



# Reaching milestones in regulation

Milestones are typically thought of as immovable stone markers used to measure progress along the road to one's destination.

The first milestone in regulation in Canada was the *Constitution Act, 1867*. Canada's Supreme Court has interpreted the act as providing the provinces/territories with the authority over professional regulation.

Maintaining awareness of the changing environment and engaging in collaboration on a national scale can assist regulatory authorities in reaching a new destination.

But this milestone is moving, and it has now become a rolling stone. The increasing mobility of professionals as well as various trade agreements (Agreement on Internal Trade, the North American Free Trade Agreement, the General Agreement on Tariffs and Trade, and the Trade, Investment and Labour Mobility Agreement between Alberta and British Columbia) has created an environment in which provinces and territories are now compelled to respond to national and international influences.

When provincial/territorial governments wanted to address the issues related to managing individual professions, they created a second milestone. They have legislated the objects or purposes of "public protection" and created self-regulating

authorities to carry out this mandate. Hundreds of regulating authorities across Canada embraced their statutory mandate and began regulating their respective individual professions.

Now this milestone has also become a rolling stone. The objects are being subjected to political winds of change. The public's right to access to affordable health-care services is on campaign billboards

along the road to one's destination. These changing political objectives become as important a mandate as public protection.

Media reports about foreign-educated health-care professionals who have not met the requirements to practise in Canada can influence public and political opinion, especially at a time when there are acute shortages. In these reports, existing regulations are characterized as millstones, not milestones.

Provincial/territorial regulatory authorities can no longer measure progress by the original milestones. Maintaining awareness of the changing environment and engaging in collaboration on a national scale can assist regulatory authorities in reaching a new destination. This journey will also

involve interprofessional collaboration (on a national level, the need for interprofessional dialogue had led to the creation of the Canadian Network of National Associations of Regulators). The political winds of change are a constant force that will impose action on issues such as national assessment centres, uniform entrance requirements, exams and standards if they are not addressed by regulatory authorities.

The third milestone is the use of umbrella legislation to govern professions. From the legislator's perspective, it is far easier to treat all professions equally than to respond to separate lobbying efforts by individual professions. This also allows provincial/territorial politicians to intervene across the board in specific areas such as hearings, appeals, interdisciplinary issues and sexual abuse reporting.

No longer is one's destination simply determined by changes within one's profession within one's province or territory. Maintaining pace with changing international, national and interprofessional trends is now the milestone that will determine the progress to reach one's destination. ■

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