

# Information and Advice on Approaches for Licensing Internationally Trained Applicants



**FAIRNESS** COMMISSIONER

COMMISSAIRE À **L'ÉQUITÉ**

**OFFICE OF THE FAIRNESS COMMISSIONER**  
**BUREAU DU COMMISSAIRE À L'ÉQUITÉ**

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## Background

The purpose of this publication is for the Office of the Fairness Commissioner (OFC) to provide information and advice to regulated professions (regulators) on the array of options available for the licensing of internationally trained applicants.

On December 2, 2021, the *Working for Workers Act, 2021* was enacted, which, among other things, made several amendments to the [Fair Access to Regulated Professions and Compulsory Trades Act, 2006](#) (FARPACTA). These amendments apply to the non-health regulated professions and to Skilled Trades Ontario.

A number of these amendments relate to what has come to be known as the Canadian experience requirement. This type of requirement typically mandates that internationally trained applicants (ITIs) obtain Canadian work experience as a condition of registration. Requirements such as these can represent the “last mile” in the registration journeys of these candidates. Canadian experience is not always easy to come by and some candidates simply give up because they cannot obtain it.

Section 10.2 of FARPACTA is the key statutory provision. It prohibits a regulator from retaining a Canadian experience requirement unless the Minister of Labour, Training and Skills Development grants an exemption. Subsection 10.2(1) specifies that:

*A regulated profession shall not require as a qualification for registration that a person’s experience be Canadian experience unless an exemption from the prohibition is granted by the Minister for the purposes of public health and safety in accordance with the regulations.*

Regulators have until December 3, 2023, to obtain such an exemption, failing which any existing Canadian experience requirement will be void. For a full list of the relevant statutory and regulatory provisions, please access the companion OFC guideline on *Applying for an Exemption from the Prohibition against Retaining a Canadian Experience Requirement*.

The OFC understands that a number of regulated professions, whose registration practices may contain Canadian experience requirements, are actively examining these protocols to ensure that they comply with the new legislative requirements.

On this basis, and pursuant to its authority under clause 13(3)(e) of FARPACTA, the OFC is pleased to provide information and advice to regulated professions to better understand how to comply with the requirements of this Act and the regulations.

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In the background section to its regulatory posting on the recently enacted FARPACTA regulation, the Ministry of Labour, Training and Skills Development (MLTSD) indicated that:

*A regulated profession may continue to accept Canadian experience in satisfaction of an experience-related requirement for registration if it also accepts international experience as a viable alternative to Canadian experience.*

Some professions or trades may have concluded that, to deliver their statutory mandates, it is necessary for them to adopt some sort of an experiential requirement. Where a regulator makes this decision, is important, from a public policy perspective, that such a requirement be bona fide, reasonable, and proportionate to the outcomes that they seek to achieve.

In addition, to comply with the spirit and intent of section 10.2 and other relevant provisions of FARPACTA, a regulator with an experiential requirement must evaluate both Canadian and international experience in a fair and transparent fashion.

As well, regulators should always be open to reviewing the need for an experiential requirement, especially where substitute processes can offer a more streamlined and empathetic registration process that does not materially impact public health and safety.

In the past, the OFC has written about alternative routes for candidates to obtain licensure.<sup>1 2</sup> Since that time, regulators have increasingly embraced new approaches for meeting the various academic and experiential learning requirements specified for entry into a regulated profession. These include new pathways for applicants to acquire required competencies and to appropriately demonstrate them.

In this document, the OFC will summarize the challenges that internationally trained individuals (ITIs) continue to encounter in meeting experiential learning requirements, identify a list of substitute or alternative approaches that regulators have adopted, and discuss some best practices that regulators could pursue to develop and evaluate these pathways.

Immigrants often arrive in Canada with high levels of education. In addition, many have already secured the right to practice their trade or profession in their home jurisdictions. The first step in their registration journeys often involves obtaining recognition of their educational and employment credentials (e.g., via transcripts and providing course descriptions).

Regulated professions and/or third-party services providers then assess the equivalency of these credentials and the steps, if any, that an applicant must take to meet a regulator's

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<sup>1</sup> Academic Requirements and Acceptable Alternatives: Challenges and Opportunities for the Regulated Professions in Ontario, OFC, 2013

<sup>2</sup> Immigrant Professionals and Alternative Routes to Licensing: Policy Implications for Regulators and Government, J. Augustin, Canadian Public Policy, 2015

educational and / or experiential standards. This process can often be time consuming and expensive.

As noted above, some regulators also require that applicants complete a fixed period of employment within a Canadian milieu or other types of experiential training. These conditions of registration are commonly referred to as Canadian experience requirements (CERs).

Over the years, many stakeholders -- particularly in the human rights and immigrant advocacy spheres -- have identified the CER as a serious registration barrier and as a *prima facie* discriminatory practice. As indicated above, the new FARPACTA provisions are designed to address these concerns.

Since the approach that regulated professions take to assess the skill sets of ITIs tends to vary substantially, the degree of reliance that regulators place on CERs, and the scope of these obligations, is often quite different. The texture and impact of a CER will be informed by such factors as:

1. The length of the experiential requirement.
2. The setting in which it must be completed.
3. The source of the requirement (e.g., in statute, regulation, by-law or policy).
4. Whether the regulator has the ability and/or inclination to waive this requirement.
5. The extent to which international experience can be substituted for Canadian experience.

Almost all regulators have developed a mechanism for accepting alternatives to their CERs. Some utilize these pathways much more often than others. These alternatives may be grouped into seven broad categories:

1. Competency-based assessments.
2. Other approaches to assess knowledge and skills (e.g., through knowledge-based and / or clinical examinations).
3. Self-paced learning (e.g., online courses that often focus on the Canadian work context).
4. Mutual recognition agreements.
5. Bridging programs to fill experiential gaps.
6. Provisional or conditional licensing.
7. Post-registration quality assurance and/or continuing professional development programs.

While each type of alternative can help facilitate a positive licencing outcome, they collectively also present some unique challenges<sup>3</sup>. Thus, a regulated profession must seek to adopt the best set of alternatives that match its individual context.

Regulated professions should regularly assess whether their registration practices, including a reliance on CERs, are relevant and necessary to the practice of the profession, whether there are alternative and innovative ways to demonstrate competencies, and whether they have decided to rely upon CERs because of unaddressed gaps or deficiencies in their own assessment processes.

As with other registration requirements, it is important that CER alternatives be easily accessible, affordable, and sustainable. Given the connectivity of the registration ecosystem, regulated professions should also regularly engage with the post-secondary education sector and employer groups in making decisions about experiential requirements.

What follows below are some best practices that regulators can apply to identify and deploy viable substitutes for a CER. Such approaches should:

- Focus on competencies, rather than credentials.
- Be flexible and recognize the variety of ways that individuals from different backgrounds develop professional knowledge and skills.
- As appropriate, be developed through partnerships with national bodies, post-secondary institutions, employer groups and / or other regulated professions to take advantage of economies of scale and sectoral knowledge.
- As appropriate, offer improved access to individual courses, bridging programs and advanced-standing opportunities, and enable applicants to fulfill any missing micro-credentials in timely fashion.
- Consider successful approaches adopted in other jurisdictions.
- Leverage technology and web-based tools to capture process efficiencies.

Please note that the OFC has included these best practices as examples only to assist regulators to develop and conduct their own analysis. It is the responsibility of regulators to ensure that they comply with the legislation. Please note that these examples do not constitute legal advice, nor do they affect the OFC's advice-giving or enforcement discretion in any way.

The OFC recognizes that the process of adopting appropriate licensing requirements can be complex. On this basis, regulators are welcome to reach out to their assigned OFC compliance analyst to obtain further information and advice on these issues.

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<sup>3</sup> For a description of the existing alternatives and challenges associated with them, refer to the [Academic Requirements and Acceptable Alternatives: Challenges and Opportunities for the Regulated Professions in Ontario, OFC, 2013](#)



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