



# FRAMEWORK FOR AUDITS OF REGISTRATION PRACTICES

*Guidance for Ontario's Regulatory Bodies*



Office of the Fairness Commissioner  
595 Bay Street, Suite 1201  
Toronto ON M7A 2B4  
Canada  
416.325.9380 or 1.877.727.5365  
ofc@ontario.ca  
www.fairnesscommissioner.ca

© Queen's Printer for Ontario, 2008

ISBN 978-1-4249-7350-7 (PDF)

The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions Act, 2006. Its mandate is to ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.

**CONTENTS**

- MESSAGE FROM THE FAIRNESS COMMISSIONER . . . . . 3**
- INTRODUCTION . . . . . 4**
- LEGISLATION GOVERNING AUDITS . . . . . 4**
  - 1. The Scope of Audits for Regulated Professions . . . . . 4
  - 2. The Scope of Audits for Health Regulatory Colleges . . . . . 5
- THE AUDIT STANDARD . . . . . 6**
- EVALUATION OF REGISTRATION PRACTICES . . . . . 6**
  - 1. Information for Applicants . . . . . 6
  - 2. Timely Decisions, Responses and Reasons . . . . . 7
  - 3. Internal Review or Appeal . . . . . 7
  - 4. Information on Appeal Rights . . . . . 7
  - 5. Documentation of Qualifications . . . . . 7
  - 6. Assessment of Qualifications . . . . . 7
  - 7. Training . . . . . 8
  - 8. Access to Records . . . . . 8
- AUDIT TIMELINES . . . . . 8**
  - 1. Audit Cycle . . . . . 8
  - 2. The Period Covered by an Audit . . . . . 12
  - 3. Notice of Audits . . . . . 12
  - 4. Additional Audits . . . . . 12
- THE ROSTER OF AUDITORS . . . . . 13**
  - 1. Eligibility Criteria . . . . . 13
  - 2. Conflict of Interest . . . . . 13
- CONDUCT OF AUDIT . . . . . 14**
- AUDIT REPORT . . . . . 14**
- ENFORCEMENT OF COMPLIANCE . . . . . 14**
  - 1. For Regulated Professions . . . . . 15
  - 2. For Health Regulatory Colleges . . . . . 15
- APPENDIX A: SAMPLE NOTICE OF AUDIT . . . . . 16**
- LEGISLATIVE REFERENCES . . . . . 17**



## MESSAGE FROM THE FAIRNESS COMMISSIONER



I am pleased to provide you with this *Framework for Audits of Registration Practices: Guidance for Regulatory Bodies*.

Under the Fair Access to Regulated Professions Act, 2006 (FARPA) and the Regulated Health Professions Act, 1991 (RHPA), my office requires certain professions to review their registration practices, submit reports about them and undergo compliance audits, to ensure that registration is fair.

This framework applies to the regulated professions named in schedule 1 of FARPA and the health regulatory colleges named in schedule 1 of the RHPA, collectively referred to here as regulatory bodies.

The Office of the Fairness Commissioner (OFC) has designed this framework document to provide guidance and assistance to Ontario's regulatory bodies when working with auditors. It specifies the scope and standards for the audit and provides guidance about the eligibility criteria for the roster of auditors, guidance on evaluation of registration practices and information about audit timelines. This framework is not intended to be prescriptive but should be seen as a resource.

My staff designed the framework after extensive consultation with the professions. We also received expert advice from specialists in the field of auditing. I would like to thank the many organizations and individuals who offered valuable advice.

I am confident that audits will help us determine whether registration practices are transparent, objective, impartial and fair. With this information, we can work together to identify and eliminate unnecessary barriers limiting access to the professions.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' and 'A'.

**Hon. Jean Augustine, PC**  
Fairness Commissioner

## INTRODUCTION

The OFC's mandate is to ensure that regulatory bodies have transparent, objective, impartial and fair practices to register, certify or issue licences to qualified persons who wish to practise their professions in Ontario. Fair registration allows all applicants to be well received and given fair treatment when applying to become members of those professions.

Independent audits (also called compliance audits) will allow the OFC to ensure that regulatory bodies are meeting their obligations and will assist them in identifying registration practices that may require revision or modification. The audits also may reveal best practices that could be shared by other regulatory bodies.

The Fairness Commissioner was required to consult with the regulatory bodies on the cost, scope and timing of audits.<sup>1</sup> OFC staff designed this audit framework after extensive consultations with representatives of the regulatory bodies and after reviewing written feedback from them and from the Federation of Health Regulatory Colleges of Ontario.

The OFC aims to ensure a consistent approach to the assessment of compliance and to provide regulatory bodies with clear expectations based on the relevant legislative requirements.

The regulatory bodies are to undergo audits of their registration practices so that the Fairness Commissioner may assess their compliance with applicable legislation.<sup>2</sup> The auditors must then submit reports of the audits to the OFC.

The regulatory bodies also have a duty to cooperate with auditors, to provide auditors with any assistance that is reasonably necessary and to furnish information regarding their registration practices and their compliance with the legislation.<sup>3</sup> Regulatory bodies are required to alter any unfair registration practices and applicable policies to achieve fairness in registration.

The OFC recognizes the importance of collaborative efforts in bringing about transparent, objective, impartial and fair registration practices. The OFC counts on regulatory bodies' cooperation when they undergo audits and on their continued efforts to achieve the goals of the legislation.

## LEGISLATION GOVERNING AUDITS

The OFC works with the regulated professions in Ontario to ensure their compliance with FARPA. The OFC also works with the health regulatory colleges to ensure their compliance with the fair registration practices provisions in schedule 2 of the RHPA, the Health Professions Procedural Code (the Code).

FARPA and the Code give the Fairness Commissioner the responsibility to set out the scope of audits of registration practices.<sup>4</sup>

### 1. The Scope of Audits for Regulated Professions

For regulated professions, the OFC relies upon parts II, III and VI of FARPA to determine the scope of audits. More specifically:

***Part II: Fair Registration Practices Code: General Duty***

Contains the overarching requirement that regulated professions have registration practices that are transparent, objective, impartial and fair.

Regulated professions will be audited for compliance with all areas of this part.

***Part III: Fair Registration Practices Code: Specific Duties***

Sets out areas in which regulated professions must have registration practices that are transparent, objective, impartial and fair, including:

- the provision of information;
- timely decision-making, responses and reasons;
- internal review or appeal systems;
- the provision of information on appeal rights;
- the provision of information on documentation of qualifications;
- qualifications assessment systems;
- training systems; and
- the provision of access to applicant's own records.

Regulated professions will be audited for compliance with all areas of this part.

***Part VI: Reports***

Contains provisions for reports to the OFC, including reports arising out of a regulated profession's own review of its registration practices.

Regulated professions will be audited for compliance with sections 19, 20, 22, 23, 24 and 25.

**2. The Scope of Audits for Health Regulatory Colleges**

For health regulatory colleges, the OFC relies upon sections 15-22, 22.2-22.4, 22.6-22.7 and 22.9-22.11 of the Code to determine the scope of audits. More specifically:

***Section 22.2: Fair Registration Practices: General Duty***

Contains the overarching requirement that health regulatory colleges provide registration practices that are transparent, objective, impartial and fair.

Health regulatory colleges will be audited for compliance with this section.

***Sections 15-22, 22.3-22.4***

Set out areas in which health regulatory colleges must have registration practices that are transparent, objective, impartial and fair, including:

- the provision of information;
- timely decision-making, responses and reasons;

- internal review or appeal systems;
- the provision of information on appeal rights;
- the provision of information on documentation of qualifications;
- qualifications assessment systems;
- training systems; and
- the provision of access to applicant's own records.

Health regulatory colleges will be audited for compliance with these sections.

***Sections 22.6, 22.7, 22.9, 22.10 and 22.11***

Contain provisions for reports to the OFC, including reports arising out of a health regulatory college's own review of its registration practices.

Health regulatory colleges will be audited for compliance with these sections.

## **THE AUDIT STANDARD**

In Canada, independent compliance audits are conducted according to generally accepted auditing standards (Canadian GAAS). Canadian GAAS establishes a framework for various kinds of audits and reviews. The standards require auditors to design procedures to ensure that, in their professional judgment, they minimize the risk of an inappropriate conclusion and can provide a suitable conclusion concerning the subject of the audit.

The OFC will use Canadian GAAS section 5815, "Audit Reports on Compliance with Agreements, Statutes and Regulations." This standard provides a high level of assurance that regulatory bodies are in compliance with either FARPA or the Code.

The audit standard is in the Canadian Institute of Chartered Accountants (CICA) Handbook. It can be purchased in print, on compact disc or online from the CICA at <http://www.cica.ca>.

## **EVALUATION OF REGISTRATION PRACTICES**

FARPA and the Code list the general and specific duties of regulatory bodies. The following questions, based on the duties listed in FARPA and the Code, can assist auditors in evaluating registration practices. However, these questions are not comprehensive or prescriptive, and auditors retain complete discretion to determine the nature of the inspection and to use generally accepted accounting principles and generally accepted assurance standards to develop suitable criteria for evaluating registration practices. Where the legislative terms used are open to interpretation (e.g., "reasonable," "objective," "fair" etc.), the auditors must use their professional judgment in determining if the legislative requirements have been met.

### **1. Information for Applicants**

Does the regulatory body provide information about its registration practices to persons applying or intending to apply for registration?

Is it providing information about the amount of time that the registration process usually takes?

Is it communicating the objective requirements for registration? Does it explain which requirements may be satisfied through acceptable alternatives?

Does it provide a fee scale?

## **2. Timely Decisions, Responses and Reasons**

Does the regulatory body make registration decisions within a reasonable time? (“Reasonableness” will be determined by auditors during the conduct of an audit.)

Does it give written responses to applicants within a reasonable time?

Does it give written reasons to applicants within a reasonable time about all registration decisions and internal review or appeal decisions?

## **3. Internal Review or Appeal**

Does the regulatory body provide an internal review or appeal from its registration decisions within a reasonable time?

Does it give applicants for registration the opportunity to make oral, written or electronic submissions about any internal review or appeal?

## **4. Information on Appeal Rights**

Does the regulatory body inform applicants of any rights they may have to request a further review of, or appeal from, a registration decision?

Are registration decision-makers separate from the decision-makers in internal reviews or appeals of those registration decisions?

## **5. Documentation of Qualifications**

Does the regulatory body make available to the public its requirements for the documentation of qualifications that must accompany an application?

Does it give applicants information on acceptable alternatives to the documentation if they cannot obtain the standard documentation for reasons beyond their control?

## **6. Assessment of Qualifications**

Does the regulatory body make its own assessment of qualifications in a way that is transparent, objective, impartial and fair?

If it relies upon third parties to assess qualifications, does it take reasonable measures to ensure that the third parties make assessments of qualifications in a way that is transparent, objective, impartial and fair? (“Reasonable measures” may include having a formal service agreement with a third party that specifies standards to which the third party is expected to adhere and ensuring compliance with the agreement.)

## 7. Training

Does the regulatory body ensure that persons assessing qualifications and making registration decisions are trained?

Does it ensure that persons who make internal review or appeal decisions know how to hold hearings, if hearings are necessary?

Does it ensure that training in any special considerations that may apply in the assessment of applications is provided, and that the process for applying those considerations is taught?

## 8. Access to Records

Does the regulatory body give applicants access to records related to their application, upon written request?

Does it limit access only to the extent permitted in the legislation?

Does it give the applicant partial access when records can reasonably be severed?

Does it have a process for considering requests for access to records?

Does it give applicants an estimate of any fee charged for access?

Is the amount of the access fee less than the amount prescribed by regulation or, if no amount is prescribed, does the amount reflect reasonable cost recovery?

Does the regulatory body waive fees? If so, are these waivers based on fair and equitable reasons?

## AUDIT TIMELINES

The OFC has considerable flexibility to choose how often each regulatory body must be audited and to specify other aspects of timing such as the period to be covered by an audit, the time of year it must take place and the date when the report must be submitted.

### 1. Audit Cycle

Both FARPA and the Code require audits “every three years or at such other times as the Fairness Commissioner may specify.”<sup>5</sup> To plan the audit cycle, the OFC develops:

- long-term strategies to ensure that all regulatory bodies subject to audits will be audited and that follow-up work to measure progress in achieving fairness will be carried out within a reasonable time frame; and
- annual audit schedules that list which regulatory bodies will be subject to audits, including those previously audited whose progress will be monitored.

The first audit cycle is a three-year cycle.

<b>Year 1</b>	<b>OFC issues notice</b>	<b>Deadline for body to choose auditor</b>	<b>Audit begins</b>	<b>Deadline for auditor to send draft report to bodies</b>	<b>Deadline for bodies to make any written submissions to auditor</b>	<b>Deadline for auditor to submit final report to OFC</b>
Association of Professional Geoscientists of Ontario	June 18, 2008	July 18, 2008	September 24, 2008	November 19, 2008	December 19, 2008	December 31, 2008
College of Massage Therapists of Ontario	July 15, 2008	November 3, 2008	January 13, 2009	March 10, 2009	April 9, 2009	April 21, 2009
College of Physiotherapists of Ontario	July 15, 2008	August 22, 2008	November 3, 2008	December 29, 2008	January 28, 2009	February 9, 2009
College of Veterinarians of Ontario	July 2, 2008	July 29, 2008	October 8, 2008	December 3, 2008	January 2, 2009	January 8, 2009
Ontario College of Pharmacists	July 15, 2008	November 3, 2008	January 13, 2009	March 10, 2009	April 9, 2009	April 21, 2009
Ontario College of Teachers	July 15, 2008	November 21, 2008	February 3, 2009	March 31, 2009	April 30, 2009	May 11, 2009
Professional Engineers Ontario	July 15, 2008	December 19, 2008	March 3, 2009	April 28, 2009	May 28, 2009	June 8, 2009
Royal College of Dental Surgeons of Ontario	July 2, 2008	July 29, 2008	October 8, 2008	December 3, 2008	January 2, 2009	January 8, 2009

<b>Year 2</b>	<b>OFC issues notice</b>	<b>Deadline for body to choose auditor</b>	<b>Audit begins</b>	<b>Deadline for auditor to send draft report to bodies</b>	<b>Deadline for bodies to make any written submissions to auditor</b>	<b>Deadline for auditor to submit final report to OFC</b>
Association of Ontario Land Surveyors	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Chiropodists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Chiropractors of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Dental Hygienists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Denturists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Dietitians of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Medical Laboratory Technologists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Medical Radiation Technologists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Opticians of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Physicians and Surgeons of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Psychologists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
College of Respiratory Therapists of Ontario	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009
Law Society of Upper Canada	April 1, 2009	July 2, 2009	September 1, 2009	November 2, 2009	December 2, 2009	December 31, 2009

<b>Year 3</b>	<b>OFC issues notice</b>	<b>Deadline for body to choose auditor</b>	<b>Audit begins</b>	<b>Deadline for auditor to send draft report to bodies</b>	<b>Deadline for bodies to make any written submissions to auditor</b>	<b>Deadline for auditor to submit final report to OFC</b>
Certified General Accountants of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Audiologists and Speech Language Pathologists of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Dental Technologists of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Midwives of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Nurses of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Occupational Therapists of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
College of Optometrists of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Institute of Chartered Accountants of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Ontario Association of Architects	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Ontario Association of Certified Engineering Technicians and Technologists	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Ontario College of Social Workers and Social Service Workers	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Ontario Professional Foresters Association	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010
Society of Management Accountants of Ontario	July 2, 2009	October 1, 2009	December 1, 2009	February 1, 2010	March 3, 2010	March 31, 2010

After at least two years of registration, the following colleges will also fall under OFC purview and will be audited:

- College of Early Childhood Educators of Ontario
- College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
- College of Kinesiologists of Ontario
- College of Naturopaths of Ontario
- College of Homeopaths of Ontario
- College of Psychotherapists and Registered Mental Health Therapists of Ontario

The audit schedule for these bodies will be provided at a later date.

## **2. The Period Covered by an Audit**

Each audit of a regulatory body will cover one full year of registration practices.

The first audits will cover registration practices from July 16, 2007, through July 15, 2008.

Subsequent audits will cover registration practices for a full year ending on the day the OFC issues the notice of audit. For example, audits in Year 2 cover registration practices from April 2, 2008, through April 1, 2009.

Appendix A is a sample notice of audit.

## **3. Notice of Audits**

The OFC will aim to provide notice that an audit is required six months before its start date; at a minimum, 90 days' notice will be given.

The notice will state:<sup>6</sup>

- the scope of the audit and the audit standards that will apply;
- the date by which the audit must be completed;
- that the regulatory body must choose and appoint an auditor from the roster established by the Fairness Commissioner by the date specified in the notice;
- that if the regulatory body fails to choose and appoint an auditor by the date specified in the notice, the Fairness Commissioner will choose the auditor; and
- that the regulatory body is responsible for paying the auditor's fees and expenses.

Appendix A is a sample notice of audit.

## **4. Additional Audits**

In addition to the dates in the three-year cycle above, a regulatory body may be selected to undergo an audit when information arises from the OFC's review of other reports prepared by the body. These include reports on the results of a regulatory body's own review of its registration practices, annual Fair Registration Practices Reports and any other reports that the Fairness Commissioner may specify relating to compliance.

A regulatory body may also be selected to undergo an audit at the Fairness Commissioner's discretion.

## THE ROSTER OF AUDITORS

The OFC does not conduct audits. Each regulatory body must hire an individual or firm to conduct its audit, choosing from a list of acceptable suppliers.<sup>7</sup> It may use its financial auditor to conduct the compliance audit, but the two audits should be carried out independently.

### 1. Eligibility Criteria

The OFC's roster includes all licensed public accountants in good standing who are licensed by a governing body that meets the standards of the Public Accountants Council for the Province of Ontario.

The Public Accountants Council maintains a roll of all persons licensed to practise public accounting in Ontario at <http://www.pacont.org/register>. Regulatory bodies should ensure that the lead practitioner responsible for conducting the audit is listed on this roll and is in good standing for the duration of the audit.

The OFC will hold an orientation session for auditors before each audit begins. This session will focus on the legislation, the role of regulatory bodies and the context for fair registration practices. Each regulatory body will be given a choice of dates for the session.

### 2. Conflict of Interest

An auditor must be independent from the regulatory body that he or she is auditing. An auditor cannot perform the audit for a regulatory body if there is a foreseeable conflict of interest. Before taking on the engagement, an auditor must disclose to the regulatory body any actual or potential conflict of interest.

A conflict of interest includes, but is not limited to, any situation or circumstance in which the auditor's other commitments, relationships or financial interests:

- could exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgment, or could be perceived as doing so; or
- could compromise, impair or be incompatible with the effective performance of its contractual obligations, or could be perceived as doing so.

## CONDUCT OF AUDIT

An auditor who meets the eligibility criteria for the roster must begin the audit promptly, must conduct it in accordance with the scope of the audit and the audit standard set out in the OFC's notice of audit and must complete the audit by the date in the notice.<sup>8</sup>

A regulatory body may use its financial auditor to conduct an audit of registration practices, but the two audits should be carried out independently.

In conducting a registration practices audit, the auditor should:

- assess to what extent the regulatory body's planning for registration practices complies with either FARPA or the Code;
- assess the effectiveness of the regulatory body's registration practices in meeting the fair registration practices objectives set out in either FARPA or the Code;

- assess the need for and relevance of the regulatory body's registration requirements;
- compare the registration practices carried out with those that were planned;
- if applicable, assess the effectiveness of any registration practices implemented to remedy shortcomings revealed by a previous audit; and
- if applicable, assess the regulatory body's compliance with the terms and conditions of a compliance order.

While conducting audits of registration practices, auditors are allowed to collect personal information, directly or indirectly, for the purposes of the audit. However, auditors will not retain any personal information after completing the audit and will not include any personal information in any draft or final audit report.<sup>9</sup>

## AUDIT REPORT

The regulatory body and the auditor should reach a clear understanding at the outset about the nature of the auditor's services and the nature of the report. An audit report should state conclusions and must explain the factors that were considered in arriving at the auditor's determination. It must also provide recommendations based on the evidence identified during the audit.

The audit report must provide sufficient information to:

- advise the OFC about the degree of compliance by the regulatory body;
- support the audit conclusions, and explain all exceptions;
- advise the OFC of potential complaints or problems; and
- clarify and reinforce the auditor's judgment and decisions.

The auditor should first prepare a draft report on the audit and provide a copy of it to the regulatory body, together with a notice that the body has 30 days to make submissions to the auditor on the draft. The auditor should consider those submissions and make any changes he or she considers appropriate.

The auditor will then prepare a final audit report and submit it to the OFC, with a copy to the regulatory body. An auditor's certificate will be filed with the Fairness Commissioner certifying that the auditor made the audit in accordance with the applicable legislation and that he or she has provided a copy of the report to the regulatory body. If the regulatory body made submissions to the auditor on the draft report, the auditor will also provide a copy of those submissions to the OFC.

The Fairness Commissioner will provide the Minister of Citizenship and Immigration (for regulated professions listed in schedule 1 of FARPA) and the Minister of Health and Long-Term Care (for health regulatory colleges listed in schedule 1 of the RHPA) with a copy of all auditors' reports within a reasonable time after receiving them.<sup>10</sup>

## ENFORCEMENT OF COMPLIANCE

The Fairness Commissioner takes non-compliance with the legislation seriously and may require regulatory bodies to provide further reports or information relating to their compliance with FARPA or the fair registration practices provisions in the Code.<sup>11</sup>

## 1. For Regulated Professions

Under FARPA, the Fairness Commissioner may make such orders requiring compliance as he or she considers appropriate. An order may require a regulated profession to do or to refrain from doing specified things. However, before issuing orders, the OFC, in keeping with its collaborative approach, will ask regulated professions that are found to be in non-compliance to complete undertakings.

Before making an order, the Fairness Commissioner will give notice of a proposed order to the regulated profession and will give it an opportunity to make written submissions.<sup>12</sup>

The OFC may issue an order when:

- the regulated profession fails to cooperate with an auditor;
- the OFC identifies an instance of non-compliance but an appropriate undertaking cannot be agreed upon; or
- the regulated profession breaches an undertaking.

An order may recommend to the regulated profession that it make, amend or revoke the regulation that it has the authority to make under the act that governs it. An order may also recommend to the minister responsible for the regulated profession that the minister exercise any powers that the minister has to request or require the profession to make, amend or revoke the regulation.

The Fairness Commissioner has the right to impose fines of up to \$100,000 for any corporation that fails to comply with an order.

## 2. For Health Regulatory Colleges

Under the Code, the Fairness Commissioner has no authority to issue compliance orders. When a health regulatory college is not in compliance, the OFC will alert the health regulatory college and ask it to complete undertakings. If the college fails to complete the undertaking, the Fairness Commissioner will consult with the Minister of Health and Long-Term Care and may provide advice and recommendations that the college take action to rectify the situation or refrain from actions that contravene the Code.<sup>13</sup>

July 2, 2010

## SAMPLE NOTICE OF AUDIT

In accordance with s. 21 of the Fair Access to Regulated Professions Act, 2006 (FARPA), the Royal Society of Certified Professional Associations and Colleges of Ontario (Royal Society) is hereby notified that it must have an audit conducted of its registration practices. In particular, the Royal Society must be audited for compliance with parts II and III of the FARPA and with sections 19, 20, 22, 23, 24 and 25 contained in part VI of the FARPA, in accordance with Canadian Generally Accepted Auditing Standard 5815.

The audit must cover registration practices that occurred at the Royal Society from July 3, 2009, to July 2, 2010. The audit should commence no later than December 1, 2010. **The audit must be completed by March 31, 2011.**

The Royal Society must choose and appoint an auditor from the roster established by the Fairness Commissioner, which consists of any auditor who is a licensed public accountant in good standing with a governing body that meets the standards of the Public Accountants Council of the Province of Ontario. By no later than October 1, 2010, the Royal Society will notify the Fairness Commissioner of its choice of auditor. If the Royal Society does not choose and appoint an auditor by October 1, 2010, the Fairness Commissioner will choose the auditor and the auditor will be deemed to have been appointed by the Royal Society. The Royal Society is responsible for paying all of the auditor's fees and expenses.

Any questions concerning the audit should be directed to the Office of the Fairness Commissioner at 416-325-9380 or [ofc@ontario.ca](mailto:ofc@ontario.ca).

Sincerely,

Fairness Commissioner

## LEGISLATIVE REFERENCES

- <sup>1</sup> Fair Access to Regulated Professions Act, 2006, s. 13(3)(c); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.5(1)(e).
- <sup>2</sup> Fair Access to Regulated Professions Act, 2006, s. 13(3)(a); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.5(1).
- <sup>3</sup> Fair Access to Regulated Professions Act, 2006, s. 21(7); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(7).
- <sup>4</sup> Fair Access to Regulated Professions Act, 2006, s. 13(3)(b); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.5(1)(b).
- <sup>5</sup> Fair Access to Regulated Professions Act, 2006, s. 21(1); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(1).
- <sup>6</sup> Fair Access to Regulated Professions Act, 2006, s. 21(2); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(2).
- <sup>7</sup> Fair Access to Regulated Professions Act, 2006, s. 21(3); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(3).
- <sup>8</sup> Fair Access to Regulated Professions Act, 2006, s. 21(5); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(5).
- <sup>9</sup> Fair Access to Regulated Professions Act, 2006, s. 21(6); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(6).
- <sup>10</sup> Fair Access to Regulated Professions Act, 2006, s. 21(14); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.8(14).
- <sup>11</sup> Fair Access to Regulated Professions Act, 2006, s. 22(1); Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.7(3).
- <sup>12</sup> Fair Access to Regulated Professions Act, 2006, s. 27(1).
- <sup>13</sup> Schedule 2 to the Regulated Health Professions Act, 1991, s. 22.5(h).

