breath, is that it?

Mr. Tabuns: All of us.

Mr. Klees: I move that section 8 of the bill be amended by adding the following subsection:

“Independent appeals

“(5) A regulated profession shall have an independent appeals tribunal however designated and, if the Fairness Commissioner is of the opinion that the regulated profession does not have an independent appeals tribunal, he or she may order that it establish one in accordance with the provisions of the order.”

The Chair: Did you want to speak to that, Mr. Klees?

Mr. Klees: Well, I'll set out the rationale for it. In keeping with the spirit of Justice Thomson's recommendations concerning a third-party assessment, this measure would ensure that the regulatory bodies create an independent review capacity. My intention was to keep it broad so that, again, we rely on the Fairness Commissioner and his wisdom, but that the legislative authority is there to ensure that the third-party appeal tribunal is available.

The Chair: Is there any debate?

Mr. Ramal: We don't think there's a need for an independent tribunal, because the fairness commission has the right, in this bill, to open an investigation about any misconduct. It would be redundant and there would also be a duplication and it would create more paperwork.

The Chair: Any further debate?

Mr. Tabuns: I understand the intent of Mr. Klees here. I would prefer to debate and vote on my amendment first, because I think it takes a position that is more clearly differentiated from the government and says to set up an independent tribunal in any event comparable to the health professions review board. If it would be possible to debate mine first—I like yours as a fallback to mine.

Mr. Klees: You're very gracious.

Mr. Tabuns: I know it's very gracious. I couldn't think of a better way to put it.

The Chair: Unfortunately, we do have this one on the floor.

Mr. Klees: I have a feeling that neither of ours are going to pass with this government.

Mr. Tabuns: You know, I'd be willing to put 10 bucks on that.

Mr. Klees: There's a trend developing here.

Mr. Tabuns: Yes.

The Chair: Okay.

Mr. Klees: I'm happy to set mine aside and have Mr. Tabuns present his.

Mr. Tabuns: Yes, if you don't mind. Page 15.

The Chair: So stand that one down until just before the end of the section? But we now have a situation where our next motion is stood down; the next motion, on page 15, is dependent on the motion on page 22, which means you would have to—the clerk tells me that the best way to procedurally deal with this is to stand down the rest of sections 8, 9, 10 and 11 and then go to section 11.1 and 11.2, which are new sections introduced on page 22. In order to do that, we need the consent of the committee to stand down all of those sections, deal with this section on page 22 and then go back. Do we have unanimous consent to do that?

Mr. Ramal: No.

The Chair: I'm sorry; we had an agreement.

Now we go to page 22 in the package, which is an NDP motion.

1700

Mr. Tabuns: I move that the bill be amended by adding the following part:

“Part III.1

“Appeal board

“Appeal board established

“11.1(1) An appeal board is hereby established to conduct hearings and reviews and to perform the duties assigned to it under part III.

“Official name

“(2) The appeal board shall be known in English as the Regulated Professionals Appeal Board and in French as la Commission d'appel des professions réglementées.

“Composition

“11.2(1) The appeal board shall be composed of at least 12 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the minister.

“Term of appointment

“(2) Members of the appeal board shall be appointed for terms not exceeding three years.

“Chair and vice-chairs

“(3) The Lieutenant Governor in Council shall designate one member of the board to be the chair and two members to be vice-chairs.

“Additional vice-chairs

“(4) The chair may from time to time designate additional members to be vice-chairs.

“Replacement of members

“(5) A person appointed to replace a member of the appeal board before the member’s term expires shall hold office for the remainder of the term.

“Reappointments

“(6) Members of the appeal board are eligible for reappointment.

“Qualifications of members

“(7) A person may not be appointed as a member of the appeal board if the person,

“(a) is employed in the public service of Ontario or by a crown agency as defined in the Crown Agency Act; or

“(b) is or has been a member of a regulated profession.

“Appeals: duty of minister

“(8) The minister shall ensure that the appeal board has appropriate resources to quickly consider and decide on any internal review or appeal of a registration decision.”

The Chair: Did you want to speak to that amendment, Mr. Tabuns?

Mr. Tabuns: Oh, I do. Thank you, Madam Mayor—Madam Chair. Sorry; too long on city council. What can I say?

The Chair: I think the mayor probably makes more money than we do, so I’d take that.

Mr. Tabuns: Yeah, well, I’m hearkening back.

It’s been fascinating for me to actually read many of the documents that were provided to us in the course of this process. The report of the organization PROMPT, Policy Roundtable Mobilizing Professions and Trades, titled *In the Public Interest*, cites a study done in 1989. The provincial government’s Task Force on Access to Professions and Trades in Ontario detailed the barriers that internationally educated people faced in accessing employment in their field—that’s 1989, David Peterson—including “insufficient or non-existent avenues for appealing decisions by the professional licensing body.” So in 1989, even then, it was recognized that having an independent tribunal was of consequence in this whole process, was something that was needed to deal with the blockage that people were encountering when they tried to get recognition of their certification.

In 2004, the Honourable Mary Anne Chambers, Minister of Training, Colleges and Universities, in response to a question from Kathleen Wynne, talked about what’s needed to make sure that people can get into the professions that they’ve been trained for. She said, “I do want to say that I’ve been working with the regulators over the past several months, and many of them are making really good progress. But it is a fact that the processes vary greatly from one regulatory body to another. Very recently I appointed former Ontario Justice George Thomson to review all these processes and the appeals opportunities that go along with these processes. I have asked him to recommend to me an appropriate process for independent appeals.” So the minister at the time, October 18, 2004, recognized that independent appeals were of consequence, were needed to actually deal with logjams and barriers.

In his report back, Judge Thomson said that in fact he was asked to—well, I’ll read his whole sentence: “In her referral of September 2004, Minister Chambers asked me to examine current appeal processes for registration or licensure decisions made by professional regulatory bodies of Ontario’s self-regulated professions and to make recommendations for independent appeal mechanisms.”

So when we sit down today to start working through these issues, we should know that in 1989, 17 years ago, it was recognized that independent tribunals were needed to break the logjam. When Mary Anne Chambers, in 2004, talked about what was needed to actually make sure that people could access these professions, she appointed Judge Thomson to bring forward recommendations for independent appeal mechanisms. Pretty straightforward, I’d say. There’s a track here. And we’re coming up to a bill that should be introducing independent appeal mechanisms.

Ontario’s Regulators for Access, in 2003, a bit before Mary Anne Chambers, wrote in—let’s see, which one is this?—Brower, *Immigrants Need Not Apply*, Ottawa, Caledon Institute of Social Policy, “Another common problem facing the foreign-trained ... is the lack of institutionalized, arm’s-length mechanisms for reviewing an occupational regulatory body’s decision to refuse a licence or certificate.”

In other words, we’ve had, pretty steadily, recommendations by bodies responsible to the provincial government under the Peterson government. We’ve had a request from the minister, Mary Anne Chambers, in the time of this government. And today we have a bill that doesn’t include independent appeal boards—not at all.

When we go through the bodies that came before us and said, “You need an independent tribunal,” we had the Registered Nurses’ Association of Ontario; the Canadian Tamil Congress; PROMPT; the Chinese Canadian National Council; the Chinese Canadian National Council, Toronto chapter; the CMAs of Bangladesh; Ontario Federation of Labour; Metro Toronto Chinese and South-east Asian Legal Clinic; a very eloquent statement by Dr. Joseph Wong of Yee Hong; Pakistan Professional Forum; Windsor Women Working with Immigrants; OCASI. It’s very clear that for 17 years, probably longer, we’ve known that we need independent appeal tribunals to deal with the problem that we face in society, and yet it has not been incorporated into this bill.

I think the government should act on statements made, frankly, in the time of David Peterson, should act on the requests of Mary Anne Chambers, minister at the time, should act on the requests of many substantial national organizations that represent communities of consequence, organizations that represent internationally trained professionals, and should adopt this recommendation to have an independent tribunal. If you don’t have that, then the core of this bill will be hollow.

I would ask you to act on the stream of thought that the Liberal Party has carried now through the last two

decades and implement an independent appeal board within this legislation.

The Chair: Thank you. Further debate?

Mr. Ramal: Well, whatever Mr. Tabuns said in his motion is great, it might help a few people, but our objective and our goal are to help thousands and thousands of people who are trying to be accredited in the province of Ontario. Therefore, if this bill passes, we'll appoint a Fairness Commissioner who's going to make sure the registration practice is transparent and accountable and objective.

The Chair: Mr. Tabuns?

Mr. Tabuns: It's interesting you should say that, Mr. Ramal. Judge Thomson talked about the importance of independent appeals, and he said, "Well-developed, transparent, independent appeal mechanisms enhance public confidence in the overall registration process. Independent appeals constitute an accountability mechanism that fosters due diligence and promotes high-quality internal procedures and a concerted effort to avoid or remedy errors so that appeals will not be launched. Further, although access to the courts is available in all regulated professions, through either statutory appeal or judicial review, it is not a practical or affordable remedy for many parties."

In other words, Judge Thomson understands that argument you've just made. He thinks you do need to serve thousands, you do need to protect thousands, and the way to do that is to set up an accountability mechanism that means that regulators, administrators and colleges know that if they make mistakes, there will be an appeal process where these things will be sorted out. In fact, Judge Thomson notes that many of those colleges and registrars who already operate with independent tribunals think those independent tribunals enhance the quality of their work because they have a better understanding of how their decisions will be interpreted.

So I don't see where you have logic on your side. You may decide you don't want to do it, and then again I say you have a hollow bill, a bill without a core, but you don't have logic on your side, if you're talking about protecting thousands.

1710

The Chair: Further debate?

Mr. Klees: I will make my comments, if I could. Once again, on the issue of the appeal board, I have to agree with Mr. Tabuns that the government is side-stepping this issue. There is nothing to lose here. It's very consistent with not only Justice Thomson's recommendation, but past thinking on this issue. As well, if the public hearing process is to be meaningful at all, we just have to go through the lengthy list of witnesses who came forward asking for this because they know what happens out there.

I don't want to prolong this discussion, because it's very clear that the government has made up its mind, but once again, it gets back to what the public's expectation was about what this bill will do for them, that they will be empowered. That really is what we heard from people

over and over and over again, that they feel weak coming forward, that they're intimidated by many of these boards, and that they were looking for the government to empower them. You're not, and it's unfortunate.

The Chair: Any further debate?

Mr. Tabuns: Recorded vote.

Ayes

Klees, Tabuns.

Nays

Leal, Mossop, Ramal, Sergio.

The Chair: That amendment fails.

So we go back, if I'm not mistaken, to page—

Mr. Ramal: Page 15.

The Chair: Okay. There were a couple that were stood down. We would have to deal with those now, if they were to be dealt with. So it would have been 15 and then 14?

Mr. Klees: Page 14.1.

The Chair: Okay: page 15, which is the NDP motion.

Mr. Tabuns: I think we've made the arguments.

The Chair: All right. On page 15, then, any further debate?

Interjection.

The Chair: All right: 15 was dependent on 22, so in fact 15 doesn't really make sense without us having passed 22.

Mr. Tabuns: Withdrawn.

The Chair: Mr. Tabuns withdraws number 15.

So then, if I'm not mistaken, we're on 14.1. Mr. Klees.

Mr. Klees: This is the last opportunity the government members have to redeem themselves on this issue of an independent appeal. Mr. Tabuns wasn't able to get his. I predicted that I probably wouldn't get mine, but let's put it to a vote.

Mr. Tabuns: And have it recorded.

Mr. Klees: Let's see a recorded vote.

The Chair: Is there any further debate on 14.1, Mr. Klees's amendment?

A recorded vote has been requested.

Ayes

Klees, Tabuns.

Nays

Leal, Mossop, Ramal, Sergio.

The Chair: That amendment fails.

Next, then, I believe we are going to the section—or is there another stood down?

Page 13 must be dealt with now, prior to the section being completed.

Mr. Tabuns: In fact, we have the same problem. If the other amendments have not been made, then this would be a motion in a vacuum. So I would withdraw it.

The Chair: Thank you, Mr. Tabuns. The motion on page 13 has been withdrawn.

So, members, I believe we're now at the point of doing the section as a whole, if I'm not mistaken.

On section 8, as amended: All those in favour? Any opposed? That's carried.

Section 9: page 16. We have an amendment by the New Democratic Party.

Mr. Tabuns: I move that subsection 9(2) of the bill be amended by striking out "take reasonable measures to."

This actually is meant to strengthen the standard to which regulatory bodies should hold their third parties that make assessments. As it reads now, the wording is "shall take reasonable measures." And with that deletion, we have "it shall ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair."

We have had comments from a number of groups that came before us concerned that they saw a different standard for in-house and third-party assessment of qualifications. This amendment is meant to eliminate that difference in standard and ensure that third parties are held to as high a standard as internal processes for assessing applications.

The Chair: Thank you, Mr. Tabuns. Any debate on this amendment? No? All those in favour, please indicate.

Mr. Tabuns: Recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: The amendment fails.

Next is a government motion.

Mr. Ramal: I move that subsection 9(2) of the bill be amended by striking out "retains" and substituting "relies on."

The Chair: Did you want to speak to that amendment, Mr. Ramal?

Mr. Ramal: With "retains" and "relies on," there is a big difference in terms of language. With "rely," you can assist or take assistance from a third party, but when it's "retains," it means you're required to hire people and pay money.

The Chair: Any further debate?

Mr. Tabuns: Sorry. I didn't quite understand you, Mr. Ramal.

Mr. Ramal: Well, we think "relies on" is more inclusive of all the arrangements between the regulated professions and the third party. So that's why we replaced "retains" with "relies on."

Mr. Tabuns: I understand now. Thank you.

The Chair: Any further debate? All right, then. On the motion, all those in favour? Any opposed? That motion carries.

Next, page 18: an NDP motion.

Mr. Tabuns: I move that section 9 of the bill be amended by adding the following subsection:

"Examinations

"(3) A regulated profession shall establish an examination review committee that shall review all examinations and other tests, including questions to be asked at oral interviews, to ensure that the examinations and other tests are non-discriminatory, anti-racist and culturally sensitive."

Interestingly, in the PROMPT report, they cite two sources for concern about the attitudes that may be reflected in examinations or assessments, talking about key informants whom they interviewed in the course of putting together their report in the public interest, a report that was written to analyze why internationally trained individuals or professionals were not actually able to get recognition of their credentials.

The PROMPT organization in the report notes, "Two key informants in particular also expressed a concern that there is 'much discrimination' towards certain countries," which is a great concern for them. But they also cite Mary Cornish. Mary Cornish, Elizabeth McIntyre and A. Pask wrote, for the Canadian Labour and Employment Law Journal in 2001, *Strategies for Challenging Discriminatory Barriers to Foreign Credential Recognition*. Mary Cornish and her co-authors—and I quote here from PROMPT—"give perhaps the most pointed description of the systemic nature of access barriers. They contend that the barriers faced by internationally educated professionals have been seen to constitute 'systemic discrimination' on the basis of 'at least their place of origin and arguably also, depending on the facts, on the basis of their ethnic origin, ancestry, race, colour and/or gender.'"

1720

We have a problem here in some quarters. I'm not going to suggest it's all quarters, but I certainly think that there's enough of a problem that it's a concern to the community of new Canadians who are trying to get their credentials recognized. The Metro Toronto Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council Toronto chapter also expressed great concern that, in the course of ensuring that the examinations were fair and would not discriminate, they needed to be assessed. So this recommendation, this amendment, follows on both the commentary in PROMPT and the commentary that was put forward by groups who came and spoke to this committee. I think if we're actually going to deal with systemic barriers in a rigorous way and an effective way, we have to start incorporating these kinds of requirements in this legislation, so I move adoption of this motion.

The Chair: Further debate?

Mr. Ramal: I guess Mr. Tabuns goes back to the original bill, clause 18(2)(a). You can see the explanation

already in the bill of whatever you mentioned in your motion. In 18(2)(a) it says, “the extent to which the requirements for registration are necessary for or relevant to the practice of the profession.” It’s speaking in detail on how we can include all the people and make sure all the legislation is dealt with in a fair way.

Mr. Tabuns: Mr. Ramal, I think you’re being extraordinarily generous with the wording in the bill. It is the nature often of discrimination, and new Canadians from different parts of the world would know better than me, that discrimination can be subtle, discrimination can be buried within viewpoints that many people consider extraordinarily objective and fair. It takes conscious effort and analysis to clarify what’s going on, to bring out the issues, to put them on the table and to ensure that they’re addressed in the way they have to be addressed. I don’t think we would have had the lawyer from the Metro Toronto Chinese and Southeast Asian Legal Clinic speaking about the need for this if she felt that the act already addressed the problem; the same with CCNC Toronto chapter. They’re fairly sophisticated folks. They know the discrimination that southeast Asians face in this society. They want it addressed. I think they had a fairly reasonable approach and wording. This gives you a far more thorough mechanism for getting at discrimination in examinations than 18(2)(a), which simply says, “the extent to which the requirements for registration are necessary for or relevant to the practice of the profession.” That doesn’t deal with discriminatory attitudes that do, in fact, exist in this society—regrettably, depressingly, but they’re there.

The Chair: Any further debate?

Mr. Klees: I certainly support this amendment. I want to draw the committee’s attention to a submission that we had this morning in Hamilton by Professor Harish C. Jain, a professor emeritus at De Groote School of Business at McMaster University. I found his submission most interesting, and he addressed this very issue. I’d like to just read into the record what he said about this very section of the bill, Mr. Ramal, that you suggest covers this off.

“It is very important to define terms such as ‘transparent, objective, impartial and fair’ in the bill itself, sections 5, 9(2). These terms can lead to different interpretations by the regulated professions, the Fairness Commissioner, immigrants or to be put in regulations. The latter ... are subject to change, depending on the government of the day.”

He concluded his submission to us this morning, Mr. Ramal, by saying, “Any tests administered by professional bodies must be culturally sensitive, fair, reliable and valid.”

I don’t know about you, but I heard from many people. There were not many who specifically stated that they felt discriminated against or that they felt there were racial barriers, but you can sure read between the lines with a lot of these witnesses who came forward. I’m sure that many of the regulated professions incorporate these principles in any event, but it’s the ones that don’t that

we have a responsibility as legislators to give the appropriate guidance to.

Remember here, under Bill 124, who we are advocating for. The whole purpose is to give access to individuals who are finding it difficult to gain that access. So for that reason, I support this amendment. I think it’s the right thing to do. Again, it’s an opportunity for the government to put some teeth into this legislation to make it practical and to really make a difference in people’s lives and to empower people who now feel that they don’t have a voice and they don’t have anyone standing up for them.

The Chair: Thank you. Any further debate? No further debate?

Mr. Tabuns: Recorded.

The Chair: A recorded vote has been requested on the amendment on page 18.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: That fails.

The section is complete. Shall section 9, as amended, carry? All those in favour? Any opposed? That’s carried.

On page 19, an NDP amendment: Mr. Tabuns.

Mr. Tabuns: I move that section 10 of the bill be amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

“(c) anti-discrimination, anti-racism, cultural competency and human rights training.”

Thomson talks about this on page XV of his report, talking about training for council members and staff. “Registration decisions require more than the application of measurable criteria to the individual applicant or the exercise of professional judgment. They require the skill of evaluation, which can be challenging when dealing with applicants from a ... range of countries, educational backgrounds, and experience.... Training topics can include the skill of evaluation, producing sufficient reasons for decisions, holding efficient hearings or meetings with applicants, and understanding diversity.”

I’ve gone a bit further than Judge Thomson, but I think he’s pretty clear in his assessment that dealing with diversity in this society, understanding it, understanding one’s own prejudices and being conscious of them when trying to work through these issues is something that people should be trained on. I’m suggesting that you amend this act so that training in these areas is part of what is provided so that we reduce the incidence of discrimination.

The Chair: Is that all, Mr. Tabuns?

Mr. Tabuns: That’s it.

The Chair: Thank you. Any further debate?

Mr. Ramal: I want to thank Mr. Tabuns for bringing this issue forward, but I want to remind Mr. Tabuns to go back to section 10 clause (b), which outlines his concerns and explains it, in the original bill.

Mr. Tabuns: I'll read clause (b) for the record: "training in any special considerations that may apply in the assessment of applications and the process for applying those considerations."

So there's no explicit commitment to anti-discrimination, anti-racism, cultural competency and human rights training—none. There are all kinds of special considerations in the world, Mr. Ramal, that have to do with a wide variety of factors around a particular profession. But if you actually want to get at anti-racism and anti-discrimination, making sure that people are fully trained around human rights, you have to require it.

1730

Mr. Ramal: I just want to remind you, through you, Madam Chair, that's why we appointed a Fairness Commissioner, to oversee the conduct of all the regulatory bodies, which includes racism and discrimination and all that you mentioned. We cannot just mention every step. That's why the Fairness Commissioner—part of his or her duty is to oversee that conduct. I don't see why we have to repeat it over and over. Subsection 10(b) explains the intent to make sure all the people are being treated fairly.

Mr. Tabuns: It would be useful, then, if Mr. Ramal would point out to us where in part IV, around the commissioner, the commissioner has been charged with making sure that we don't have—that the Fairness Commissioner is looking for problems with discrimination, racism, human rights problems.

Mr. Ramal: The Fairness Commissioner's job is to make sure that the whole process is fairly dealt with and also objectively and with transparency. Therefore whatever obstacle, whether as a result of discrimination or racism, it is part of his or her job to call for a review. It is part of his or her job to do this.

Mr. Tabuns: I have to say, Mr. Ramal, you're not citing any words in the legislation that talk about cultural competency, human rights training, anti-racism and anti-discrimination. Unless people are conscious of those matters and do an analysis using them as part of the framework of their analysis, there's a very good chance that they won't pick them up. I didn't think I had missed anything in the legislation, and I was right. There is no reference to these matters when it comes to the Fairness Commissioner.

I understand your interpretation, you've put your interpretation forward, but I don't think it's a valid interpretation.

The Chair: Further debate?

Mr. Klees: Mr. Ramal, they are very short words. There's no cost to inserting them. They clarify rather than cloud the issue. What is the government's objection to including those words so that it is very clear that these barriers are going to be dealt with by the commissioner?

Mr. Ramal: Mr. Klees, we are very clear in our bill on our objective to apply fairness and transparency in any actions being taken by any professional or regulatory body. Therefore, we're not going to limit ourselves to certain actions. We're going to leave it up to the Fairness Commissioner to decide which action and which blockage is being created by any regulatory body. Then he or she will require an investigation and take action.

Mr. Klees: Would there be any time when it would be appropriate for the Fairness Commissioner to condone racism or to condone—

Mr. Ramal: It will be set out by the regulations later what her or his duties will take, how much time and all the details.

Mr. Klees: Let's be very clear. There's a very specific purpose for this bill.

Mr. Ramal: Yes.

Mr. Klees: You heard people who came forward to talk to us about the barriers that they're facing. Why would we not signal, without equivocation, to newcomers to Canada, to Ontario, as well as to the professions, that one of the issues that the commissioner is going to be focusing on is to ensure that there is no discrimination? Why would we not do that? It's here. We've got the legislation in front of us. We're in the process of crafting that legislation. What's wrong with doing that?

Mr. Ramal: Mr. Klees, if you want to explain and outline every section, it probably would need 1,000 or 1,500 pages. We talk about the job of the Fairness Commissioner to apply fairness and transparency, and I believe it's clear to anyone in any terminology that transparency and accountability mean against discrimination and against racism, including other obstacles. I think this is clear. I have no further comment on this issue.

Mr. Klees: With all respect, we're not asking this to be repeated a thousand times. This is a very important section of the bill. We're asking for it to be stated very clearly. I hear you: It's not going to happen. The government doesn't think it's important to do that. I think it's unfortunate.

The Chair: Further debate? No? There's been a request for a recorded vote on the motion on page 19.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: The motion fails.

Page 20, Mr. Tabuns.

Mr. Tabuns: Withdrawn, given that the previous decision went against it.

The Chair: All right. Then I believe section 10 is complete.

Shall section 10 carry? All those in favour? Any opposed? That's carried.

On page 21 we have an NDP motion. Mr. Tabuns.

Mr. Tabuns: I move that section 11 of the bill be amended by adding the following subsection:

“Exception

“(6.1) Despite subsection (5), a regulated profession shall not charge a fee for making records available to an applicant for the purposes of the applicant’s preparation for an internal review or appeal or for an appeal or to a court.”

The Chair: You’ve just amended that.

Mr. Tabuns: I have; I’ve left out the last three words “or other tribunal”, since I’ve lost on that, but maintain the principle that documentation would be provided without charge to those who go to an internal review or who go to court.

The Chair: Did you want to have further explanation of that?

Mr. Tabuns: I’ll just say very simply that as I talk to new Canadians who are here, having spent their life savings trying to establish themselves, cash crunch is a major, major issue. I think it’s reasonable for us to try and balance the playing field a bit by not requiring them to pay for provision of documentation. I should note that the Ontario Federation of Labour also asked for this when they made their presentation.

The Chair: Any further debate?

Mr. Tabuns: I’d like a recorded vote.

The Chair: All right.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: That fails.

Next, we’re skipping over—oh, I’m sorry, we’ve completed that section.

Shall section 11 carry? All those in favour? Any opposed? That’s carried.

We’re now moving on to section 12 and we have an NDP motion on page 23.

Mr. Tabuns: I move that subsections 12(1) and (2) of the bill be struck out and the following substituted:

“Fair registration practices commissioner

“12(1) There shall be a fair registration practices commissioner who is an officer of the assembly.

“Official name

“(2) The fair registration practices commissioner shall be known in English as the Fairness Commissioner and in French as the commissaire à l’équité.

“Appointment

“(2.1) The Lieutenant Governor in Council shall appoint the Fairness Commissioner on the address of the assembly.

“Term of office

“(2.2) The Fairness Commissioner shall hold office for a term of five years and may be reappointed for a further term or terms.

“Removal

“(2.3) The Lieutenant Governor in Council may remove the Fairness Commissioner for cause on the address of the assembly.

“Nature of employment

“(2.4) The Fairness Commissioner shall not do any work or hold any office that interferes with the performance of his or her duties as Fairness Commissioner.

If I may speak to that, Madam Chair?

The Chair: Absolutely. Please do, Mr. Tabuns.

Mr. Tabuns: I think that the whole question of access to professions is a politicized one. It’s an issue where there is tremendous pressure from a variety of quarters in society. I think we have a crisis in this area, and it’s a crisis that is affecting new Canadians in a very profound way. It has to be corrected.

1740

One of the methods that might be of use to this society is to ensure that the Fairness Commissioner has a great deal of independent authority, can act and report to the Legislative Assembly just as the Auditor General, the Ombudsman and the Environmental Commissioner can, so that we do the best we possibly can to correct the imbalance that currently exists, the unbalanced playing field that new Canadian professionals face.

I should note that this initiative was endorsed by the Chinese Canadian National Council, their Toronto chapter, by the Institute of Chartered Accountants of Bangladesh, the Ontario Federation of Labour, OCASI, Women Working with Immigrant Women, and Certified Management Accountants, Bangladesh, Canadian chapter—in other words, a fair number of people in the community concerned about this issue.

The Chair: Any further debate? No further debate? Okay. A recorded vote has been requested.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Ramal, Sergio.

The Chair: The amendment fails.

Next is a government motion on page 24.

Mr. Ramal: I move that subsections 12(1) and (2) of the bill be struck out and the following substituted:

“Fairness commissioner

12. (1) The Lieutenant Governor in Council shall appoint an individual to act as the fair registration practices commissioner and who shall be known in English as the Fairness Commissioner and in French as the Commissaire à l’équité.

“Office established

“(2) There is hereby established an office to be known in English as the Office of the Fairness Commissioner and in French as the Bureau du commissaire à l’équité and it shall be headed by the Fairness Commissioner.”

I think it’s a more technical amendment, Madam Chair. Also, we listened to many deputations that asked us to strengthen the wording. That’s why we changed “may” to “shall,” to give it more strength.

The Chair: Any further debate? No further debate. Shall the amendment carry? All those in favour? Any opposed? That’s carried.

Next, on page 24.1 we have a Progressive Conservative motion.

Mr. Klees: I move that subsection 12(3) of the bill be amended adding the following clause:

“(b.1) consult with regulated professions on matters to be specified under clause (b) before they are specified and provide regulated professions with an opportunity to make submissions in writing on the matters.”

We believe that the regulatory bodies should be consulted on the process audits. We support the concept of the process audits, but we do believe the regulated professions should be consulted in terms of the scope of those audits to ensure an effective audit regime. I think it’s just practical and the right thing to do.

The Chair: Any further debate? Okay. On the motion, all those in favour?

Mr. Klees: Recorded.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: The amendment fails.

Next, on page 25, we have a government motion.

Mr. Ramal: I move that clauses 12(3)(c), (d), (e) and (f) of the bill be struck out and the following substituted:

“(c) consult with regulated professions on the cost, scope and timing of audits;

“(d) monitor third parties relied on by regulated professions to assess the qualifications of individuals applying for registration by a regulated profession to help ensure that their assessments are based on the obligations of regulated professions under this act and the regulations;

“(e) provide information and advice to regulated professions and to professions that may be named as regulated professions to assist them in understanding how to comply with the requirements of this act and the regulations;

“(f) advise regulated professions, government agencies, community agencies, colleges and universities, third parties relied on by regulated professions to assess qualifications and others as the minister may direct with respect to matters under this act and the regulations.”

I think this amendment explains itself. It’s clear. It’s just to give the bill some kind of strength and clarification about clauses (c), (d), (e) and (f).

The Chair: Any further debate? No further debate? All those in favour of the motion? Any opposed? The motion carries.

Page 26: an NDP motion.

Mr. Tabuns: I move that clause 12(3)(h) of the bill be struck out and the following substituted:

“(h) establish eligibility requirements that a person must meet to be qualified to conduct audits, including demonstrated competency in the protection of human rights and the understanding of discrimination.”

I’ve made the arguments on this.

The Chair: Could I just clarify? I thought I heard you say 12(3).

Mr. Tabuns: Yes, 12(3).

The Chair: It says 12(2) on our—

Mr. Revell: I believe that the (3) is correct.

The Chair: So 12(3) is actually the correct clause. I’m hearing from legislative counsel that Mr. Tabuns actually has it right verbally and that on paper it’s wrong. It should be 12(3). Is that correct?

Mr. Ramal: So we’ll disregard the 12(2).

The Chair: The rest is correct; it’s just the numbering. It was a typo. Legislative counsel is taking responsibility for that.

Any further debate on this amendment put by Mr. Tabuns?

Mr. Tabuns: Just a recorded vote.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal, Sergio.

The Chair: That motion has failed.

Next, on page 27, an NDP motion.

Mr. Tabuns: I move that section 12 of the bill be amended by adding the following subsection:

“Evaluation of professional standards

“(3.1) The Fairness Commissioner shall evaluate professional standards of professions in other jurisdictions and their educational standards in comparison to the standards for regulated professions in Ontario and he or she shall update the evaluations regularly and make the evaluations available to the public.”

It’s fairly straightforward, actually. If we are going to expedite the recognition of credentials, if we are going to make sure that as much fairness as possible prevails, there needs to be an ongoing assessment of the comparability of standards in other jurisdictions with those in Ontario so that those who are putting forward their credentials for recognition will have the government of Ontario essentially standing behind them with an already existing assessment. This would facilitate the develop-

ment of reciprocal agreements between professional organizations in Ontario with those in other parts of the world, and thus expedite the recognition of credentials, or in fact make it much clearer to international professionals who come from countries without reciprocal agreements that there is a substantial difference in qualifications. At the very least, that would serve transparency.

Many organizations asked for this in the course of deputations: the Canadian Tamil Congress, PROMPT, the Centre for Action on Social Justice, the Registered Nurses' Association of Ontario, the Yee Hong Centre for Geriatric Care. Ontario Regulators for Access, in 2003, talked about the difficulty for regulators to maintain correct information on country of origin, education, training and practices. So if we're going to facilitate the whole process for regulators, for colleges, it's useful to have the access centre doing that analysis so that all bodies, all stakeholders, are served equally and so that we, again, level the playing field so that internationally trained professionals have a better shot at having their legitimate credentials and skills recognized.

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The Chair: Any further debate?

Mr. Tabuns: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal.

The Chair: The amendment fails.

Next is page 28, NDP motion, Mr. Tabuns.

Mr. Tabuns: I move that section 12 of the bill be amended by adding the following subsection:

“Publication of information

“(6) The Fairness Commissioner shall make the following information available to the public either electronically or by such other means as he or she considers appropriate and the information shall be made available without charge:

“1. Information related to this act and the duties of regulated professions under this act.

“2. Information on the functions of the Fairness Commissioner.

“3. Information on the functions of the access centre.

“4. Any information that the Fairness Commissioner is required to make available to the public under this act.

“5. The annual report of the Fairness Commissioner.”

It's fairly straightforward to me that people need to have information about these matters, particularly if they're applying for recognition of their credentials. The Fairness Commissioner should be charged to make sure that's as widely and as easily available as possible.

The Chair: Any further debate?

Mr. Tabuns: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal.

The Chair: The motion fails.

Shall section 12, as amended, carry? Any opposed? The motion carries.

Shall section 13 carry? Any opposed? That carries.

We're on to section 14 and the NDP motion on page 29.

Mr. Tabuns: I'm not sure if it's in order. I'd just like to have a ruling on that before I read it, given that it's predicated on the idea of a Fairness Commissioner who is an officer of the Legislature.

Mr. Revell: I would think that from a legal perspective there would be nothing wrong with this particular provision standing alone, because it essentially changes the direction from the Fairness Commissioner preparing this report and submitting it to the minister to a requirement that it be submitted directly to the Legislature. There's a complementary amendment in subsection 14(5) that would strike out the provision referring it to the minister.

Mr. Tabuns: Fine. Then I move that subsection 14(1) of the bill be struck out and the following substituted:

“Annual report

“(1) The Fairness Commissioner shall prepare and submit to the Speaker of the Assembly an annual report on,

“(a) the implementation and effectiveness of this act and its regulations and the corresponding provisions of the Regulated Health Professions Act, 1991, and its regulations in helping to ensure that the registration practices of regulated professions are transparent, objective, impartial and fair;

“(b) the impact of this act and the regulations and the corresponding provisions of the Regulated Health Professions Act, 1991, and its regulations on the lives of internationally trained individuals; and

“(c) the success rate for internationally trained individuals gaining admission to regulated professions to which this act and the Regulated Health Professions Act, 1991 apply.

“Same

“(1.1) The Speaker shall lay the report before the assembly as soon as reasonably possible.”

This was requested by the Registered Nurses Association of Ontario and is in keeping with the spirit of ensuring that the Legislature knows whether or not legislation that has been adopted is actually effective.

The Chair: Any further debate?

Mr. Tabuns: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Klees, Tabuns.

Nays

Delaney, Leal, Mossop, Ramal.

The Chair: The motion fails.

On page 29.1, we have a Progressive Conservative motion.

Mr. Klees: I move that subsection 14(1) of the bill be struck out and the following substituted:

“Annual report

“(1) The Fairness Commissioner shall prepare and submit to the Speaker of the Assembly and to the minister an annual report on the implementation and effectiveness of this act and its regulations and the corresponding provisions of the Regulated Health Professions Act, 1991, and its regulations in helping to ensure that the registration practices of regulated professions are transparent, objective, impartial and fair.

“Same

“(1.1) The Speaker shall lay the report before the assembly as soon as reasonably possible.”

The purpose of this is to ensure that the report is not only directed to the minister but is concurrently tabled with the assembly through the Speaker. The reason for that, believe it or not, is that ministers tend to rag the puck with these things from time to time. It’s imperative that the assembly have access to that report as soon as possible.

The Chair: Thank you, Mr. Klees. Any further debate?

Mr. Tabuns: I concur.

The Chair: Thank you, Mr. Tabuns. On the motion, all those in favour? Any opposed? The motion fails.

On page 30 we have a government motion.

Mr. Ramal: I move that section 14 of the bill be amended by adding the following subsection:

“Same

“(1.1) A report under subsection (1) may include an analysis of the possibility of establishing a tribunal to hear appeals of registration decisions.”

This section is being amended to strengthen the bill and to be clear about our commitment to the implementation of this bill.

The Chair: On that motion, Mr. Tabuns?

Mr. Tabuns: Of all the amendments to the bill that the government has made, this is the one that strikes me

as cynical. This is a sop. You have the power as government to establish an independent tribunal. You had a judge do a report on how to set up an independent tribunal. You’ve had your minister, Mary Anne Chambers, say we should have an independent tribunal, which is why she had Judge Thomson. You’ve had reports going back to 1989 saying you need an independent tribunal. And in the act you’re saying we should have a study as to whether or not we should have an independent tribunal? It’s so you can say, “Well, we didn’t abandon the idea. We left it there.”

It is an extraordinary piece. I saw many interesting things in my time as a politician on city council. I saw some of the most exotic motions possible. But this is a contender. It’s definitely right up there with the wild ones.

I want to vote for it because at least I want to keep the thing alive, but for you to say that we’re going to have a report back on the possibility of establishing a tribunal, one would have to ask, why did you blow the big bucks on Judge Thomson’s report? Didn’t you think he figured it out? That’s the question. Don’t you think he figured it out?

Mr. Ramal: We thank Judge Thomson 100% for his report. That’s why we have Bill 124. As a matter of fact, we used Judge Thomson’s recommendations—

The Chair: We have about a minute left in the proceedings today.

Mr. Ramal: As a matter of fact, we used his recommendations and have gone beyond by listening to many people from the province of Ontario who came to our committee and talked to us about the need for this bill and the importance of dealing with the issue upfront instead of waiting for years and years and delaying many different issues that concern their lives. We’re clear on this issue. That’s why we brought this amendment, to maintain our commitment to the people of Ontario, the newcomers who come to this province to use their abilities and skills and talents in the service of this great province.

Mr. Tabuns: I regret that that was not videotaped.

The Chair: Thank you. This issue is going to remain on the table, because the time for the committee has now expired. The committee is now adjourned and will be reconvened on Wednesday morning of next week at 9 o’clock.

The committee adjourned at 1800.

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