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**Labour Mobility and the Recognition of Academic and Professional Qualifications**

**Apologia**

I offer this commentary strictly as an observer of the professional/academic world since I am neither a professional nor an academic and most definitely not a scholar. I have, however, watched and participated in professional and academic affairs since 1985 – largely in a policy capacity. Most of my time has been spent in association with health science professionals and in particular at the intersection between health professionals and the academic sector. I believe that I have earned the trust of some professionals and some academics in that time and it is my sincere hope that I do not betray that trust through the presentation of this paper. With trepidation in my heart, nevertheless, I soldier on.

**Introduction**

Several years ago I attended a national conference for medical educators at which a senior and highly regarded Canadian non-medical academic was invited to speak. He indicated in his address that ‘a faculty of medicine is *in* the university but all too often not *of* the university.’ This indication was not proffered as an original thought but rather as a long-standing academic truism and I suspect many of you have heard this adage many times before today. My observations of the academic sector, at least in Ontario, are that this truism is commonly applied to most professional faculties or schools and is not limited to medicine. I do not say, by the way, that I believe it is necessarily true – simply that is commonly stated by academics.

On the professional side of the fence, I have observed a sort of confident or even truculent swagger in many professional faculties or schools – particularly those where the practicing professional tends to reside on the more affluent side of the social coin. Again several years ago I had a conversation with the leader of a large professional association who characterized the academic sector, no less than three times in a relatively short conversation, as the ivory tower and referred to the work of professionals in their field, i.e., outside of the academic sector, as the ‘real world.’ This swagger smacks of polite indifference at best in response to the academic truism noted above.

There exists, I submit, an unofficial tension between the two groups that ranges from polite tolerance to outright antipathy. In the paper following, I have outlined five fundamental characteristics that help to describe professionals and academics and the worlds in which they work. An analysis of some of these characteristics illustrates some interesting similarities and some striking differences. This analysis also serves to highlight the complexity of the issues – a complexity that the public or the lay person tends to underestimate or misunderstand. Of course this is an arbitrary and abstract exercise and one might easily argue that my definitions are not comprehensive nor completely appropriate. I leave that for the reader to judge and cite both the apologia and my qualifications as an observer in defense.

A word is in order on my conceptual methodology – such as it is. I have defined each of the five characteristics. I have further explained how they are reflected in both the professional and academic world. Finally I have taken time to describe the implications of these characteristics for labour mobility in each case.

### **Characteristic # 1: Individual Behaviour**

Definition: This characteristic denotes the public expectation of a professional or an academic with respect to their behaviour whilst they practice or work. What can the lay person reasonably expect from such a professional or an academic? I have defined a lay person as anyone who is not an academic or a professional.

Professional: A professional is routinely expected to behave as an independent practitioner. They provide service and or advice within a general context of independence. They alone are held accountable for their decisions and actions. It is expected that a professional will be an expert in the knowledge area associated with the service or the advice that they are providing and that such expertise would be recognized and/or confirmed by her/his peers. A lawyer, for example, who is helping a client with a real estate transaction, can reasonably be expected to know the appropriate legislation. Failure to act in accordance with such knowledge would be deemed unprofessional behaviour and could lead to a negative professional outcome for the lawyer.

Implications for Labour Mobility: Perhaps driven by the independence that professionals maintain, the public expects that all professionals, regardless of their place of origin, will meet a defined standard before they begin to provide such service and that they will have been found competent to provide such service. Professionals from another jurisdiction, therefore, will require some form of assessment or evaluation to ensure the public that they can perform at the same level as their local colleagues.

Such assessment or evaluation varies in accordance with the professional. Following are a few examples:

- success in a written examination,
- review of a professional portfolio – particularly helpful where the professional background is a relatively known quantity, or
- success in a practical examination/assessment.

Notwithstanding these assessments or evaluations, there is also a public expectation that the professional will provide service within an understood cultural context. Accordingly, many of the assessment tools will include the capacity to measure a professional's knowledge or appreciation of cultural context.

Academic: An academic is routinely expected to operate within the context of academic freedom – a different kind of independence than the professional might wield but independent still the same. Academics are free to espouse their views or exercise their principles without fear of repercussion but these views are normally cast within the context of an expert knowledge base. A political scientist, for example, who is providing commentary or advice on the development of a new government in Afghanistan, can reasonably be expected to know the details of that nation's history – particularly with regard to its recent political structures.

Providing such commentary with an obvious grasp of this knowledge would be deemed inappropriate academic behaviour.

Implications for Labour Mobility: I am reminded of George Orwell's Animal Farm and I cannot help but paraphrase one of his lines. All academics are free but some are more free than others. Notwithstanding the guarantees associated with academic freedom, many academics bump against some very practical limits. Fortunately, in my experience at least, Ontario and Canada does not impose practical limits anything like the limits one might find in a jurisdiction that is torn by civil war or other kinds of political strife.

The public – in Ontario at least - does not as a rule appear to be concerned with academic freedom and is generally not qualified to pass judgment on the individual. An academic from any jurisdiction appears to enjoy the same protection that such freedom provides.

## **Characteristic # 2: Employment Context**

Definition: This characteristic is intended to denote the context of the workplace. What kind of employment environment does a professional or an academic expect as a starting point? To push the point to the absurd, although it might happen from time to time, one would not expect to find a qualified accountant working in the kitchen of a diner as a dishwasher. So what is a reasonable expectation in this regard?

Professional: Building on the foundation of an independent practitioner, one would expect a professional to work in a context that does not compromise his/her professional integrity. One can reasonably expect that a pharmacist, for example, would not work in the illicit drug trade manufacturing drugs for sale on the black market. This devotion to professional integrity is generally maintained through the concept of self-regulation. Professionals are expected to regulate their own behaviour and performance. This is done a number of ways but perhaps most obviously in regulated health professions where there is a regulatory college whose role is defined through legislation. Some might suggest that government has delegated this responsibility to the profession. Others would counter that the profession has seized the responsibility out of fear that the government will intrude on unwelcome turf. Either way, the employment context is regulated.

Implications for Labour Mobility: Building again on the foundation of an independent practitioner, it is the regulatory body that monitors access to the profession. Any assessments or evaluations that a professional needs to undertake are routinely approved if not directly administered by the regulatory body. In this way the public's expectation that a professional, regardless of their place of origin, can provide service within a defined standard is ensured. Clearly there is potential for tension between the professionals who seek access to a local profession from another jurisdiction and the regulatory body who is mandated to safeguard the public interest. The public, in Ontario at least, is usually not equipped to appreciate or understand this tension. (I include the media in my definition of the public.)

The public expects professionals to meet a defined standard. If a regulatory body grants access to a professional who does not meet the standard they are publicly chastised if/when that individual provides an inappropriate form of service. If a regulatory body denies access to a professional who the public believes is qualified, they are chastised again for obstructing the

process and often accused of discrimination. The regulatory body, therefore, is often in a no-win position and finds itself under the spotlight when it comes to labour mobility.

Academic: Building on the foundation of academic freedom, there is a long-standing tradition of autonomy in institutions of higher learning (this is certainly the case in Canada). Academics know that their role as a free academic thinker is preserved within an autonomous institution. The institution strives to protect this autonomy on a daily basis and even goes so far as to offer a select group of academics tenured positions – an additional intellectual insulator. Where the institution is not dependent on external funds, e.g., the government, and the institution can rely on its own resources, e.g., endowments, such autonomy is relatively straight forward. Some institutions, at least some of those in Ontario for example, are protected by their own legislation, e.g., the University of X Act. Notwithstanding the legislative protection that this might provide, the reliance of Ontario universities on government funding has resulted in an omni-protective mentality with respect to autonomy.

Implications for Labour Mobility: A George Orwell paraphrase is in order once again. All institutions are autonomous but some are more autonomous than others. Fortunately, at least in Canada, such autonomy does not have the kinds of practical limits that some jurisdictions impose. To push the thought to the absurd, I am unaware of a Canadian university that fears military reprisal for its activities. This, however, is not the case in some parts of the world.

As was the case with professional regulatory bodies, the public is usually not equipped to appreciate or understand the case of institutional autonomy in higher education. Again, I include the media in my definition of the public. The public perceives that there is less at stake with respect to institutional autonomy but institutions are, nevertheless, often held out for ridicule on the basis of some of their activities. The media seems to enjoy – particularly on slow news days – to dig out a seemingly obscure research project and hold it up for all to see, e.g., a grant of \$50,000 to study the capacity of mice to program computers. Of course, the research project is rarely if ever cited within an appropriate context. This practice, however, is relatively common for all academic sectors and the impact on labour mobility does not appear to be significant.

### **Characteristic # 3: Standards of Practice**

Definition: This characteristic is intended to denote the mode and the responsibility for setting the rules within which a professional or an academic will operate. How do the operational rules get set and who is responsible for setting them?

Professional: Officially and perhaps theoretically speaking, the regulatory bodies are charged with determining the standards of practice for a professional. Practically speaking, however, this role is normally a shared responsibility. A wide array of organizations may have an influence, either directly or indirectly, on the standards of practice. Following is a schedule of the players – to use medicine as an example - who might seek to influence the standards of practice in addition to the regulatory body:

- the government,
  - o federal, provincial and increasingly becoming more vocal is the municipal level of government,
  - o multiple departments/ministries within the federal and provincial governments,
- the academic sector,
- the professional association,

- student associations,
- certifying bodies – distinct from regulatory bodies,
- hospital associations,
- advocacy associations, e.g., Heart and Stroke Foundation of Ontario, and
- community associations.

Each of these groups might choose to influence the regulatory college either directly or indirectly. The process or the techniques for wielding such influence varies widely among the groups.

Implications for Labour Mobility: Notwithstanding the official role of a regulatory body, the shared responsibility concept presents significant challenges for labour mobility.

- Altering policy or regulation is time and resource intensive. The number of groups that need to be consulted is high ergo the logistics are challenging. This really should not be underestimated. Ask any secretary about the challenge of arranging a meeting for representatives from a high number of organizations.
- The high number of participants enhances the difficulty of achieving consensus. Each of the organizations is usually a complex entity unto itself. Bringing together a large number of organizations usually serves to further enhance the complexity.

Academic: Given the vigor with which institutions protect their autonomy, it is not surprising that they have developed a very sophisticated and generally underappreciated (at least by the lay person) system for establishing standards of practice. Having never been subject to the rigours of such a system, I use the term peer review to thematically cover a wide array of mechanisms. In essence it involves a group of learned and wise persons who come together to make a decision based on some agreed principles. Following is a brief schedule of examples:

- ethics approval prior to the commencement of a research project,
- publication of research findings,
- criteria for determining individual progress through the ranks or tenure,
- appointment of academic leaders, e.g., Chairs, Deans, Provosts,
- external reviews of departments, and
- approval of new academic programs.

Each of these activities normally involves rigorous peer review and a remarkable devotion to process. The process itself is normally well defined and documented in advance.

Implications for Labour Mobility: The peer review process is common enough thematically from one university to the next that it should not be a barrier to labour mobility, however, it is subject to a broad range of local/cultural nuances. These local/cultural nuances have the potential to block labour mobility for the academic. I hesitate to offer an example but I have heard so many times in a corridor conversation that x policy is so typical of y university. Such a statement is often accompanied by a roll of the eyes.

#### **Characteristic # 4: Scope of Practice**

Definition: This characteristic is intended to denote the operational boundaries within which a professional or an academic will operate. Just how far do those rules extend? What are the limits within which an academic or a professional is expected operate?

Professional: The boundaries are normally defined with a high degree of precision – often through legislation. The members of the profession are expected to operate within those boundaries. Accountants, for example, might be called to audit an organization. Anyone who has read an auditor’s report may recall the line in the introductory memo to such a report: ‘This audit was conducted in accordance with accepted accounting standards.’ An accountant who decided to conduct an audit in a new and untested way outside of accepted accounting standards would likely be held financially liable. His or her future in the world of finance would be threatened.

Implications for Labour Mobility: Again following from the notion of professional independence and a regulatory body, all professionals regardless of their place of origin, are expected to operate within their established boundaries. The creation of a separate group of lawyers, for example, who do not meet the standards but who choose to regulate themselves in some new way would not likely be tolerated. It would almost certainly be perceived by the public as a second-class of professional. Is this a barrier for labour mobility or is it maintenance of professional standards? The answer to that question depends on which side of the fence one stands.

Academic: The boundaries are broadly defined at best and some might argue they are unrestricted. Indeed, variance in the behavioural standards is celebrated and encouraged. In the theological world, for example, there is wide divergence in critical technique for the scholarly translation of a book of the bible. In other words, there is no patently wrong way to translate a book of the bible provided it is done so responsibly and with integrity. This variance and diversity has led to some of the most important discoveries known to humanity.

Implications for Labour Mobility: Following from the notion of behavioural variance, this should not be an issue for labour mobility. One might expect that the academic sector encourages labour mobility precisely because it welcomes diversity. The benefit that arises out of academic exchange has long been praised and protected by the academic sector. Notwithstanding this expectation, the local/cultural nuances of an academic institution and of a particular academic field often come into play. It is not that long ago, by academic standards anyway, that alchemy was a legitimate academic field. I can only imagine the challenges that faced the poor academics who led the charge against alchemy. So is this a barrier to labour mobility? It sure is. It always has been and it likely always will be.

### **Characteristic # 5: Ultimate Authority**

Definition: This characteristic is intended to denote the mode by which a professional or an academic defines the absolute right or wrong within their sphere of activity. When the rubber hits the road, who is in charge? To whom can the public or the lay person turn if things are not going the way they expect them to go?

Professional: Notwithstanding the narrow scope of practice – often defined through legislation – the development and maintenance of professional standards is a shared responsibility. This shared responsibility often leads to an uncertainty at best if not complete confusion about who is actually in charge. Is it the government or the regulatory body or the academic sector or the professional association or some other group? The answer is a profoundly unhelpful yes.

Implications for Labour Mobility: When the issues surrounding professionals from another jurisdiction are aired publicly, it is often challenging to maintain inter-organizational unity. There is an old saying that goes as follows: ‘success has many parents but failure is an orphan.’ You can be sure that the players who make up professional communities do not stray too far from this adage.

Academic: Notwithstanding the allowance and encouragement for variance in an individual academic’s behaviour, ultimate authority rests squarely on the shoulders of the academy. An academic who proffers that Adolf Hitler is historically misunderstood and was actually a beacon of human kindness had best be prepared for a powerful response from his/her colleagues. Indeed failure to withstand that response could spell the end of one’s academic career.

Implications for Labour Mobility: It is difficult to imagine a public policy creation that has withstood the test of time in the way that the academy has. When issues of labour mobility arise the academy has shown over history that it has the stomach to survive the fallout.

## **Conclusion**

I wish I had a wise and insightful conclusion to draw from all of this but as I suggested earlier these words come from the perspective of an observer of the game. I believe I have provided enough observation to conclude that the issues regarding labour mobility for professionals and academics are rarely if ever as simple as the public would have one believe. That does not seem to keep the public from espousing their views on the issue. Just about everyone has a personal experience to tell about a situation regarding their friend or relation who is experiencing some difficulty as they try to follow their professional or academic calling. The temptation to draw general conclusions from these particular circumstances is powerful to say the least and we have definitely not heard the last opinion on this issue.

When I first began to think about this paper I made a quick assumption that professionals have erected more labour mobility barriers than have their academic colleagues. The word barrier has a number of negative connotations – particularly in light of labour mobility. There is a sense that a barrier is always something that should be removed. I do not use the word, however, without some qualification. Despite the negative connotations some barriers are very useful and necessary. For example, I cannot imagine having raised my children from infancy into their more self-reliant years without the assistance of a playpen. Was I imposing a barrier on my children? Yes I was but it was a very necessary barrier and I would do it again. So it goes for the barriers that might prevent labour mobility for professionals and academics.

With that qualification in mind I offer the following conclusion. I came to realize that there are barriers to labour mobility in both the professional and academic camps but that they come from different perspectives.

Professionals want to assure the public that their members are providing service in accordance with the established standards of practice and to do that they put in place a number of regulatory controls. Those controls are complex and occasionally convoluted but they are public. Anyone with the patience and wherewithal who chooses to dig into the material, e.g., legislation/regulation, government policy or program policy, can eventually make their way through the array of rules that form the public policy construct. That, I submit, is a good thing.

Academics seek to ensure the integrity of their field and to do so they put in place their own form of regulatory controls that help to yield the highest academic quality possible. These controls are also complex and occasionally convoluted. My impression is that these controls are less public than they are in the case of professionals but they are far more steeped in tradition and history than is the case for professionals. This does not mean, however, that the controls are any less valid or accountable than we would find in the professional arena. I suspect the academy could very eloquently make the case that the protection of academic integrity is every bit as compelling an issue as protecting the public interest. Indeed I suspect that the academy would see them as two sides of the same coin.