Human Resources Legislative Update

Regulatory Amendment Sets Out Criteria Regulated Professions Are to Consider as Alternatives to Canadian Experience

Date: December 11, 2023

O. Reg. 378/23 (Amending Regulation), amending O. Reg. 261/22 made under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (*Act*), prescribes the criteria for alternatives to Canadian experience that may be accepted by regulated professions.

The Amending Regulation is made further to the changes to the *Act* enacted by the *Working for Workers Act, 2023*, which added the following subsection to the *Act*:

10.2 (1.1) A regulated profession may accept Canadian experience in satisfaction of a qualification for registration only if it also accepts alternatives to Canadian experience that meet the criteria prescribed by the regulations.

The Amending Regulation prescribes the following criteria (as set out at section 1.2):

- The alternative must involve international work experience or experiential training that enables a person to acquire competencies that:
  - are clearly defined by the regulated profession
  - are necessary to the practice of the regulated profession
  - are the same as or substantially similar to those that would be acquired through Canadian experience that satisfies the qualification requirement
  - would qualify the person for the same type of membership in the regulated profession that would be granted to an applicant whose Canadian experience satisfies the qualification requirement
  - can be obtained in at least one country other than Canada
- The work experience or experiential training may be obtained in any jurisdiction outside of Canada in which a person can acquire the competencies described above.
- If the alternative includes an individual assessment, the assessment must be available to applicants with work experience or experiential training obtained in any jurisdiction outside of Canada, and must be available to such applicants, on a regular basis, and for a reasonable fee, if any fee is charged, but this does not authorize any regulated profession or other body to charge fees for an assessment.
- A description of the alternative must be published on a publicly accessible website maintained by the regulated profession. The description must include the requirements for obtaining the work experience or experiential training, the competencies to be acquired through the work experience or experiential training, and any individual assessment.

The Amending Regulation also revokes the exemption of the Chartered Professional Accountants of Ontario from section 10.2 of the *Act* in respect of public accounting licences granted under the *Public Accounting Act, 2004*.

The amendments set out above came into force on December 7, 2023.

Finally, the Amending Regulation sets out that language proficiency testing requirements are those that are approved under the *Immigration and Refugee Protection Act (Canada)* for use in assessing language proficiency. This provision comes into force on January 1, 2024.