

CAPE Submission on PEO Appeals Process

Review of Appeal Processes in Ontario's Regulated Professions Consultation Meeting with Policy Roundtable Mobilizing Professions and Trades

December 3, 2004 3:00 – 5:00
Tokyo Room, 25th floor, Metropolitan Hotel, 108 Chestnut Street, Toronto

INTRODUCTION

The Council for Access to the Profession of Engineering (formerly the Coalition for Access to Professional Engineering), on behalf of the internationally trained engineering graduates (ITEGs) would like to record our appreciation for this opportunity to participate in this review of Appeal Processes.

RATIONALE FOR THIS SUBMISSION

On February 28, 2003, at the request of Professional Engineers Ontario (PEO), the Ontario government proclaimed changes to the [Professional Engineers Act](#) to enable applicants for licensing as professional engineers to seek a review of the PEO licensing decisions. These changes to the Act provide applicants with the right to a hearing, conducted by a panel of the PEO Registration Committee, in respect of determinations related to licensing to practice professional engineering. Details of this appeals process abstracted from the PEO website¹ are contained in Appendix 1. The Council for Access to the Profession of Engineering has provided inputs in the process that led to this amendment since 1997²

In spite of the introduction of the appeals process in 2003 and the amendment to the Professional Engineers Act, our ongoing survey³ of internationally trained engineering graduates (ITEGs) shows that only 18% of them have actually accessed the engineering profession. It also shows that less than 2% of the ITEGs who have been in Ontario for less than two years have accessed the engineering profession. This percentage increases slightly to 6% for those who have been here between 2 and 4 years and to less than 8% for those who have been here for over 4 years.

As laid out in Appendix 1 there are two parts to the licensing process for engineers:

- Academic Review
- Experience Review.

Subsection 33(1) of Regulation 941/1990 made under the Act states:

The applicant shall demonstrate that he or she has obtained,

- a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or*
- equivalent engineering educational qualifications recognized by the Council.*

¹ <http://www.peo.on.ca/sitemap.html>

² MAKING THE CASE FOR AN APPEALS PROCESS, Access to Trades & Professions: Breakthroughs *Excerpts from Issue No. 3 (May 1997) and minutes of various meetings*

³ CAPE, *Engineering Access Project*, Internationally Trained Engineering Graduates (ITEGs), Preliminary Survey Report, 19 August, 2004. www.capeinfo.ca

And 48 months of engineering experience, including the requirement⁴ that the applicant:

'...must acquire at least 12 months of acceptable engineering experience in a Canadian jurisdiction under a licensed professional engineer (P.Eng.). This experience must be in addition to that obtained at the pre-graduation stage and/or toward a postgraduate degree'

In this submission, structured to answer the questions raised in the terms of reference provided for this meeting, we present the ITEG perspective on the usefulness of the PEO appeals process in allowing the ITEG component of the engineering fraternity to access the engineering profession in Ontario.

1. ACCESS TO PROFESSIONS

According to the ongoing CAPE survey of ITEGs³ the introduction of the appeal process has yet to show any positive impact on the ITEG access to the profession of engineering. If anything, the ITEGs who have come more recently have enjoyed less success in accessing the engineering profession.

Having considered the survey analysis of the ITEGs the issue of Access to engineering both in terms licensing and its relationship to employment is governed by the requirement 'Canadian Experience'

It should be noted that all regulations that are legislated should have their standards, requirements and norms systemized and documented with no room left for individual decisions that would create ambiguity. For the appeal process to be effective and in public interest it should be visible and also enable individual applicants to appeal decisions within the licensing process, without individuals having to seek redress through legal or human rights challenges outside of the regulatory framework.

As regards Engineering licensure;

- The requirement for education through its educational accreditation system is documented and public
- The requirement for experience through its experience requirement system is documented and public for the three years of the four-year requirement. The fourth year requirement for the ITEGs is termed as 'Canadian Experience' and defined as that which one will acquire under a Professional Engineer (P.Eng.) licensed by PEO and certified by him/her.
 - The 'Canadian Experience' is removed out of the Appeal process by the fact that it is not defined publicly and therefore lacks criteria against which to appeal any decisions arising out it.
 - The Regulatory process is left to ambiguity through the "Canadian Experience" requirement and any appeal against it has to be through legal or human rights challenges outside of the regulatory framework.
 - And instituting the requirement of 'Canadian Experience' without it being systemized, documented and made public in a self regulatory surrounding can lead empowering the professional engineer in controlling who can participate in the profession and hence lead to anti-competition.

⁴ Guide To The Required Experience For Licensing As A Professional Engineer In Ontario Published by Association of Professional Engineers of Ontario Revised January 2002

CAPE further submits that:

- The review process relies totally on the principle of equivalency;
- The review process itself is lengthy and time-consuming because the institutional framework supporting the equivalency-based assessments of academic qualifications is underdeveloped and ineffective in the face of the enormous increase in diversity since the mid 1980s that followed the skills-based point criteria for immigration instituted in 1967;
- While the academic credentials process is cumbersome, it at least has the merit of an established equivalency measurement tool in the form of public documentation of the requirements and confirmatory and specific examinations viz

'The ARC (Academic review committee) may prescribe a technical examination program, if it determines that an applicant's academic preparation does not meet PEO's established standards.'¹

- The same cannot be said for the experience assessment since no clear definition of equivalency has yet been established. This is further complicated by the fact that three years of international experience is recognized but four years cannot be. To further downgrade the situation from the ITEG perspective, the fact that the 12-month Canadian experience requirement cannot be satisfied without securing employment or substituted through a Canadian postgraduate degree means that, effectively, the ITEG is totally at the mercy of those who have been licensed by PEO previously.
- Therefore the fulfillment of the 12-month Canadian experience becomes a reflection of the personal competence and global knowledge (or not) of the PEO licensed individual. This is a highly subjective procedure. How does one appeal this individual assessment by the PEO-licensed member in the absence clearly defined criteria of the 12-month Canadian experience?
- The criteria for licensing of profession should be defined by the professional and technical requirements and not defined by how it is practiced in a particular location other than to adapt the overall body of knowledge in that profession to the location wherever it is in the world.

It should be noted that the amendment outlining the inclusion of the PEO appeals process was legislated at the same time as another important amendment – the institution of the 'provisional license' – see CAPE submission to PEO contained in Appendix 3. Since these two amendments are effectively inter-dependent, it is ineffectual to discuss either in isolation.

2. Effectiveness of Existing Appeal Processes

The questions that beg a response are:

- Where is the objectivity of this highly subjective experiential assessment?
- How fair is it to assess an individual when there is little comparable knowledge of their academic background, and even less of the full extent of their local and global experience?
- How transparent a process is it when the criteria are so ill-defined?
- Does the effectiveness of this process lie in its ability to run a 'closed shop' – closed to ITEGs?

Not surprisingly, the impact of the current licensing and appeals procedure is to close avenues of engineering employment to highly skilled internationally trained 'engineering graduates' -so called due to the 'reserved title' provision in the Professional Engineering Act of the term 'professional engineer' and even 'engineer' in certain cases - while further exacerbating the negative impact on their professional life and reputation.

3. Ideas for Improved or New Appeal Processes

In 1993, a committee struck by PEO itself -- the Task Force on Admissions – first recommended that an appeal process for PEO be developed and implemented and noted that a fair appeals process should include:

- a process which is at "arms-length" (i.e. the appeals are handled by persons not involved in the original decision); and
- "lay involvement" (i.e. appeal committee should include non-engineers)

Unfortunately, the appeal process as instituted has devolved into an in-house function in the process of legislation.

As is evident for the reasons outlined above, the PEO appeals process if it is to have any positive impact on the ITEGs, must be extensively reconstructed. We believe that a return to the initial recommendation would further delay natural justice as there seems to be little commitment to the issue of fairness.

The promise of an arms-length appeals process was an empty one. In the absence of a defined, documented and public requirement for licensing even an arms-length appeal process is rendered ineffective. Hence a pre-requisite to establish proper arms-length process is a well-defined, documented and public requirements criteria for licensing.

Other considerations are:

- The inordinately lengthy time-frames required for academic accreditation
- The subjective and ill-defined nature of the Canadian experience assessment
- The public interest as a whole which should be served by the decision-makers
- The province may wish to reconsider the paradoxes and pitfalls inherent in self-regulation particularly where this applies to employer as well as the employee or succumbs to labor demand and supply requirements.

4. Additional Advice

For the engineering profession, the current appeals process and other inter-dependent amendments instituted at the same time to the Professional Engineers Act have failed to mitigate the plight of ITEGs. Lessons learned from the legislation and the institution of the present appeals process lead us to believe that the construction of a new appeals process would be too time consuming – since the present appeals process took ten years to be instituted - given the desperate situations faced by most ITEGs today.

In concluding, we submit that we are not aware of any regulatory system for the engineering profession, anywhere in the world that has ambiguity in defining the criteria for education and experience to practice as a professional engineer. Further we are aware of any regulatory system in the world that requires 'in-country' experience as a basis which we find in the issuance of a 'Temporary License' by PEO.

APPENDIX 1

PEO's Licence Hearing Process

Introduction

On February 28, 2003, at the request of Professional Engineers Ontario (PEO), the Ontario government proclaimed changes to the *Professional Engineers Act* to enable applicants for licensing as professional engineers to seek a review of PEO's licensing decisions. These changes to the Act provide applicants with the right to a hearing, conducted by a panel of PEO's Registration Committee, in respect of determinations related to licensing to practise professional engineering.

Hearings concern licensing determinations relating to a particular applicant; PEO's licensing standards and the associated licensing policies cannot be the subject matter of a hearing.

Hearings concerning licensing determinations are not retroactive. Decisions made prior to February 28, 2003 are not eligible for this process.

PEO's Licensing Process

PEO exists in part to license all suitably qualified applicants who apply for a licence to practise professional engineering in Ontario. Accordingly, PEO's licensing process is designed to ensure that all applicants, whether educated/trained in Canada or elsewhere, meet PEO's legislated academic and work experience standards.

Subsection 33(1) of Regulation 941/1990 made under the Act states:

The applicant shall demonstrate that he or she has obtained,

- i. a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or*
- ii. equivalent engineering educational qualifications recognized by the Council.*

Consequently, applicants who are not graduates of an undergraduate engineering program accredited by the Canadian Engineering Accreditation Board must demonstrate that they possess equivalent academic qualifications.

The Registrar (or Deputy Registrar) assesses whether an applicant's qualifications for licensing meet the legislated requirements. However, the Registrar (or Deputy Registrar) may be assisted by the Academic Requirements Committee (ARC) and the Experience Requirements Committee (ERC) in assessing the academic and experience qualifications of licence applicants who do not hold degrees from accredited engineering programs. The ARC may prescribe a technical examination program, if it determines that an applicant's academic preparation does not meet PEO's established standards.

Additionally, the Registrar/Deputy Registrar or the ARC may assign an applicant a [Confirmatory Examination Program](#) or a [Specific Examination Program](#) and recommend that the applicant be interviewed by an appropriate ERC interview panel to determine if the applicant's experience warrants waiving part or all of the assigned examination program.

The Registrar (or Deputy Registrar) may also refer an applicant to an appropriate ERC interview panel to determine if the applicant's experience in the practice of professional engineering meets the standards specified in PEO's [Guide to the Required Experience for Licensing as a Professional Engineer in Ontario](#). The experience criteria described in the guide have been developed to be consistent with the Regulation.

An applicant who does not demonstrate to the interview panel that he or she has the required knowledge to have his or her exams waived must complete the exam program. (Specific Exam Program candidates who succeed in having only some of their exams waived, must write the others.)

Notification of PEO's Assessment

Following the assessment, the Registrar/ Deputy Registrar notifies the applicant in writing of PEO's determination. This letter details the reason(s) for the determination and specifies the requirements that the applicant must meet before a licence can be granted. If the applicant disagrees with the determination, the applicant may initiate an informal hearing by writing a letter to the Registrar/Deputy Registrar substantiating the applicant's disagreement. The Registrar/ Deputy Registrar will acknowledge the request by a return letter. If the informal hearing results in the determination remaining unchanged, the applicant is advised by a letter that also advises that the applicant has a right to a hearing in respect of the decision.

Registration Committee Hearing

During a hearing by PEO's Registration Committee, the applicant presents in front of the tribunal his/her case against the Registrar's assessment. The tribunal comprises three members of the Registration Committee, one of whom must be a member of PEO Council who has been appointed by the Ontario government to sit on the Council.

Full hearings are held in the Council Chamber at the PEO offices, located at 25 Sheppard Avenue West, Suite 1000, Toronto, on a date mutually agreeable to the panel members and the applicant.

After hearing the evidence presented by the applicant, the Registrar and others, the panel can take one of the following courses of action:

- uphold the Registrar's/Deputy Registrar's decision;or
- advise the Registrar/Deputy Registrar to issue a licence, provided specific conditions are met as determined by the Registration Committee.

How to Request a Hearing about a PEO Assessment

Within 30 days of the date of the letter from PEO notifying the applicant of the applicant's right to a hearing, the applicant must mail or otherwise deliver to the Registrar notice in writing requesting a licensing hearing. The applicant must also specify clearly in writing the nature of his/her disagreement. It is understood that there may be an associated cost to be borne by the applicant who requests a hearing. Furthermore, the Registration Committee reserves the right to consider the award of costs to be assumed by the applicant or the association, depending on the outcome of the hearing.

Within 10 working days of receipt of a request for a licensing hearing, PEO's Manager, Appeals and Prosecutions will open a file and contact the Deputy Registrar, Licensing and Registration.

Once the Manager, Appeals and Prosecutions confirms that the conditions attendant to a hearing are satisfied, the applicant will be advised in writing of the expected timeline for a licensing hearing.

All hearings are between the Registrar (representing PEO) and the applicant, and must be of PEO's licensing decisions based on PEO's assessment of the applicant's qualifications for licensing. The decision of the Registration Committee is final (subject only to an appeal to Divisional Court.)

For More Information

Office of the Deputy Registrar,
Licensing and Registration
Professional Engineers Ontario
25 Sheppard Avenue West, Suite 1000
Toronto ON M2N 6S9
Tel.: 416-224-1100
1-800-339-3716
Fax: 416-224-8168
1-800-268-0496

APPENDIX 2

Access to Trades & Professions: Breakthroughs

Excerpts from

Issue No. 3 (May 1997)

MAKING THE CASE FOR AN APPEALS PROCESS

by Michael Dang and Marjan Montazemi, Coalition for Access to Professional Engineering

On May 7, 1997, as part of the joint task force meetings, the Coalition for Access to Professional Engineering (CAPE) attended another meeting with representatives from the Professional Engineers of Ontario (PEO).

These task force meetings are organized to address barriers faced by foreign-trained engineers. Within the context of the task force, CAPE's mandate is to explain perceived barriers and provide solutions to PEO and the latter's mandate is to listen to those concerns, provide clarifications and bring CAPE's recommendations on various issues to the attention of the appropriate body/committee within PEO.

This recent meeting was a strategic one for CAPE as the issue discussed was the appeals process.

In 1993, a committee struck by PEO itself -- the Task Force on Admissions -- recommended that an appeal process for PEO be developed and implemented and noted that a fair appeals process should include:

- a process which is at "arms-length" (i.e. the appeals are handled by persons not involved in the original decision); and
- "lay involvement" (i.e. appeal committee should include non-engineers).

In 1995/96, one of the active members of CAPE -- the Society of Vietnamese Canadian Professionals -- developed a report with some recommendations on the appeals process to PEO. To date, the PEO Task Force on Admissions' recommendations around the appeals process have not been implemented.

On May 7, 1997, CAPE presented its case for an appeals process to PEO. Mr. T. Sher Singh, a Guelph-based lawyer and an advisor to CAPE, presented the Coalition's views on the need for the appeals process.

Mr. Singh started with a compelling example of an engineer who had to wait 10 years to obtain his license. The example highlighted the impact of the lack of an appeals process on individual lives of licensure applicants and on PEO's reputation.

According to CAPE, the establishment of an appeals process is a matter of natural justice and fairness. A timely appeals process would ensure fairness toward applicants but would also protect PEO.

CAPE's presentation was well-received by the PEO, including newly elected Vice-President, Mr. Pat Quinn. As a next step, CAPE offered to take its case to the PEO Council and is now awaiting an invitation to do so.

PEO/CAPE - Minutes

April 6, 2000

Meeting held at 25 Sheppard Centre, at PEO offices with

PEO – Norm Williams, Roger Barker

CAPE - Qaiser, Joan, Salah, Mike

1. Introductions were made, and purpose of the meeting was noted. This was to follow-up on the implementations of the approved recommendations of the ACDE task force.

- Norm referred to the over 30 recommendations of the task force of which 5 will require changes to the act.
- Three types of changes were recommended:
 1. Administrative, staff is responsible mostly straightforward changes required
 2. Policy, changes must go to council for approval
 3. Professional Engineers Act, changes must be legislated.

The Recommendations that require changes to the act

R4.6.7. French language exams will be given by French speaking individuals in PEO. Therefore it has been seen as a change of policy and will not require changes to the act.

The two recommendations that we were most interested in were:

R4.3.1. To enable an admissions appeals process, Council should seek to have subsections 14(4) and 19(2)(a) and 19 (2)(a) and 19 (2) (b) stricken from the act.

R4.6.2 All applicants who have satisfied all except the 12 months' "in Canada" experiences should be granted a provisional license under the supervision of a Canadian Licensed engineer, who shall be required to take responsibility for the work.

All amendments to the Professional Engineers Act will be handled in a two-stage process. In the first stage, the task force will seek support from the Attorney General for non-controversial changes, so that he may recommend the changes to the province's Red Tape Review Commission for inclusion in a government Red Tape Bill- likely either this spring or fall. The government uses Red Tape Bills to enable the expeditious passage of administrative, non-contentious changes to several pieces of legislation. The Red Tape Bill will enable timely implementation of the ACDE recommendations, which aim at ensuring fairness, efficiency in PEO operations, transparency and access to the profession. The second stage will examine proposed substantive or philosophical

changes, which would require a separate bill to amend the Professional Engineers Act – a much lengthier process. (refer to attachment, taken from www.peo.on.ca)

- Under the Red Tape Process regulatory changes (changes that have no controversy) will be brought to council by “The Changes to the Act Task force” for approval 4-6 weeks time, (Mid May), then will go to parliament.
- If everything goes accordingly, expect these to be passed in parliament by November 2000. The actual appeals process will be the same as the draft one from the recommendations of the task force, and subsequently be in place by early 2001.
- A press release will be instigated after legislative timelines are in place.
- A Joint CAPE/PEO media release can also be discussed then.
- Salah questioned why can't EIT change to Provisional license without changes to Act, the authority of an EIT is the same as the authority of Provisional license holder? Roger pointed out that there is a need for a different license because the word “member” cannot be included as it is only a P.Eng who has membership and has fulfilled all of the requirements. An associate member still has to qualify therefore the word member cannot be used. “Licensing” has different implications.
- Joan suggested that there be a CAPE/PEO venture to educate employers regarding the value of a provisional license.
Roger said that publicity of this should be undertaken when the provisional license is in place and changes to the act are made.

Recommendations to Policy Changes:

Recommendation P4.4.1. The appointment of a new task force, called the “Evolution of Engineering Admissions Task Force”, to consider the pros, cons and impacts of alternatives to the current admissions process (refer to attachment)

- This task force was appointed and has met 3 times and should come back by Feb/Mar 2001, and interim report will be done by June 2000.
- Other licensing bodies are quite interested in the lead of the PEO in approving the recommendations and an outcome of this would be that the PEO may serve as a model.

Recommendation P4.2.1 The task Force believes CCPE's informal assessment process is unsatisfactory, and it recommends that CCPE be asked to co-operate and co-ordinate the practice with PEO in view of the serious problems it creates.

Recommendation P4.2.2 PEO should permit formal assessment of prospective immigrant before immigration.

There has been a meeting with CCPE (April 5th), some of issues raised:

- The initial assessment by CCPE would be used as a guide then they would need to build on with this.

- There is a need to understand better what the other provinces do, and which process makes sense. B.C. and Alberta presently accept CCPE evaluations?
- This is a parallel process which needs to be co-ordinated with the provinces, further meetings are scheduled starting in the Fall of 2000
- The timeline for checking this recommendation is long about 2-4 years. Some reasons are internal problems at PEO, demographics different, no one wants duplication of process.
- Needs more thought to the process for a long term solution focussing on immigrants application and the role of CCPE.
- Recent changes in immigration policy may make this irrelevant as there is a debate presently which might change the present immigration policy to eliminate entrance into Canada based on points.

Note: The past president and current president and present president all sit on the Board of CCPE

2. Some ideas for possible future projects discussed:

Recommendation A4.5.1 Informing community groups to assist foreign trained engineers the benefits to being well prepared for interviews, and encourage these groups to incorporate into their training programs this message.

- PEO/CAPE co sponsored workshops to assist in licensing (Norm is willing to discuss this with CAPE at a later date)
- Presently there is a video of a mock interview to assist interviewees
- PEO has gone beyond the recommendations in many cases

What makes Cdn Experience relevant? Is 1 year experience really necessary? Roger pointed out that the Experience Review Committee does take international experience into consideration already. The task force is open to submissions regarding this point.

APPENDIX 3: CAPE SUBMISSION TO PEO ON THE PROVISIONAL LICENCE

THE COUNCIL FOR ACCESS TO THE PROFESSION OF ENGINEERING (CAPE) SUBMISSION TO PROFESSIONAL ENGINEERS ONTARIO (PEO) ON THE PROVISIONAL LICENCE FOR INTERNATIONALLY TRAINED ENGINEERING GRADUATES (ITEGs*)

25 Sheppard Ave. West, Suite 1000, Toronto, ON, M2N 6S9,
June 3, 2004, 2.00 p.m.

Since 1996 CAPE worked closely with PEO through various initiatives such as:

- The PEO/CAPE Joint Committee of 1996 to which CAPE presented a report entitled 'Issues related to the Licensing process for foreign trained engineers' centering on communication and information and PEO policy and practice in the licensing process
- The PEO/CAPE Joint Task Committee (JTC) of 1999 resulting in the proposal for "An admissions Appeals Process for Professional Engineers Ontario: Rationale, Guiding Principles, Proposed Process and Benefits." made to the Admissions, Complaints, Discipline And Enforcement (ACDE) of PEO

CAPE sought to work with PEO on these issues because ITEGs were finding it extremely difficult to access engineering employment that would lead to licensure and entry into professional engineering.

Consequently in 1999, the PEO Council approved among other recommendations of its Admissions, Complaints, Discipline and Enforcement Task Force that: All applicants who have satisfied all licensing requirements except the 12 months' "in Canada" experience should be granted a provisional licence. PEO also set up changes to the Act Task Force which was to present a final report and recommendations by February 2001.

The recommendations from this report required alteration to the Professional Engineers Act which has since taken place and on 28 February 2003 Section 14(6) of the Act was introduced that proclaimed:

The Registrar shall issue a provisional licence, to be valid for one year, to a natural person who has applied for a licence in accordance with the regulations and has complied with all the requirements of subsection (1) except the Canadian experience requirement set out in paragraph 4 of section 33 of Regulation 941 of the Revised Regulations of Ontario, 1990.

When the review of the licensing requirements in which CAPE participated was originally carried out, it was CAPE's understanding that the resulting amendment of the Professional Engineers Act would address the clearly recognized chicken and egg situation that international engineering graduates were facing where the employers required licensing for employment and licensing required 12 months' "in Canada" employment under a professional engineer.

Unfortunately the amendment of 28 February 2003 referred to above further qualified that according to section 44.1(2) of Regulation 941/1990, the following conditions apply to every provisional licence:

1. The provisional licence is valid for 12 months from the date of issue. It may be renewed once for up to 12 months if the Registrar is of the opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 4 of subsection 33 (1).

2. *The holder of the provisional licence is entitled to practice professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs, and dates it and affixes his or her seal to it.*

These amendments have resulted in outcomes counter to those envisaged by us and CAPE has found it necessary to reopen dialogue with PEO on the provisional licence. As stated earlier CAPE's understanding during the review process was that through the provisional license, PEO having already recognized the applicant's academic credentials, passes in technical and PPE examinations and the equivalent of three years engineering experience gained internationally or elsewhere, would indicate to the employer that the applicant had acquired professional status subject only to the 12 months' "in Canada" experience.

An ITEG can only acquire the required 12 months' "in Canada" experience under the supervision of a Professional Engineer in 12 months. The provisional licence has a life of 12 months as defined through the amendment under Section 14(6) of the Professional Engineers Act. This means that the ITEG can only fulfill this condition if the ITEG is already so employed or holds an offer to go into such employment immediately upon receiving his provisional license because of its stipulated life of twelve months.

We feel that clarification of the following would help our understanding of the newly instituted Provisional licence:

- Our understanding is that documentation issued to an ITEG prior to making a formal application for the provisional license serves to inform an employer that the applicant has met all Conditions except the 12 months' "in Canada" experience (i.e. accreditation of qualification, experience gained outside Ontario and PPE)
- The provisional licence then serves to provide the ITEG with the opportunity to record his 12 month *in Canada experience*, within the 12 month life of this licence, and extension of '*twelve months if the Registrar is of the opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 4 of subsection 33 (1)*'
- Since the ITEG has already obtained documentation to state that he has met all requirements except the twelve month *in Canada experience* even before the amendment was effected, what in effect changed the original status on licensing for ITEG's except forcing a limitation on the time within which the ITEG has to complete the 12 months' "in Canada" experience and the introduction of additional fees in respect of the provisional licence?
- Another clarification that we seek is what happens in the case where the ITEG is granted a provisional licence but is unable to get employment or fulfill the twelve month *in Canada experience* required by paragraph 4 of subsection 33 (1) within the stipulated periods. Does he then forfeit the right to continue his licensing process in which case the amendment leading to the provisional licence has left him in a worse position by completely cutting off his access to the engineering profession in Canada at that point?

These clarifications should in our perspective be looked at in the light of the following to arrive at a complete understanding of ITEGs and Licensing:

- The necessity which dictated limiting the life of the provisional license to twelve months.
- The criteria that will define the opinion of the registrar to extend the provisional licence by a further twelve months.
- The specific components of licensing requirements that the international engineering graduates are expected to record through 12 months' "in Canada" experience under a Professional Engineer in Canada.
- Given that the amendments to the Professional Engineers Act over the last five has resulted in little change in the situation facing ITEGs, can this issue to addressed more

effectively through a mechanism of change geared to emerging knowledge-based, technological advancement and globalization contexts and their implications for regulation of engineering in Canada.

We would be happy to share some of our perspectives in this area with you.