



STRATEGY FOR CONTINUOUS IMPROVEMENT OF REGISTRATION PRACTICES

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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.

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1. Introduction

The Fairness Commissioner wants to make sure that regulatory bodies continue to improve the way they register people who apply for professional licences in Ontario. To that end, the focus of the Office of the Fairness Commissioner (OFC) has transitioned to a new phase: the *Strategy for Continuous Improvement of Registration Practices*.

In its first four years, between 2007 and 2010, the OFC focused on research, gathering information about regulatory bodies' registration practices, informing them about their responsibilities, and encouraging them to improve their practices. Regulatory bodies responded impressively, and have made steady progress in removing barriers to the professions.

And more needs to be done.

Starting in the spring of 2011, the Commissioner and her staff are focusing on assessing the registration practices of Ontario's regulatory bodies to ensure they are transparent, objective, impartial and fair, to help regulatory bodies focus on continuously improving the way they register people who apply for professional licences in Ontario. This focus on assessment and on the bodies' continuous improvement benefits applicants, the professions, and the province.

This strategy for continuous improvement involves a biennial (two-year) cycle where the OFC assesses registration practices, makes recommendations for improving practices as needed, and monitors the implementation of action plans developed by the regulators themselves to address the recommendations.

The Commissioner believes that this approach will allow the OFC to achieve its vision that Ontario be known as a place where everyone who is qualified in a regulated profession can legally practise that profession.

Companion Documents

OFC staff use two guides to do the assessments:

- The [Registration Practices Assessment Guide — For Health Regulatory Colleges](#) is for assessing all health regulatory colleges.
- The [Registration Practices Assessment Guide — For Regulated Professions](#) is for assessing the other (non-health) professions that are within the Fairness Commissioner's mandate.

These guides enable the OFC to consistently and transparently assess practices and make recommendations for improvement.

Working Together

The OFC works with regulators to identify improvements that are meaningful and achievable, and to identify promising practices that can be shared with other regulators to provide constructive examples of how improvements can be made.

The OFC developed the new assessment guides with the dedicated help of regulatory bodies and qualifications assessment agencies. Representatives from these groups and the OFC looked carefully at the specific clauses in the fair access legislation, and developed lists of practices that the regulatory bodies must perform and practices they are encouraged to perform. Regulatory bodies provided feedback on the guide and the strategy.

2. Mandate of the OFC and the Duties of Regulatory Bodies

The Fairness Commissioner's mandate is to ensure that the regulatory bodies covered by Ontario's fair access legislation have registration practices that are transparent, objective, impartial and fair.

The Commissioner has several functions. One important function is to assess the registration practices of regulatory bodies based on their legal obligations.

Health regulatory colleges are covered by Schedule 2 to the Regulated Health Professions Act, 1991 (RHPA). Other regulatory bodies are covered by the Fair Access to Regulated Professions Act, 2006 (FARPA). [Ontario's regulatory bodies](#) that are subject to these laws must:

- Meet the **specific duties** to provide the following: information to applicants; internal review or appeal processes; information on appeal rights; transparent, objective, impartial and fair qualifications assessments; training to their staff; and access for applicants to their own records. Regulatory bodies subject to FARPA must also provide timely decisions, responses and reasons.
- Meet the **general duty** to have registration practices that are transparent, objective, impartial and fair.
- Provide reports, such as [Fair Registration Practices Reports](#), [Audit Reports](#) and [Entry-to-Practice-Review Reports](#).

For more information, see the OFC's [mandate](#) and the [FARPA](#) and [RHPA](#) legislation.

3. Assessment and Continuous Improvement

The strategy for continuous improvement of registration practices involves both annual and biennial (every other year) activities.

Annual Fair Registration Practices Reporting and Annual Meeting

Each year, each regulatory body updates its [Fair Registration Practices \(FRP\) report](#), and submits it to the OFC by March 1. This report is the main way a regulatory body informs the OFC and the public about any changes and improvements it has made to its registration practices over the past year.

Also each year, every regulatory body meets with the OFC. Every two years, this meeting is used to discuss the biennial continuous improvement assessment. In the year between assessments, the OFC and the regulatory body use their annual meeting to discuss the findings in the latest FRP report, challenges, accomplishments and promising practices.

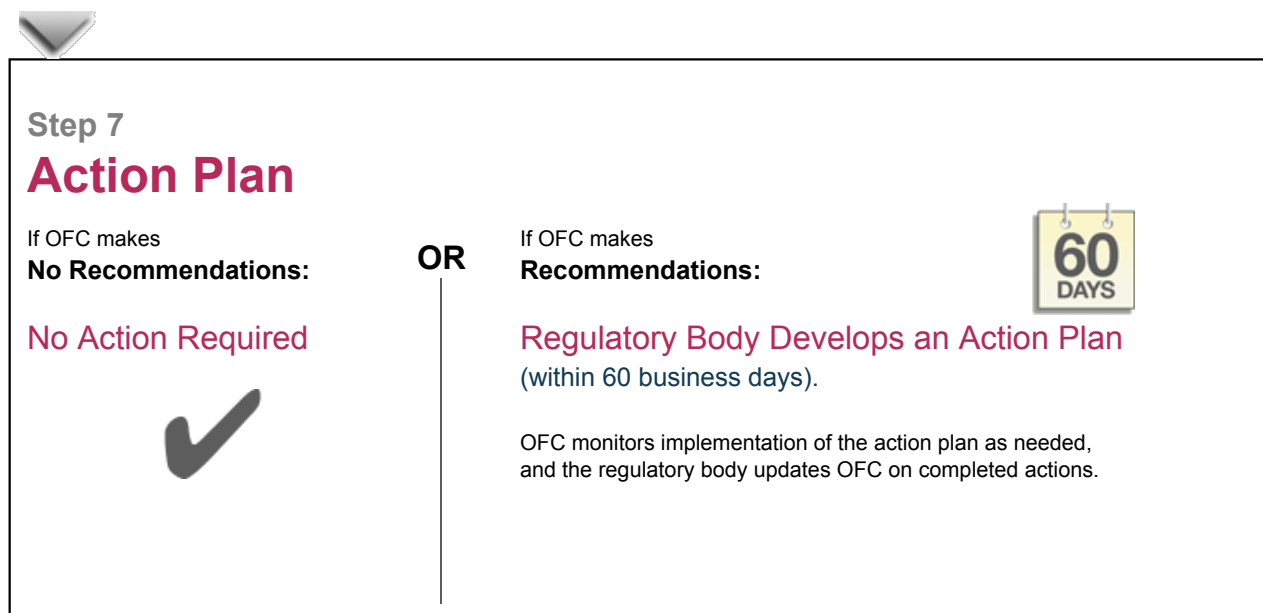
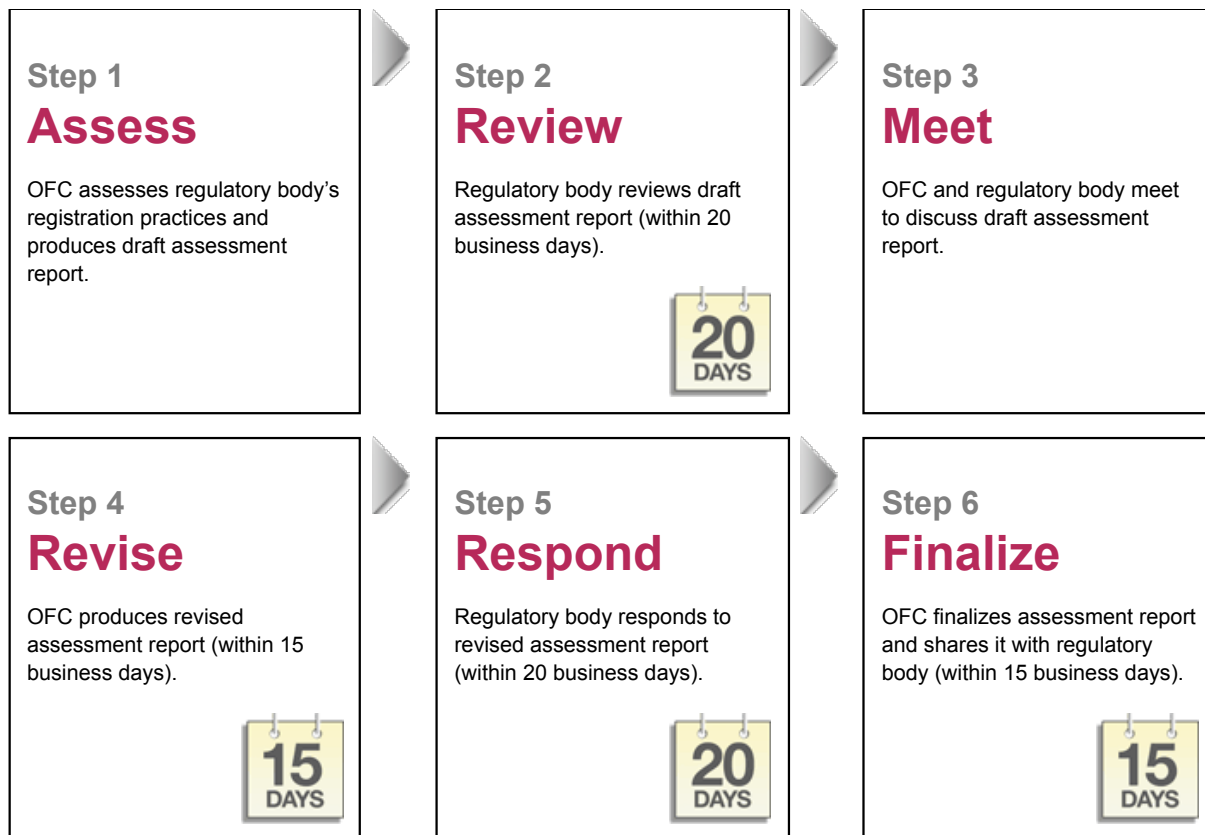
The meeting date is chosen to avoid the regulatory body's peak activity periods.

Biennial Assessment Cycle

Every two years, the OFC assesses each regulatory body's registration practices, makes recommendations for improving practices as needed, and monitors the implementation of action plans developed by the regulators themselves to address the recommendations.

Following are the main steps in this cycle.

START



Step 1: OFC Assesses Practices and Produces Draft Report

The OFC consolidates the information it has about a regulatory body's registration practices from the latest [Fair Registration Practices \(FRP\)](#) Report and any other sources, such as [Audit Reports](#), [Entry-to-Practice Review Reports](#), discussions with the regulatory body, and the body's website.

The OFC assesses the regulatory body's registration practices using the [Registration Practices Assessment Guide — For Health Regulatory Colleges](#) or the [Registration Practices Assessment Guide — For Regulated Professions](#). (Due to the differences in FARPA and the RHPA, two separate guides were developed for the regulatory bodies subject to FARPA and the health regulatory colleges, which are all subject to the RHPA.)

The guides set out two types of practices: **required practices** and **good practices**. A regulatory body must demonstrate the *required* registration practices in order to meet the *specific duties* identified in the legislation. *Good* practices are registration practices the OFC encourages a regulatory body to adopt in order to meet the *general duty* to provide registration practices that are transparent, objective, impartial and fair.

OFC staff determine which of the practices the regulatory body is demonstrating and where there may be opportunities for improvement. Regulatory bodies' ability to adopt the good practices varies according to resources, registration processes, each body's own governing legislation, and other relevant statutes. Recommendations for improvement are therefore tailored to individual regulatory bodies.

OFC staff now complete a draft Registration Practices Assessment Report. This report includes a Summary and Recommendations section that highlights commendable practices that are already in place or are under way. It also identifies practices that must be adopted and recommends further improvement where needed.

Step 2: Regulatory Body Reviews Draft Assessment Report

OFC staff send the draft assessment report to the regulatory body. The regulatory body has 20 business days to review the draft before meeting with the OFC.

Step 3: OFC and Regulatory Body Meet

The OFC and the regulatory body discuss the draft assessment report and the feasibility of any recommendations for improvement. The meeting is an opportunity to amend and clarify the OFC's assessment and to share information about promising practices.

Step 4: OFC Produces Revised Assessment Report

Within 15 business days, the OFC revises the assessment report based on the outcome of the meeting and sends it back to the regulatory body.

Step 5: Regulatory Body Responds to Revised Assessment Report

The regulatory body has 20 business days to review the revised assessment report and respond to the OFC, if required.

Step 6: OFC Produces Final Assessment Report

Within 15 business days, the OFC finalizes the assessment report and shares it with the regulatory body.

- If the OFC makes recommendations in the report, the OFC asks the regulatory body to develop an action plan to address these issues.
- If the OFC does not make any recommendations, no action plan is required.

Step 7: Regulatory Body Develops Action Plan (if required)

If the OFC makes recommendations, the regulatory body develops an action plan and submits it to the OFC within 60 business days.

The OFC either:

- approves the plan
- or
- requests changes to the plan, if it believes that the actions do not address the required practices or recommendations, or that the deadlines are inappropriate

If the OFC requests changes, the regulatory body has the opportunity to revise the action plan or show the OFC why the proposed actions or deadlines are adequate.

OFC Monitors Implementation

OFC staff monitor the regulatory body's implementation of the action plan, and the regulatory body updates the OFC on completed work. Some actions may take multiple years to implement.

If the regulatory body cannot complete an action in the plan, it contacts the OFC to discuss extending the deadline or modifying the planned action.

Ongoing Cycle

Two years after the first assessment, the OFC consolidates any new information it has about the body's registration practices and revises its assessment report.

The process described above starts again.

4. The Role of Reviews and Audits

Entry-to-Practice Reviews

Entry-to-Practice Reviews enable a regulatory body to examine its own licensing practices and determine whether its requirements are all still necessary and relevant to practising the profession in Ontario. Reviews may be voluntary or mandatory.

The OFC encourages *voluntary* reviews because they contribute to a culture of thoughtful analysis and meaningful and continuous improvement.

The OFC will require a regulatory body to do a *mandatory* review when it determines that the body would benefit from examining its own registration practices and requirements.

For more information about voluntary and mandatory Entry-to-Practice Reviews, see [Conducting Entry-to-Practice Reviews](#).

Audits

The OFC will request an audit when it needs an independent investigation of registration practices.

For more information, see [Audits](#).

5. Ensuring Fair Access

Enforcing Required Practices

The *required* registration practices correspond to the specific duties identified in the fair access legislation. If a regulatory body does not demonstrate the required practices, the OFC will ask it to develop an action plan for adopting them.

However, if it fails to do so, the OFC may consider it a failure to perform the specific duties. The OFC will vigorously enforce the implementation of required practices under the fair access law. For regulatory bodies governed by FARPA, the Commissioner issues compliance orders. For health regulatory colleges, the Commissioner recommends to the Minister of Health and Long-Term Care that a college take action. (The minister has oversight of the health regulatory colleges.)

Encouraging Good Practices

The *good* practices are registration practices that the OFC encourages regulatory bodies to adopt in order to meet the general duty to provide registration practices that are transparent, objective, impartial and fair. The OFC will make recommendations to regulatory bodies based on the good practices. A regulatory body may choose to disregard the OFC's recommendations, but in order to ensure that the body is obeying the fair access law, the Commissioner may ask it to describe how it is meeting the general duty.
