

Amending O.Reg.8/06: Questions & Answers for Archaeologists in other Provinces and Territories

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. If implemented, how could I obtain an Ontario licence under the proposed new process?

Applicants would have to demonstrate in their application that they meet the criteria set out in amendments that the OLMA made to section 48 of the OHA. Specifically, that:

- you are authorized by another province/territory to do the same type of archaeological fieldwork that you wish to conduct in Ontario, and the authorization is in good standing
- your past conduct provides no reason to believe that your fieldwork will not comply with Ontario's legislation and regulations

- your fieldwork would be consistent with the conservation, protection, and preservation of Ontario's heritage
- you meet any other criteria in regulation, as long as those criteria comply with the OLMA

6. How should I determine if the licence/permit issued by my home province/territory would qualify me to apply for an Ontario licence under these proposed amendments to O.Reg. 8/06?

A first step would be to determine whether or not your home jurisdiction issues “authorizing certificates” as defined by the OLMA. Then you should consider whether you meet the other requirements set out in the amended s. 48 of the OHA. You may ask MTC to consider your application at any time. You always have the option of applying using the same application process as Ontario-based archaeologists.

7. Is there a list of jurisdictions that issue “authorizing certificates”?

After reviewing the regulations governing archaeologist in other provinces/territories, Ontario may be the only jurisdiction that currently meets the OLMA definition of “authorizing certificate” with respect to the licensing of archaeologists. This means that it is likely that no out-of-province applicant would be eligible for the proposed new, OLMA-consistent process in Ontario at this time. Regardless, if the regulation is approved, out-of-province applicants may still submit an application using the new streamlined process and MTC would review it. Any out-of-province applicant may also still apply for a licence using the same application process as Ontario-based archaeologists.

8. Are other jurisdictions planning to change their archaeological licensing regulations in order to fit into the labour mobility framework of the Agreement on Internal Trade?

No other province or territory has indicated that it has any plans to adopt a new licensing framework for archaeological fieldwork that would qualify for the labour mobility provisions of the AIT/OLMA for archaeologists.

9. What would happen if another jurisdiction did change its regulations so that it fit into the labour mobility framework of the AIT?

No other province or territory has indicated that it has any plans to adopt a new licensing framework for archaeological fieldwork that would qualify for the labour mobility provisions of the AIT/OLMA for archaeologists. However, if they did so at some time in the future, any out-of-province applicant for an Ontario archaeological licence would have to meet the requirements of section 48(8.2) of the amended *Ontario Heritage Act* and the applicable regulations before the Ministry would issue them a licence.

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. Would MTC review applications it receives under the proposed new process?

Yes. Any interested out-of-province archaeologists could still apply to have their case considered through the proposed new process and MTC would review their application against the criteria in the OHA.

12. If I decide to apply through the proposed new process, how would the ministry assess my licence application?

The ministry is developing guidelines that would be used to assess applications made through the proposed new process. The guidelines would set out a standard range of evidence that the ministry would accept as evidence that an applicant meets the criteria in the OHA. Applications would be assessed in a fair and consistent manner.

Contact information would be provided on the ministry's website so that prospective applicants could obtain assistance from MTC's licensing staff.

13. What if I apply for an Ontario licence under the proposed new process, and disagree with the results of my application?

If you disagree with MTC's decision, you may wish to contact MTC to discuss your case. Licensing questions can be directed to Andy Schoenhofer, Archaeological Licensing Officer, at andy.schoenhofer@ontario.ca, or (416) 314-7418.

The AIT also provides a dispute resolution process. For more information, please consult the AIT's website at: <http://www.ait-aci.ca>

14. When would the proposed amendment take effect?

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

15. Where can I find 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>

16. I would like to apply for an Ontario licence now. What should I do?

If you would like to apply through the existing licensing process, please visit our website to download the most current application form.

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