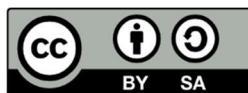


“Changing Professional Status in Evolving Professional Systems: Towards
using a Descriptive Lens to Analyse Multi-layered Transformation
Processes”

Par

Jean-Luc Bédard, Marta Massana Macià et Christophe Groulx

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Chapter 7 “Changing professional status in evolving professional systems: towards a descriptive lens to analyze multi-layered transformation processes”, by J.-L. Bédard, M. Massana Macia and C. Groulx, explores the movement of foreign-trained professionals (FTPs) across borders and jurisdictions. The case of engineers and physicians who have moved to Canada is taken up. The case governed mostly by public institutions (physicians) is compared to that of workers in private organizations (engineers). These cases have benefited from specific mobility facilitation through Mutual Recognition Arrangements (MRAs) between France and Quebec since 2011. These MRAs constitute innovative devices (legal and jurisdictional) that aim to facilitate transnational mobility among regulated professions. How does the implementation of MRAs facilitate entering into professional practice in the context of local professional systems? In other words, how do the objectives of the MRAs translate into and produce results in local applications involving the collaboration of various local institutions? Also, how do these processes vary for a regulated profession, under control of the State or the private sector?

Furthermore, what are the logics and rationales invoked by the various institutions to enact changes allowing for entry into professional practice of these newcomers? Data (interviews and official documentation) collected through research projects conducted between 2013 and 2018 are used to examine entry into the professional practices of FTPs from France.

The analysis draws on Abbott’s approach towards professions (1988), Freidson’s study of the relationships between professions, the State and the market (2001), Douglas’ (1985) anthropological perspective on institutions, and neo-institutionalism (Di Maggio, 1988; Rizza, 2008). From Abbott, the importance of jurisdictional processes within a given profession and between neighbouring professions is considered, as well as justifications for the rationale of their social closure. Freidson inspires a focus on links between a profession’s relationships with the State and the market, and its consequences for the negotiation of changes with respect to protection of the public. Through neo-institutionalism, the analysis looks at how various factors help to understand the ways in which institutional actors justify their own roles, in the context of the other actors involved. Thus, by avoiding overlapping jurisdictions, these actors and the dynamics of their relationships end up contributing to institutional disjunctions. In this regard, they show how sets of institutions fail to fulfill their shared objectives (in this case, allowing FTPs to practice in the local economy) by avoiding the extension of their mandates in the strict sense, thus creating and reproducing gaps, chasms and inconsistencies. In the remaining part of their analysis, Douglas’ institutional approach is insightful. The authors underline the professional regulating bodies’ use of the notion of the protection of the public as a rationale to minimize risk and justify various compensatory measures and prescribe bridging programs. The analysis shows that these aspects are highly contextual and dependent upon each profession’s recent history, especially its social status (as publicized through the media) and credibility as the guardian of public protection. Overall, this chapter presents a situated analysis of how institutional actors within the professional system enact complex changes and, in the process, encounter challenges in the context of local implementation.

Keywords: *transnational mobility; local professional system; entry into professional practice; public interest; regulation; foreign-trained professionals; recognition;*

Changing professional status in evolving professional systems: towards a descriptive lens to analyze multi-layered transformation processes

1. Introduction

In a context of changes in professional mobility at an international level, professional regulatory jurisdictions and systems are called upon to review the framework for professional practice, and their standards and practices in particular concerning the admission and entry into practice of foreign-trained professionals (FTPs). That being said, access to the professions for FTPs is an issue that is mobilizing the efforts of a number of actors in the public, para-public and private sectors, both internationally and locally. While certain issues are common to all FTPs regarding admission to the profession and entry into practice, significant differences can be seen depending on the nature of the various professions. This article examines in particular the variations associated with the characteristics of the labour market, according to whether this market is public or private. These differences create specific tensions that contribute to a mixture of problems for the admission and entry into practice of FTPs. To illustrate this point, this chapter presents the case of two regulated professions (physicians and engineers) that have facilitated mobility in specific ways as a result of the mutual recognition arrangements (MRAs) put in place between France and Quebec since 2011. These arrangements differ, however, according to whether the profession is practiced in public or private settings, which also explains the variable nature of the actors overseeing this practice. In spite of these differences, particular attention is given to common issues with regard to the admission and entry into practice of FTPs in the case of regulated professions in Quebec, as well as to the role, in this regard, of the notion of protection of the public put forward by the Quebec professional regulatory system.

Finally, we conclude by presenting strategies inspired by OECD recommendations (2017) to respond to the different problems associated with the recognition of qualifications and skills.

2. Ethnographic context of the research

a) On the international level

Globalization and the international movement of professionals, promoted by neoliberal policies, pose challenges for self-regulating professions. In the United Kingdom, such professions operate nationally, whereas in Canada and the United States, their counterpart bodies operate regionally (at the provincial or state level). These regulatory bodies were created to govern local practices, but face the challenges of regulating professionals working within transnational corporations, as well as the entry of FTPs into local markets (Suddaby, Cooper and Greenwood 2007; Flood 2011; Terry, Mark and Gordon 2012a; Gorman 2014). FTPs are engaged in a complex regulatory environment and are potentially subject to an array of national and international regulations (Quack and Schuβler, 2015). This presents problems for these professionals seeking to enter into practice, but also for the capacity of companies and businesses to meet the needs of their clientele. For this reason, FTPs try to find ways to navigate—and even circumvent—these regulations (Flood 2011; Gorman 2014; Muzio et al. 2016). They explicitly adopt strategies “to avoid local regulatory problems” (Flood 2011: 513), which shows how large business law firms have succeeded in bringing about change in professional regulation in the United Kingdom with a view to maximizing their autonomy. These firms did so, in part, by asserting that certain key objectives set out in the legislation, such as protection of the public and access to justice, were not applicable to the law firms of companies working with corporate clients (Flood 2011: 515). While the various problems that arise for FTPs and the solutions proposed primarily concerned regulated professions operating mainly in the private sector, the barriers to entry into practice by FTPs can also be obstacles to the practice of professions regulated by the public sector. Such is the case for physicians in Quebec where, in spite of the historical physician shortage and difficulties in accessing a family physician, the regulation of this profession itself contributes to the situation of scarcity.

b) On the local level

Many factors can limit the access of immigrants to professional practice (Blain et al., 2018): gender, age, national origin, immigration status, membership in a visible minority, language, period of immigration or, for that matter, “the very fact of seeking to practice a regulated profession, and the costs associated with the professional recognition process, as well as professional non-recognition” (Blain et al., 2018) [our translation].

We cannot deny the existence of prejudices and discrimination within our societies, or the resulting obstacles in terms of employment accessibility and equal terms. However, such prejudices or discriminatory attitudes are sometimes linked to unconscious or unintentional processes that are prevalent on both an individual or an organizational level. This means that, within institutions, ways of doing things, speaking or thinking can be discriminatory without having the conscious intention of being so. This is what is called indirect or systemic discrimination that “encompasses ways of doing things that appear to be neutral, but that can be harmful to certain groups, whether this is during the processes of recruitment and hiring, assessment of skills and experience, or for professional mobility” (Blain et al., 2018) [our translation]. For this reason, while we do not treat discrimination as a dimension of analysis, we recognize the existence of processes and practices within the Quebec professional system that, consciously or unintentionally, can be discriminatory and thus impede access to professions and entry into practice.

Barriers to employment access can be attributed to a combination of intersecting and accumulating factors (Chicha 2009, 2012; Piché and Renaud 2018). For this reason, and if we want to reduce the obstacles that remain in this regard, it is necessary to mobilize the different actors involved (employers, government, training institutions, local organizations, and country of origin, etc.). This is all the more important when it comes to recognition of prior learning and skills, as well as access to professional orders. In comparison with the other Canadian provinces, the match rate in Quebec for immigrants who want to practice a regulated profession is only 19%, the lowest rate in Canada, where the average is 33% (Zietsma, 2010). While these data are from the 2000s, significant progress has been made since then, although a gap persists between Quebec and the other provinces (CIQ, 2019; Homsy and Scarfone, 2016).

Finally, reflections on the entry into practice of FTPs cannot be separated from the other spheres of life (family, social and cultural life, etc.) of these professionals. Several research studies (Meyer, Kaplan and Charum, 2001; Bédard and Massana Macia, 2018) show that the professional systems and policies for attracting foreign workers from Western countries perceive workers from a reductionist perspective, as mobile individuals making rational choices based solely on their economic interests. The various actors involved in the processes for FTPs to enter into practice must therefore broaden their perspective on this category of workers so that the entry into practice of FTPs shows a better fit with these other spheres of their life.

3) Theoretical context of the research

Various research studies in the sociology of professions give us some insights on how the regulated professions function and what their relationships are with other social institutions. Abbott (1988) underscored the importance of the processes of engaging in turf battles, and establishing boundaries and jurisdictions regarding expertise within a profession (specializations) and between neighbouring professions, such as nurses and physicians, or architects and engineers. At the same time, the profession affirms the scope of its work and justifies its processes for opening up/closing up. As for Freidson (1999), he emphasizes the relationships that a profession has with the State and the market, and the consequences of these relationships for negotiating changes in standards for protection of the public. In North America, professional self-regulation processes are again being called into question (Adams, 2016). Neoliberal-inspired critics contend that, as closed markets, self-regulating professions curtail competition and are incapable of effectively regulating transnational work and, consequently, professional malpractice can more easily occur. The many research studies calling into question self-regulating professions are grouped under three themes in the literature: 1) neoliberal ideologies and globalization, 2) oversight and professional malpractice, and 3) changes in the orientation of public policies.

- (1) Neoliberal ideologies celebrate the role of the market, competition, flexibility, and efficiency without barriers (Merino, Mayper and Tolleson, 2010; Nancarrow,

- 2015). Permits to practice and professional regulation are considered as restrictions to commerce, increasing prices while reducing the supply of practitioners (Kleiner, 2006) and limiting organizational flexibility (Nancarrow, 2015). Self-regulating professions are criticized for having created “unnecessary obstacles” to businesses, hindered competition, and restricted consumer choice (Kleiner, 2006; Competition Bureau, 2007; Paton, 2008; Ontario, 2012).
- (2) Furthermore, as Freidson (1999) points out, the relationships between the State and the professions affect the behaviour of the latter. The case of professional malpractice illustrates this well: with the soaring cost of malpractice, professional autonomy in exchange for low-cost self-regulation is becoming less attractive to the State. It is thus evident that cost management is emerging as a major concern for State actors, particularly when public health systems are involved, as is the case in Canada and the United Kingdom. Whereas public health care costs are skyrocketing, these actors are seeking to curb rising costs by exercising more oversight over health professionals and the organization of their work.
 - (3) Finally, changes in orientations and public policies have a significant effect on the position occupied by regulated professions. The onerous costs of legal proceedings and, more generally, of the administration of justice, have led to changes in the regulation of regulated professions. State actors can break professional monopolies and amend regulatory powers for the purpose of controlling government expenditures. While self-regulating professions were once regarded as contributing to governance, closely following a Foucauldian approach, they have increasingly been viewed, since the 1990s, as placing an inefficient burden on government finances, and as threatening to challenge the government’s plans rather than supporting them (Saks and Adams, 2018). However, some authors emphasize the importance of regulations, this time in the sense of re-regulation (see Bureau, Vrangboek, 2008: 29; Bellini, Maestripieri, 2018).

We will see how these factors take shape in the case of physicians and engineers, two self-regulating professions in Quebec, one regulated predominantly through government intervention (physicians), in contrast with the other regulated for the most part by the private market (engineers). We will see the differences in identity between the actors intervening in these processes of entry into practice, stemming mainly from the nature of the actors (public or private).

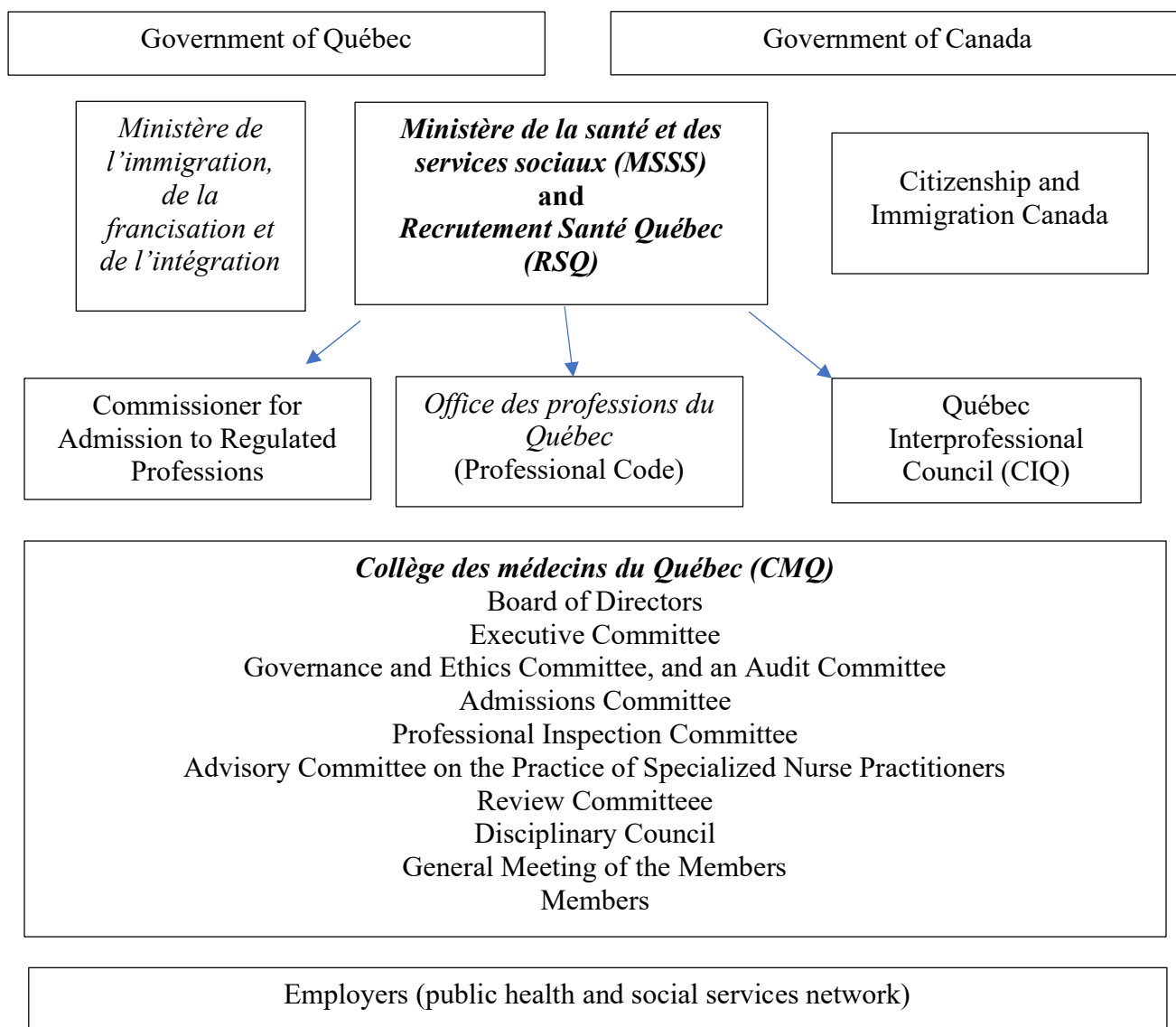
4) Presentation of results

a) The public health system and practice of the medical profession in Quebec

In Quebec, there has been a persistent shortage of physicians at least since the 1990s, restricting access to public health services, resulting in particular in long waitlists. While

we note an insufficient number of physicians, including generalists and specialists, it strikes us as even more important to understand the conditions for accessing the profession through the requirements and limitations placed on the issuance of permits to practice.

The following table provides an overview of the structure of the professional system that governs access to the medical profession in Quebec for FTPs:



The wholly public funding of Québec’s health system determines the position of actors in the professional system, as well as that of the physicians themselves. The latter are hired by MSSS [Québec’s Ministry of Health and Social Services], which funds the positions of some 21,000 physicians. The number of positions is not determined by the professional order, but by the MSSS. The vast majority of these physicians are employed by the public system, with a marginal, but growing, proportion working in the private sector¹.

¹ “The number of Québec physicians working in the private sector has more than doubled in the last five years [...]. As of September 20, [2018], a total of 425 physicians were no longer affiliated with the public health plan, according to the Régie de l’assurance maladie du Québec (RAMQ) [Québec’s health insurance

Furthermore, ministerial and departmental managers must contend with significant budgetary constraints, a phenomenon that is exacerbated by the increases in earnings recently granted to Quebec physicians. As a result, in 2016, 7.1% of the Government of Quebec's budget was taken up by the income of some 20,000 physicians (Hébert, Sully and Nguyen, 2017), accounting for 0.4% of the labour force in 2019 (ISQ, 2019). Increasing the number of new positions for physicians therefore became more difficult in light of the budgetary constraints arising from these agreements negotiated with medical association representatives. It should be noted that, unlike professional orders, medical associations work explicitly to advocate for the interests of physicians².

b) The role of the private market in the engineering sector in Quebec

The situation is entirely different for engineers and the general perception regarding self-regulation of their practice. The Ordre des ingénieurs du Québec (OIQ) is the second largest professional order in terms of number of members (62,000). For the most part, its members practice in the private sector. Throughout the decade of the 2000s, a series of scandals tarnished the reputation of engineering firms, some of which were convicted under laws on the funding of political parties and on the awarding of government contracts. The work of the Charbonneau Commission (2011–2015) shone a light on this matter. In this context, a series of measures were undertaken: imposition of trusteeship on the OIQ, revamping of the order and its practices and regulations, including its practices relating to inspection, investigation and continuing education.

Trusteeship was imposed by the Government of Québec in July 2016, following an analysis of the OIQ's situation by the Office des professions du Québec [Quebec Professions Board

board]. [...] Even if they still represent a marginal proportion of the members of their profession (2.1%), the phenomenon has continued to grow since 2000. At that time, 18 physicians were working in the private sector." (Journal de Montréal, November 16, 2018).

² A proportion of the physicians represented by these associations have expressed their disagreement with income increases, considering the shortfall of physicians and the inability of the government to fund an increase in the number of positions to bridge this shortfall, in the context of these rising costs. These physicians express their viewpoints primarily through the *Association des médecins pour un régime public* [Association of physicians for a public system].

or OPQ]. This decision stemmed from the work of the Charbonneau Commission, which revealed unlawful strategies enabling some firms to receive government contracts in return for contributing funds to political parties, through schemes to circumvent the laws on funding of political parties and awarding of government contracts. Even if these are facts involving a minority of businesses, public trust in the profession and in its mechanisms for self-regulation was shaken. At the end of the trusteeship, as the OIQ states on its website, its processes were reviewed, the inspection rate of members increased dramatically, and a narrower range of activities was accepted under the terms of mandatory continuing education. Annual membership fees increased by 50 dollars, mainly to allow for the funding of increased professional inspection activities.

The reason why we chose these two orders (physicians and engineers) for our analysis was the fact that the dynamics between the *professions, the State and the market* operate differently, as the CIQ pointed out:

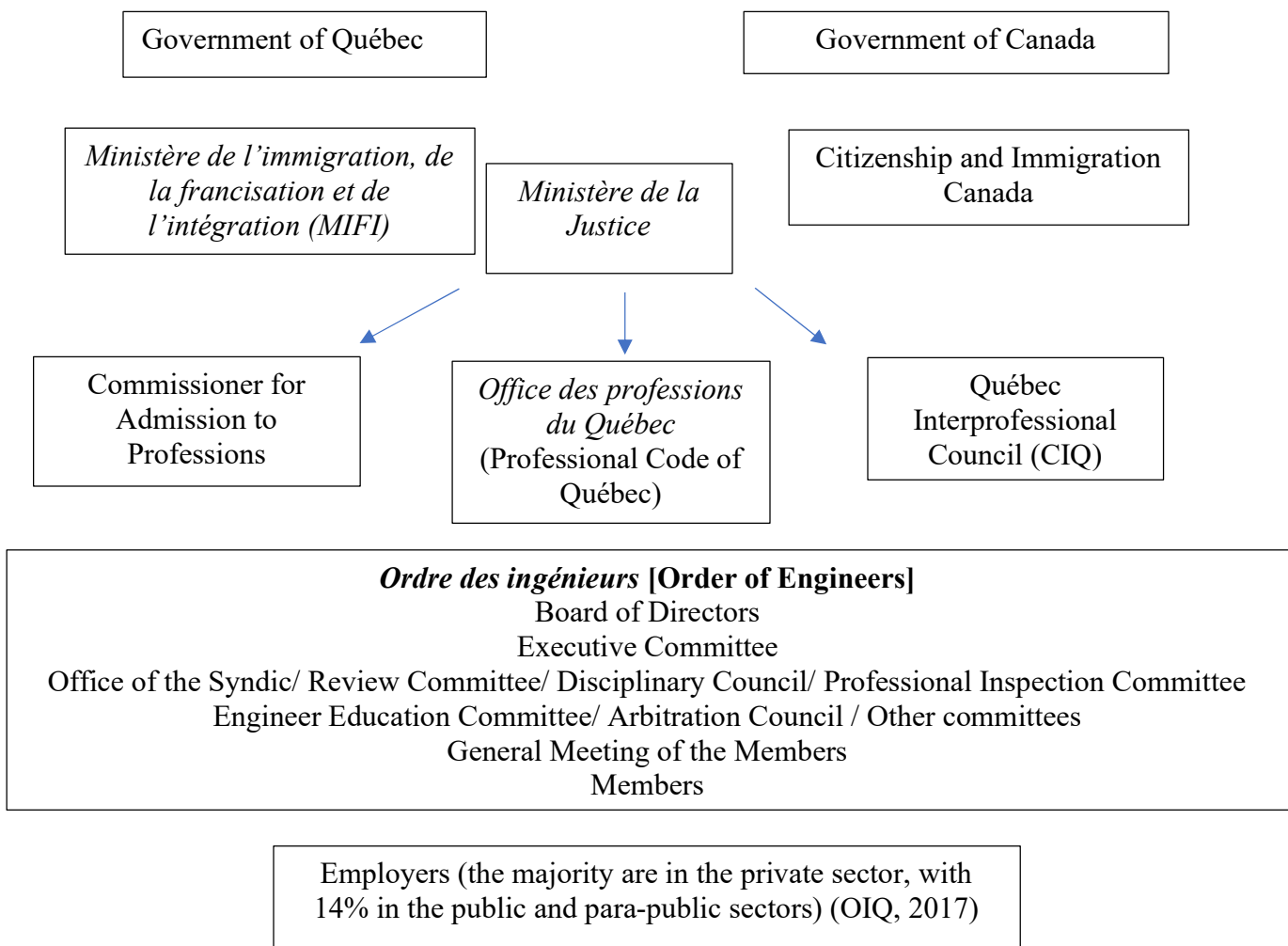
[...] Each order encompasses a distinct professional world in itself that must take into account a specific dynamic that includes its own requirements [...] a dichotomy can be seen between the public and private sectors [...] the professions that are most connected to the private sector following the changes in supply and demand, [...] whereas the orders associated with the public sector are necessarily dependent on government reforms and administrative decisions in the public sector (CIQ, 2019:18).

On the one hand, 97% of physicians work in a public system where the State decides on the number of positions, their locations, and allocations by specialties. Above all, it assigns budget allocations that enable the health network to function and, in particular, internships to be supervised in practice settings.

“The number of people chosen to enter into practice in medicine is based on the positions for physicians that the government decides to open as part of its own plan. Therefore [the Ministry] does not need foreigners to fill these positions since it has already decided beforehand in the decree how many students will be accepted in each of the specialties based on its plan.” R1 (Representative of the Collège des médecins du Québec, August 2015) [our translation]

As for engineers, most are employed in the private sector. Recent engineering graduates must pass an exam to be admitted to the OIQ. Next, private organizations welcome these new engineers, in coordination with the professional order.

The following table illustrates the main actors involved in the journey of FTPs, with respect to their recognition and admission into the engineering profession in Quebec:



In spite of the manifest differences between these two professions and the way in which they are regulated, in both cases, it is possible to observe (1) barriers to entry into professional practice,³ and (2) the pervasiveness of the notion of protection of the public as a principle forming the basis of the way of thinking and acting of professional orders. This notion of protection of the public is at the heart of the *raison d'être* of professional orders, in the context of self-regulating professions under State supervision. The Office des professions du Québec says as much in its revised notion of protection of the public (OPQ,

³ Since the 2010–2011 fiscal year, out of all of the foreign-trained candidates whose applications were processed by the OIQ (excluding those resulting from a Mutual Recognition Arrangement (MRA) in accordance with the Entente France-Québec [Agreement between France and Quebec]), the percentage of candidates who have abandoned their [application] process is between 10% and 65% (on average 34%).

2012), a position that is taken up again by the orders in their objectives and as the foundation of their actions.

Sacredness of the notion of protection of the public

In order to better understand the place of the notion of protection of the public within the professional orders, we review the epistemological and methodological approaches put forward by Douglas (1986). This brings us to grasp “how professional orders think”: how do they understand and legitimize the notion that is the foundation of their practices, that is, the notion of protection of the public? This was our objective in seeking to understand this notion as it is articulated by the professional orders. We examined the strategies and practices put in place for the admission of FTPs, taking inspiration from Durkheim’s notion of the sacred (Durkheim, 1984) applied to this notion of protection of the public. Durkheim identifies three characteristics of sacredness in any institution:

- (1) its dangerous nature; if the sacred is made profane, serious consequences will ensue, and the profaner will be punished accordingly. There seems in fact to be, in the notion of protection of the public, not only a dangerous aspect, but also impassioned defensive responses and opportunities for explicit demonstrations of its tangible properties (evidence);
- (2) any attack on the sacred provokes impassioned defensive responses, here founded in scientific terms and seen through the lens of rational public policy. The notion of protection of the public is regularly invoked to justify the status quo, whereas an objective analysis can show that a proposed change is well-founded. For example, some physicians defend their position of reticence with respect to the role of nurses or the entry into practice of FTPs, on the grounds that this would interfere with protection of the public.
- (3) the sacred is the subject of explicit invocations that make it tangible, in this case through regulations that limit access to the order and allow entry into practice only at the cost of time spent in lengthy and costly training and internships.

According to Douglas (1986), who draws on the work of Durkheim (1984) for the analysis of institutions, “rooted in nature, the sacred emerges at key points, in order to defend any classifications and theories that maintain institutions.” Thus, for Durkheim, the “sacred” becomes a “social artefact,” a collective representation that defines the division of work, identifying in the case of interest to us, those who are said to be suitable for protecting the public, and those who should be kept at a distance. Later in our analysis, we will see that this sacred notion of protection of the public invites us to explore new ways of bypassing

these limitations embedded in the thinking of institutions concerning the entry into practice of FTPs.

Desacralizing the notion of protection of the public

Our analysis addresses obstacles to entry into professional practice that could be abolished or modified – without calling the notion of protection of the public into question – based on certain recommended strategies, measures and practices of coordination between the various actors and institutions involved, as we shall see later. These coordination measures and practices correspond to several of the recommendations set out by the OECD⁴ regarding the recognition of qualifications and skills. Accordingly, we have grouped these recommendations into three categories that will serve as a framework for our analysis:

- (1) Access to the processes of recognition and admission in order to practice a regulated profession (in terms of information, costs and duration);*
- (2) The functioning of the system of recognition of prior learning and coordination between the actors and institutions concerned, both in the professional system and beyond, among actors in the public and private sectors;*
- (3) Access to, adaptation and effectiveness of internship and mentoring programs, and professional retraining.*

The *Pôle de coordination pour l'accès à la formation* (Access to Training Coordination Hub) relied on a series of reports⁵ to identify the following factors as the main obstacles preventing access to professional retraining:

- “Nature and scope of the required training or internship, including duration (number of hours or credits);
- Waiting period prior to the training or internship being offered;
- Waiting period and requirements for eligibility;
- Number of places available;
- Conditions of training or internship;

⁴ This document puts forward 10 recommendations for the recognition of qualifications and skills based on innovative practices in various countries of Europe, in Australia, in Canada, in the United States and elsewhere (OCDE, 2017).

⁵ These reports are as follows: Groupe de travail sur l'accès aux professions et métiers réglementés (2005), Équipe de travail sur la reconnaissance des diplômes et des compétences des personnes formées à l'étranger (2005), Consultation Commission on Accommodation Practices Related to Cultural Differences (Bouchard-Taylor Commission, 2008) and CIRCPI (2017).

- Funding of provision of the training or internship;
- Roles and responsibilities of the actors concerned, and coordination of their action” (CAP, 2019: 2).

As regards waiting periods prior to the training or internship being offered, the most recent survey conducted by the CIQ with the ten professional orders that receive the greatest number of applications for recognition of equivalence found that “the waiting period for retraining varies between 3 and 18 months (average of 7 months)” (CIQ, 2019: 15). The orders surveyed considered that “among the principal obstacles to obtaining a permit to practice (...) access to retraining and internships are the most important factors” (CIQ, 2019:16)

With regard to internships, both engineers and physicians have a paid internship. However, in the case of engineers, the internship takes place in a private setting, whereas in the case of physicians, it occurs in a public setting. It is in the latter case, the physicians’ internship, as the Access to Training Coordination Hub (2019) has observed, that there is a greater shortage in the number of physicians, which is more or less acute depending on the specialty.

In view of the shortage of physicians that has existed in Quebec for a number of decades, it may seem inconsistent, in terms of protection of the public, not to make enough internships available for physicians who are eligible to undertake them, which thus contributes to prolonging the shortfall in the provision of medical services in the public health system. Of course, such internships require supervision and therefore have costs attached, including material and human resources costs. Medical resources are therefore shifted to cover these training needs. However, the supervision of a foreign-trained intern makes it possible to obtain a physician who is recognized as competent to practice locally, much faster than with an applicant undergoing basic training. Moreover, such a foreign-trained physician has experience in other contexts that could prove to be useful in the Quebec context, depending on the particular circumstances of his/her practice.

In addition to the issues concerning access and supply, there are other issues emerging from failures in the coordination between actors responsible for setting the criteria for determining the requirements in terms of knowledge and experience, and compensation measures.

“As matters stand, the French hold a number of things against us: first, that we do not recognize their recommendations regarding qualification boards; second, our insisting on a three-month adaptation internship. (...) Our registration complaints commissioner conducted an investigation which found that there were indeed substantial differences and that we should keep it. Except that his recommendation was that ‘you should adjust the duration of your internships depending on specialities, individuals, and this and that.’ That means a slide rule and that you allow just about anything.” (R2, representative of the Collège des médecins)

In the case of physicians, a proposal has been made to add instead a supervised internship, which would allow for a longer assessment of the actual work of the candidate, while at the same time leaving him/her in contact with practice settings in Quebec. Nevertheless, the experience of a 13-week internship that is currently under way revealed, among other things, inevitable occasions when the subjectivity of the internship supervisor comes into play, particularly where assessment is concerned. Thus, targeted training based on actual needs would make it possible to assess candidates on the relevant subjects.

Thus far, our analysis has helped to illustrate how the action of the actors who have a role in the entry into practice of FTPs varies greatly according to whether the job market for these professionals is based in the public or the private sector. Particularly in the steps towards recognition of skills, including the discourse of the actors justifying their practices, that the results vary based on this public or private anchoring.

That being said, a number of issues are equally present in both categories of the professions. For example, while these issues concerned a minority of professionals until the 1990s, they have become increasingly important since the 2000s, with an increase of more than 500% in applications for admission to professional orders by FTPs since the 2000s (CIQ, 2018). Other elements were common to both of the cases studied (physicians and engineers); based on this analysis, we offer the following suggested recommendations:

Better harmonization and more sustained coordination between the actors and institutions involved

We have highlighted two major findings: (1) the recognition and entry into practice of FTPs is not the responsibility of a single actor or institution but of a series of actors and institutions of varying natures (political, administrative, private, etc.) acting on different levels (international, national, local); (2) in the case of regulated professions, improvements in the governance of issues surrounding recognition and entry into practice of FTPs are called for. This governance requires an intersectoral, multilevel approach allowing all stakeholders to intervene and dialogue (government, training institutions, professional orders, employers, etc.). This is in fact what the Commissioner for Admission to Professions emphasized on two occasions (CPMRCP, 2015, 2016) after analyzing the connection between the professional orders' requirements for the training of FTPs and college or university training institutions. Intersectoral, multilevel governance and investment of the necessary resources (human and financial) would also lead to a true offering of professional retraining suited to the demand for training and to the needs of the market.

In addition, the most recent reform of the Professional Code (2019) consolidated the *Pôle de coordination pour l'accès à la formation* (Access to Training Coordination Hub). Here, another issue is establishing more fluid communication mechanisms, for example between professional orders and employers, in order to ensure that employers have up-to-date information about the MRAs and mechanisms for dialogue and discussion between the competent bodies in the various countries regarding recognition. These steps are consistent with the findings of the OECD (2017) that there is strong interest, not only among political decision makers and those responsible for recognition processes, but also among representatives of professional bodies and employers, to implement mechanisms aimed at sharing practices and experience with representatives of other countries or regions facing the same issues. Mutual learning has proven to be a winning strategy for meeting the challenges of recognition and socioprofessional integration of FTPs (OECD, 2017: 73).

Centralization of information

Our data show in this regard: (1) the scarcity of resources made available to FTPs concerning the procedures for obtaining recognition and entry into practice; (2) the broad range of information, which is sometimes contradictory, between the various existing communication channels; (3) a lack of transparency in the information transmitted to FTPs, in particular abroad. This leads to situations of *imperfect* or *incomplete information* (Kraft, 1999) that limit the ability of FTPs to make informed decisions and take appropriate action. Having centralized information in a “one-stop service” has become crucial to counter the negative effects of the lack of clear information and easily identifiable resources for finding expert information. In order to meet this need, Quebec has had a new tool in its arsenal since 2019, which is the Qualifications Québec portal; the task now will be to see whether the means at its disposal will be enough to avoid the pitfalls mentioned above and to overcome the current criticisms levelled against the professional system.

Towards a benevolent use of the notion of protection of the public

Protection of the public is the fundamental justification for regulation of the system of regulated professions and its structures to which the State delegates its powers of surveillance. The manner in which the professional orders refer to this principle bestows on it a status that is almost sacred, to use the words of Durkheim (1984). As Olson argues in his *Logique de l'action collective* (1965), the notion of protection of the public was conceived of as a “public good.” This hybrid concept legitimizes action taken in the public interest, on the pretext of acting for the common good – which no one can oppose. The sacred dimension lends the concept symbolic, empirical force.

However, our research shows that, claiming the protection of the public as justification, certain requirements and procedures of professional orders limit or restrict the entry into practice of foreign-trained professionals without evidence of any threat to protection of the public. Rather, the procedures and requirements put in place are the result of practical accommodations that meet institutional and organization constraints. In other words, in seeking to facilitate the entry into practice of FTPs, the modifications introduced attempt to please all sides: they deal with organizational difficulties that have little to do with protection of the public. They propose solutions that avoid short-term investments but that,

in the medium and long term, prove to be costly and not very effective for facilitating the entry into practice of FTPs. Instead, they favour the adoption of a “plan B,” abandoning the procedures to become an engineer or a physician, and instead taking up more technical trades, or even precarious but readily accessible work.

Our analysis leads us instead to recommend removing sacredness from the notion of protection of the public, to promote this notion and to operate in a context that is more flexible and relies on ethical provisions established among professionals. History (including recent history) has shown that the sacred principle of protection of the public has not prevented instances of corruption in some regulated professions, requiring State intervention, under existing laws. In other instances, the evaluation of files led to automatic prescriptions of uniform additional training, ignoring differences between the candidates’ files. In other words, the structures overseeing the delegation of State powers, similarly to the system of self-regulating professions, are not immune to straying that runs counter to the protection of the public, and instead serves organizational or even corporate interests.

We also suggest reviewing the procedures and processes of professional orders with respect to FTPs to ensure that they are not discriminatory and that these orders have the necessary tools to act in an increasingly diversified context. This was in fact an observation made by the Commissioner for Admission (2017):

It appears essential to us for the staff responsible for admission to orders who provide reception services, information, assessment and orientation for immigrants in the context of the steps of their application to the order, to have skills in the area of intercultural relations. Indeed, a lack of awareness of cultural codes may result in misunderstandings and a failure to understand that could be detrimental to the processing of the files of immigrants (p.21 – item 2.4).

In this regard, the reform of the Professional Code (C-26) in 2017 made it possible to include new obligations for professional orders, including the obligation to offer training to their members on ethnocultural diversity management (Section 62.0.1, paragraphs 4 and 5).

Assessment: Review of practices and reduced waiting times

It has been shown that the structure of the admissions committees tasked with evaluating the files of candidates for admission to certain professional orders could raise some questions (Commissioner for Admission (2017, January: 13):

(...) a single committee member was tasked with evaluating files and making a decision. This means that the decision rests on the judgment of a single person. How can we be sure that this person proceeded rigorously, or that the evaluation was fair and impartial? In the philosophy of regulation, setting up a committee is designed to ensure that files are studied and conclusions shared with a degree of collegiality, precisely to prevent a decision on a file being based on the conclusions of a single individual.

Finally, regarding the timelines for processing, our data reveal that these must be reviewed or offset by measures allowing applicants for admission to cover their needs and those of their families during this period. In this respect, the survey by the OIQ (2019) found that the average processing time for an application for the required permit is between six months and two years for FTPs. This average does not take into account candidates who dropped out when faced with the prospect of waiting periods such as these. The OECD (2017) also recommended implementing measures to alleviate the financial burden imposed by the process of recognition and entry into practice of professionals: (1) the introduction of fixed-charge systems; (2) no charge for mandatory evaluations; (3) financial assistance depending on candidates' means.

5) Conclusions

This article has presented an opportunity to underscore various problems involving various actors in the processes of entry into practice of FTPs. While some of these problems are not widely known but have been identified by research such as our own and by the work of the Commissioner for Admission to Professions, others have been widely acknowledged since the early 2000s, even if attempts to address them have tended to dissipate as a result of the complexity of the network of actors involved. Since the turn of the century, various analyses have underscored the problems of flexibility, adaptation and support accompanying the processes, as noted above and echoing OECD recommendations. It is to be hoped that endeavours will converge in future, under the auspices of federating actors

such as the *Pôle de coordination*, the CIQ and the Commissioner for Admission to Professions, among others, channelling efforts and reflecting a genuine desire to adapt existing structures. Nevertheless, our analysis brings out specific factors associated with entry into practice in the private sector (engineers) and the public sector (physicians). These actors must therefore have frameworks adapted to the reality of their sector of practice. Similarly, the use of the notion of protection of the public takes different forms depending on the sector. These issues remain to be examined; we were able to address the tension between private interests and protection of the public. A more in-depth analysis of how engineers negotiate professionalism and increased productivity would show how institutional and professional mechanisms do or do not allow for reconciling their interests with the interests of protection of the public, as suggested by Adams (2020).

The journey of FTPs who want to practice medicine in Quebec also presents a combination of challenges. Internship placements, the availability of supervisions and, ultimately, the public health system's level of funding are central issues. These FTPs face the institutional obstacles mentioned above, in that they cannot bypass public structures in gaining access to professional practice. These structures have very little intrinsic autonomy, and hence their ability to be innovative and flexible is limited. In the case of engineers, specified structures and actors are also found, but given the relative independence of areas of practice, there is a degree of fragmentation of these structures, despite their being regulated by the professional system.

Finally, we saw that the last regulatory reforms of the professional system led the orders and some of their structures (disciplinary and inspection committees, etc.) to modernize their practices in order to include cultural diversity training. This reflects the evolution of the professional system, in professions practising in both the public and private sectors.

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