

Amending O.Reg.8/06: Questions & Answers for Ontario Licensees

1. Why is the Ministry of Tourism and Culture proposing this amendment?

The proposed amendment would ensure that the ministry's system for licensing archaeological fieldworkers complies with the labour mobility requirements agreed to under the Agreement on Internal Trade (AIT) and established through a Labour Mobility Code in the *Ontario Labour Mobility Act, 2009* (OLMA). The AIT is an agreement signed by all provinces and territories except Nunavut.

2. What is the objective of the proposed amendment?

If approved, the amendment would support labour mobility for people that are already certified as archaeological fieldworkers in another Canadian province/territory that has signed the AIT, and who demonstrate that they meet certain criteria in the *Ontario Heritage Act* (OHA).

MTC is proposing a streamlined application process for eligible out-of-province applicants that would be consistent with the OLMA's Labour Mobility Code and the amendments to the OHA. Under this streamlined process, out-of-province applicants would be eligible to apply for a licence for archaeological fieldwork in Ontario without an additional review of their education credentials, work experience or reference reports, or being required to enter a mentoring agreement.

3. What Ontario licences would the amendment cover?

The amendment would apply to each class of land-based archaeological licence currently issued under O.Reg.8/06: professional, applied research and avocational.

4. What about marine archaeology?

MTC does not consider its marine archaeology licences to meet the definition of "authorizing certificates" under the OLMA. For this reason, the OHA amendments do not apply to MTC's marine archaeology licences, and the process for obtaining a marine archaeology licence does not change.

5. Would this amendment result in out-of-province archaeologists receiving Ontario licences for which they do not have the right qualifications?

No. Out-of-province archaeologists would only receive an Ontario licence for the same type of archaeological fieldwork for which they are licensed in their home jurisdiction. MTC would ensure that the class of licence issued would be that which most closely corresponds to the "scope" of activities as set out in O.Reg.8/06. This approach would help ensure that all Ontario licensees are suitably qualified to undertake the type of archaeological fieldwork for which they are licensed.

6. What criteria would out-of-province archaeologists have to meet to obtain a licence in Ontario?

Applicants would have to demonstrate that they meet the criteria set out in amendments that the OLMA made to section 48 of the OHA. These amendments allow MTC to issue licences to applicants who can prove that:

- they are authorized by another province/territory to do the same type of archaeological fieldwork that they wish to conduct in Ontario, and the authorization is in good standing
- their past conduct provides no reason to believe that their fieldwork will not comply with Ontario's legislation and regulations
- their fieldwork would be consistent with the conservation, protection, and preservation of Ontario's heritage
- they meet any other criteria in regulation, as long as those criteria comply with the OLMA

7. How many licences does MTC expect to issue annually to out-of-province archaeologists?

OLMA defines the type of authorization that must be issued from a regulatory authority that would allow someone to be eligible to apply for an Ontario licence under the streamlined application process for out-of-province archaeologists.

After reviewing the frameworks governing archaeologists in other provinces/territories, Ontario may be the only jurisdiction that currently meets the OLMA definition for "authorizing certificate" with respect to the licensing of archaeologists. This means that it is likely that no out-of-province applicant is eligible for the new, OLMA-consistent process in Ontario at this time. In this case, any out-of-province applicant would still be able to apply using the same application process as Ontario-based archaeologists.

8. What impact would the amendments have on Ontario licensees who want to work in other provinces/territories?

At this time no other province/territory appears to have a regulatory framework with respect to archaeologists that is part of the AIT labour mobility framework. Ontario cannot directly change the rules that apply in other jurisdictions even if Ontario is amending its own framework to implement labour mobility provisions. In this case, each province/territory would continue to set its own rules for the licensing of archaeologists.

9. Why don't the licenses/permits issued by other provinces/territories qualify as an "authorizing certificate"?

The definition of "authorizing certificate" in the OLMA requires that it allow the holder to practice an occupation. The permits/licences issued in other provinces/territories for archaeological fieldwork do not appear to meet this definition at this time. As a result, these licences/permits do not currently appear to fulfil the requirements necessary for out-of-province applicants to qualify for the new, proposed streamlined licensing process.

10. Why is this proposed amendment being considered if it is possible that no out-of-province applicants would be eligible?

MTC is required to establish a licensing framework for archaeologists which is consistent with the OLMA by the end of 2010. This would ensure that Ontario has met its labour mobility commitments under the OLMA and AIT for this occupation. Implementing these proposed amendments to the regulatory framework for licensing archaeologists (O.Reg. 8/06) is the last step in this process. If implemented, the proposed amendments ensure that MTC has a process in place to review any applications received from out-of-province applicants, regardless of when or how many are received.

11. What is the maximum impact that this proposed amendment could have based on applications from out-of-province archaeologists to-date?

Any impact would be minimal. For example, on average from 2003-2009, fewer than three licences per year were issued to archaeologists from outside Ontario.

12. Will there be an impact on my current Ontario licence, or its renewal?

No. Current licensees will see no change in their licence or its renewal.

13. Is the ministry considering any other changes to its licensing system for archaeologists in Ontario?

The ministry has no plans to change its licensing framework for archaeologists at this time.

14. When would the proposed amendment take effect?

If approved, the amendment would take effect on January 1, 2011.

15. Where can I find out more about the *Ontario Heritage Act*, O.Reg.8/06, the *Ontario Labour Mobility Act*, or the Agreement on Internal Trade?

You can find both laws and the current O.Reg.8/06 on E-Laws: www.e-laws.gov.on.ca. You can read more about the Agreement on Internal Trade, including the Labour Mobility Chapter (Chapter 7), by visiting this website: <http://www.ait-aci.ca>