

SUBMISSIONS TO

Ontario Human Rights Commission

RE

Veterinary Licensing Practices

FROM

Canadian Civil Liberties Association

DELEGATION

Professor Walter Tarnopolsky
(President)

A. Alan Borovoy
(General Counsel)

Toronto

April 3, 1979

On July 28, 1975, the Canadian Civil Liberties Association took up the case of Jose Antony, an East Indian veterinary graduate of the University of Kerala. Dr. Antony had been attempting for some time without success to obtain a licence so that he could practice his profession in the Province of Ontario. The licensing agency here, the Ontario Veterinary Association, had advised Dr. Antony that, as a foreign graduate, he would be obliged first to fulfill the accreditation procedures of the Canadian Veterinary Medical Association. This meant passing an examination set by the CVMA for foreign graduates. Once having passed that examination, the foreign graduate would become eligible for licensure in a particular province. But the CVMA would not allow Dr. Antony even to write its examination. It took the position that Dr. Antony's basic veterinary education was deficient and he should be required first to improve upon it. That would entail taking the final two years at a veterinary college accredited or recognized by the CVMA. In addition to the obvious financial and domestic difficulties which such a requirement could inflict upon the foreign graduate in Dr. Antony's position, there was the problem of intensive competition for the scarce number of seats at the closest veterinary school, the University of Guelph. Thus, compliance with the CVMA procedures would have required major dislocations.

These considerations impelled the Canadian Civil Liberties Association to satisfy itself that the OVA and CVMA requirements were reasonable and fair. Accordingly, on July 28, 1975, the Canadian Civil Liberties Association wrote to the CVMA and asked the following question.

"Would you be good enough to indicate the (CVMA's) point of view as to precisely what is missing from Dr. Antony's educational background and on the basis of what, the (CVMA) reached this conclusion?"

This precipitated an exchange of correspondence for more than three and a half years. But, despite the number of letters and the amount of time, our question has never adequately been answered.

The closest that the veterinary authorities came to providing a reply was the letter of CVMA legal counsel Donald Postluns dated November 12, 1975. In that letter, Mr. Postluns contended that at the University of Kerala "there is insufficient study and practice of veterinary medicine and surgery since about half the time is spent in the study of animal husbandry". No other deficiency in the training provided at that school has even been alleged. And that one was answered in the CCLA letter of December 9, 1975. There we pointed out that, according to our information, during Dr. Antony's four years of attendance at the University of Kerala, he spent only 240 hours in the study of animal husbandry out of more than 3500 instructional hours. Moreover, contrary to Mr. Postluns' allegations, Dr. Antony's degree appeared to be exclusively in veterinary science; it did not include animal husbandry. Although we made several references to this dichotomy in many of our ensuing letters, none of the veterinary authorities made any attempt to deal with it.

When finally our correspondence with Mr. Postluns reached an impasse with his assertion on June 25, 1976, that he had answered all our questions, we turned to the Ontario Veterinary Association. Again, we pointed out the conflicting information concerning the mix between animal husbandry and veterinary science at the University of Kerala. We asked that the OVA itself assess Dr. Antony's veterinary education and, if such assessment were favourable, take the necessary steps to grant him a licence. If, on the other hand, the assessment were not favourable, we asked for a precise account of the alleged deficiencies. Our letter dated August 6, 1976, was accompanied by copies of our exchange of letters with the CVMA. The OVA reply of October 5, 1976 was remarkable in the way it avoided the issues which we had raised. On behalf of the OVA, Dr. H.H. Grann simply advised us that under The Veterinarians Act of Ontario, in order to be eligible for licensure, a foreign graduate must have received his degree from a college or university recognized by the Council of the OVA. Dr. Grann's letter ended with the redundant disclosure that the University of Kerala was not recognized by the Council of the OVA.

Our reply of October 15, 1976, pointed out that, of course, we were fully aware of the fact that the University of Kerala had not been accorded the requisite recognition and, indeed, since July 28, 1975, we had been attempting to determine the precise reason for this. Again, we asked on what basis the Council of the OVA had declined to recognize the University of Kerala. Dr. Grenn's reply of November 24, 1976 was even more remarkable. Essentially, he told us that the OVA generally follows the lead of the CVMA. To this piece of redundancy, we rejoined on December 1, 1976 reminding Dr. Grenn that we had turned to the OVA in early August precisely because the CVMA had failed to provide an adequate explanation for its policy of not recognizing the University of Kerala. Again, we asked the OVA to provide this explanation. On January 24, 1977, Dr. Grenn replied with an account of the situation in the United States and United Kingdom. As far as Canada and the University of Kerala are concerned, he simply said that "the University of Kerala has never been on that list and has never applied for inclusion on the list."

Since our direct inquiries appeared to be of no avail, we tried another tack. In mid-February of 1977, we began to elicit more information concerning the background of the recognition policies. It emerged that, prior to 1975, the initiative to grant or withhold recognition of foreign schools was taken by the CVMA here. In most cases, the decision was based on an on-site inspection. We were provided with a list of recognized universities; they appeared to include most schools in the United Kingdom, Europe (except for Spain, Portugal, Italy, and Greece) South Africa, Australia, and New Zealand. Ostensibly concerned with the costs of conducting on-site inspections, the CVMA changed its policy in 1975. Since then, any other veterinary schools which would like to be recognized here must take the initiative; they must apply for recognition and pay the costs of the inspection.

When we learned of this change in policy, we returned to our central theme. In a letter to the OVA we asked whether, during the period before 1975, the University of Kerala had been considered for recognition and, if so, on what basis it had

been denied. On August 25, 1977, Dr. Grenn replied that, to the best of his knowledge, during the period before 1975, the University of Kerala had not been considered for recognition. After more than two years of correspondence, it finally emerged that the Canadian failure to recognize the University of Kerala was not at all attributable to any deficiency in the education provided there. Indeed, Kerala's program had never been evaluated or even considered. It appeared, therefore, that, beyond the cost of inspection, the veterinary authorities could advance no reason for Kerala's lack of recognition.

This precipitated a special request to the OVA which we sent on October 3, 1977. In that letter, the Canadian Civil Liberties Association pointed out that the consequence of the OVA and CVMA policy would be that Third World universities would be denied recognition here in perpetuity. As a practical matter, very few such universities are likely to undertake the initiative of applying for recognition and to bear the burden of paying for such an inspection. We argued that at a time when immigration had been liberalized so that this country had admitted increasing numbers of people from Third World countries, considerations of cost and expense could not justify the failure to evaluate those people's professional qualifications. Accordingly, the Canadian Civil Liberties Association called upon the OVA to adopt a recognition policy commensurate with the patterns of immigration. This might mean calling upon the federal authorities for assistance in subsidizing the costs of inspection or it might mean devising an examination which could more effectively test the knowledge and skill of foreign graduates without the necessity of inspecting their schools. In the circumstances, we also asked that the OVA do what is necessary to evaluate the basic veterinary education of Dr. Jose Antony.

Despite Dr. Grenn's assertion that the OVA Council would consider our letter "carefully", his reply of February 14, 1978, simply set forth the following resolution which it had recently adopted.

"Be it resolved that the Council of the Ontario Veterinary Association after due consideration of the case involving the request by Jose Antony for examination leading to

licensure to practice veterinary science in Ontario, finds no reasonable evidence to indicate that the candidate is qualified to sit the Association's examination for licensure in that the candidate is not a graduate of a veterinary school duly recognized by resolution of the CVMA and OVA and, further, that the University of Kerala failed to respond to a letter from the CVMA in which the CVMA offered to inspect the veterinary school of that university to determine whether it could or could not be recognized by resolution of the CVMA and OVA."

Again, Dr. Grenn's reply was remarkably devoid of responses to the issues which our submissions had raised. Our curiosity was triggered, however, by the reference to an offer that had been made to the University of Kerala for the inspection of its facilities. Unfortunately, it took another five months to obtain an answer to our question as to when the inquiry was made and who was supposed to bear the cost of the inspection. Our inquiry was made of Dr. Grenn on March 23, 1978. The reply came from Brian Parnege, counsel for the CVMA, on August 24, 1978. According to him, the CVMA had invited the University of Kerala to apply for recognition in May of 1977 but the costs were to be borne by the University of Kerala. To this date, the Canadian Civil Liberties Association has received no comment or statement even acknowledging the requests we had made for a change in the recognition policy.

In our respectful opinion, the OVA handling of this matter is unworthy of a statutory licensing agency. These veterinary authorities could not have been unaware that there were segments of the East Indian community which suspected them of practising racial discrimination. Even if such suspicions were completely unfounded, a public licensing agency must do everything it reasonably can to avoid even the appearance of discrimination. This, the OVA obviously failed to do. Indeed, its handling of this matter could only have exacerbated suspicions of its bona fides.

Since it was so difficult to obtain straight-forward replies within reasonable periods of time, we did not get to raise all of the questions which warranted attention. One of these matters concerns the criteria according to which the

CVMA assesses foreign veterinary schools. As far back as September of 1975, Dr. J. Archibald, Chairman of the CVMA, outlined some of the factors involved. At least one of them was amenable to our research efforts - staff/student ratios. In this area, the University of Kerala has had a more favourable situation than many of the universities which are recognized by the CVMA. At Kerala when Dr. Antony graduated, there was one full-time faculty member for every six students. By contrast in 1971-72 when Dr. Antony first applied here, the University of West Berlin, a recognized school, had one faculty member for every ten students. Its full-time ratio was even less favourable - one to thirteen. A similar situation has prevailed at numbers of other recognized schools. In Austria, for example, comparative figures for the same year were one to nine and one to nineteen. At Toulouse in France, it was one to fourteen and one to eighteen. Thus, the staff/student ratios could hardly provide a basis for denying recognition to the University of Kerala.

In view of the rather central race relations component in this matter, the Canadian Civil Liberties Association respectfully requests the assistance of the Ontario Human Rights Commission. In our view, the existing recognition policy of the OVA is unacceptable. Regardless of intent, its effect is to discriminate between immigrants from various countries. This does not mean, of course, that the OVA should be obliged to recognize the University of Kerala simply because it also recognizes the University of Pretoria. But it does mean that, since the authorities here were prepared to initiate the evaluation and subsidize the inspection of the University of Pretoria, it is unfair to reject the graduates of Kerala just because of the cost of inspection. Elementary fairness requires the establishment of some machinery so that the professional qualifications of all our immigrants can be evaluated with a minimum of hardship. It is the achievement of this policy goal for which we request the involvement of the Ontario Human Rights Commission.

In this connection, it might be helpful for the Commission to review the anticipated costs of such inspections in the light of the available budgets. Are the costs really as burdensome as the OVA alleges? To whatever extent the Commission's findings concur with those of the OVA, perhaps an approach might be made to the

appropriate levels of government to provide the necessary funding? In this connection, there is a helpful precedent in the offer made several years ago by Manpower & Immigration Minister Jean Marchand to the College of Physicians and Surgeons of Ontario.

Alternatively, the Commission might encourage the OVA to develop an examination which could more effectively test the knowledge and skill of foreign graduates without the necessity of inspecting their schools. Apparently, this is the situation in the United Kingdom. Foreign graduates are immediately eligible to write the qualifying examination for licensure in the United Kingdom. If they pass the examination and pay the required fees, they will obtain their licence to practise. Is there any indication that the competence level of veterinary service in the United Kingdom has suffered as a result of this policy? If not, is there any reason why such an approach could not be adopted in Ontario?

Another possible approach might involve the combination of writing an exam and some kind of supervised internship. This would meet the argument that, by itself, an examination cannot adequately evaluate clinical performance. This appears to be the kind of system which has been employed in the United States. The American Veterinary Medical Association has devised an examination (the ECFVG) by which it screens out those foreign graduates who come from schools that have not been specifically approved by the American authorities. So long as the country of origin recognizes their diploma, the AVMA will permit them to take its examination which its representatives believe is similar to the CVMA exam. Successful performance on that examination entitles the graduate to enter a twelve month supervised internship after which he is awarded the ECFVG certificate which, in turn, is recognized for licensure by at least 44 of the American states. If the Americans are prepared to evaluate foreign graduates in this way, what possible basis is there for the Canadian refusal to do likewise?

Conceivably, the Commission might also encourage the OVA to attach greater significance to the American ECFVG. To whatever extent foreign graduates have demonstrated their competence to the satisfaction of the American authorities,

there would appear to be some basis for extending them comparable recognition in Canada. Significantly, Dr. Antony acquired his ECFVG certificate some years ago. Since that time, the Americans have increased the requirements for earning that certificate. But, at the time when he first applied here, Dr. Antony's ECFVG would have qualified him to take the licensure exams in most American states.

In the interests of maximum flexibility, the Canadian Civil Liberties Association wishes to avoid at this stage the technicalities of formal complaints. Our preference now is to seek redress under the Commission's broad educational mandate. We are asking the Commission essentially to use its good offices in an effort to bring about the desired change in licensing policy. Needless to say, the Canadian Civil Liberties Association makes no judgment as to the veterinary skills of Dr. Jose Antony or the adequacy of his training at the University of Kerala. That we are not competent to do. But we can and do pass judgment on the recognition policies of the OVA and CVMA. The machinery which they have developed to assess foreign graduates and their schools is inadequate and unfair. Accordingly, the Canadian Civil Liberties Association calls on the Ontario Human Rights Commission to become a catalyst for the development of a more equitable policy. In view of the amount of time which has elapsed and the unavoidable frustration to those affected, we also ask that the Commission aim for a speedy resolution of this matter.

APPENDIX

APPENDIX

Exchange of Correspondence
Between
Canadian Civil
Liberties Association and Canadian Veterinary Medical Association
and
Ontario Veterinary Association

(July 28, 1975 - December 7, 1978)

CANADIAN CIVIL LIBERTIES ASSOCIATION

229 Yonge Street, Ste. 403,

Toronto, Ontario

363-0321

Monday, July 28, 1975

C O P Y

J.P. Best, D.V.M.,
Chairman,
National Examining Board,
Canadian Veterinary Medical Association,
360 Bronson Ave.,
Ottawa, Ontario.

Dear Dr. Best:

Dr. Jose K. Antony, a B.V. Sc. from the University of Kerala in India, has requested the assistance of the Canadian Civil Liberties Association regarding the refusal of the C.V.M.A. to permit him to write its qualifying examinations. In a number of letters which Dr. Antony showed us, spokesmen for the Association have explained this refusal on the basis of some alleged deficiency in Dr. Antony's basic veterinary training.

Would you be good enough to indicate the Association's point of view as to precisely what is missing from Dr. Antony's educational background and on the basis of what, the Association reached this conclusion?

An early and detailed reply would be most appreciated. Thank you for your co-operation.

Sincerely,

A. Alan Borovoy
General Counsel

c.c. Dr. Antony

CANADIAN CIVIL LIBERTIES ASSOCIATION

229 Yonge Street, Ste.403,

Toronto, Ontario

363-0321

Tuesday, August 26, 1975

C O P Y

J.P. Best, D.V.M. ,
Chairman,
National Examining Board,
Canadian Veterinary Medical Association,
360 Bronson Ave.,
Ottawa, Ontario

Dear Dr Best:

Re: Dr Jose K. Antony

Enclosed is a copy of a letter which I wrote to you on July 28 last.
In view of the amount of time that has elapsed, I hope you will find
it convenient to reply very soon.

Thank you for your consideration.

Sincerely,

A. Alan Borovoy
General Counsel

c.c. Dr. Antony

(613) 236-1162

CANADIAN VETERINARY MEDICAL ASSOCIATION
L'ASSOCIATION CANADIENNE DES VETERINAIRES
360 BRONSON AVENUE
OTTAWA ONTARIO K1R 6J3

August 28, 1975

C O P Y

Mr. A. Alan Borovoy,
CANADIAN CIVIL LIBERTIES ASSOCIATION,
229 Yonge Street suite 403,
TORONTO, Ontario
M5B 1N9

Dear Mr. Borovoy:

Your letter of July 28 on behalf of Dr. Jose K. Antony has been referred to the National Examining Board of CVMA. Unfortunately, events have occasioned a change in chairman of the Board. A new chairman has now accepted the appointment and a reply can be anticipated upon his return from vacation in about a week's time.

Yours sincerely,

J.R. Kinney
Registrar

JRK: ab

CANADIAN VETERINARY MEDICAL ASSOCIATION
L'ASSOCIATION CANADIENNE DES VETERINAIRES
360 Bronson Avenue
Ottawa, Ontario K1R 6J3

8th September, 1975

C O P Y

Mr. A. Alan Borovoy,
General Counsel,
Canadian Civil Liberties Association,
229 Yonge Street, Ste.403,
Toronto, Ontario,
M5B 1N9

Dear Mr. Borovoy:

Your letter of behalf of Mr. J.K. Antony addressed to Dr. J.P. Best has been referred to me for reply. This has been the result of a change in Chairmanship of the National Examining Board of the Canadian Veterinary Medical Association. This took place while I was on holiday and I have just recently returned to my office. Will you please excuse the long delay in replying to your request.

Mr. Antony has been in correspondence with the C.V.M.A. since 1971 regarding permission to write the qualifying examination. He has not been refused such permission, but has been advised that before being admitted to the examination he must improve his present basic veterinary qualifications. He has been further advised as to how he can do this; i.e., by being accepted for advanced standing in one of the accredited veterinary schools in North America or in one of the many schools around the world which are recognized by the C.V.M.A. as providing a veterinary education comparable to that provided by the veterinary schools in Canada. A list of countries with schools which fall into this latter category was sent to Mr. Antony. They include schools in Canada, United States, United Kingdom and Ireland, most schools in Europe (graduates of schools in Spain, Portugal, Italy, or Greece are not recognized as providing veterinary education comparable to the standards required by schools in Canada), Kenya, South Africa, Australia, and New Zealand.

Mr. Antony has seemingly been unable or unwilling to accept this advice. Admittedly, because of the scarcity of "seats" in veterinary educational institutions, it is not easy to gain admittance to advanced standing, and candidates are selected largely on the basis of transcripts from the university they attended originally. Competition for these places is keen, and of the same order as that encountered by students enrolled in Canadian universities applying for admission to the first year of the professional veterinary educational program. Despite this difficulty graduates of foreign veterinary schools, which provide education of a different standard than Canadian schools, are admitted to advanced standing in Canadian veterinary schools every year.

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Each country in the world and sometimes individual schools, set their own standards and types of education. These have great variations, and many do not equate with Canadian curricula, type of education or standards. These factors added to the likelihood of a very different spectrum of animal diseases studied making it unsafe to assume that all veterinary training programs produced students of comparable ability, training and experience. For this reason graduates of such schools are not considered to have the same basic veterinary education as is demanded of graduates of Canadian schools.

The standards of the C.V.M.A. for a veterinary school anywhere in the world which may be accredited or recognized involve an assessment of student/faculty ratio, subjects taught in the curriculum (the level at which they are taught, and the number of hours devoted to them), the number of animals admitted to clinics, the kind of animals, and the student involvement with the diagnosis and treatment of these animals as well as the assessment of the physical facilities of the school; for example classrooms, laboratories, clinics and the amount of space per undergraduate.

The faculty are assessed as to their qualifications; i.e. where their basic and advanced degrees were obtained, teaching experience, and whether they are employed full time or part time.

Accredited schools are inspected every five years, or more frequently if for example the deanship should change or if the school has not met accreditation standards on a previous inspection.

The C.V.M.A. holds its inspection facilities open to any school in the world. The school wishing to be inspected with the prospect of accreditation must bear all expenses of such an inspection. Some schools in some parts of the world do not avail themselves of this service.

An applicant from a foreign country who enquires as to the necessary qualifications to write the C.V.M.A. qualifying examination, is informed of the requirements and. If the applicant does not have the necessary qualifications, he is advised to "make up" the deficiencies in his basic veterinary education before making formal application. Despite this advice some foreign trained individuals arrive in Canada and request that the C.V.M.A. regulations be changed to suit their individual qualifications.

Some of these individuals, rather than accept the well meant advice to improve their basic veterinary education, choose to undertake graduate training for an advanced degree. Such degrees do not meet the demand that their basic veterinary education be improved. Such degrees improve the candidates training in research in a specific discipline; e.g. pathology, nutrition, microbiology, etc., but do little to improve his ability to practice veterinary medicine. People with such graduate degrees are, however, employable in their special field.

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The degree in veterinary medicine which is awarded in North America is Doctor of Veterinary Medicine. Prior to admission to a professional (veterinary) school candidates are required to have a grade 13 education program. Following this preliminary education, candidates may apply for admission to a veterinary school. Competition is rigorous and in one school (Ontario Veterinary College) there are approximately 600 qualified applicants for 120 seats every year. Upon admission students are subjected to a curriculum devoted entirely to veterinary medicine.

In Canada, Animal Science (Husbandry) is taught in a different faculty from that of Veterinary Medicine, and is a separate discipline requiring four years of study. The combined degree in Mr. Antony's University can be acquired in much less time. The C.V.M.A. believes that for these reasons, Mr. Antony's Veterinary education is markedly deficient compared to that of a graduate of a Canadian school.

Sincerely,

J. Archibald,
Chairman

JA:rh

CANADIAN CIVIL LIBERTIES ASSOCIATION

229 Yonge Street, Ste.403,

Toronto Ontario

363-0321

Thursday, September 25, 1975

C O P Y

Dr. J. Archibald, Chairman,

Skipped

remaining

letters

c.c Dr. J.K. Antony