

**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 has 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.

* ITEGs (Internationally trained engineering graduates) is the term that CAPE adopts to describe its members as in the opinion of CAPE the term IEGs (international engineering graduates) fails to recognize the experience gained outside Canada

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 license. 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 license 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 license:

- 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 license, 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 license 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.

* ITEGs (Internationally trained engineering graduates) is the term that CAPE adopts to describe its members as in the opinion of CAPE the term IEGs (international engineering graduates) fails to recognize the experience gained outside Canada