

Registration Practices Assessment Report
COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO
2016–2017 Assessment Cycle (Cycle 3)

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AVAILABILITY OF REPORT

The Office of the Fairness Commissioner (OFC) provides this report to the regulatory body and posts the full report on its website, www.fairnesscommissioner.ca. In the interests of transparency and accountability, the OFC encourages the regulatory body to provide it to its staff, council members, other interested parties and the public.

Introduction

Assessment is one of the Fairness Commissioner's mandated roles under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA) and the Regulated Health Professions Act, 1991 (RHPA) – collectively known as fair access legislation.

Assessment Cycle

One of the primary ways the OFC holds regulators accountable for continuous improvement is through the assessment of registration practices using a [three-year assessment cycle](#).

Assessment cycles alternate between **full assessments** and **targeted assessments**:

- Full assessments address all specific and general duties described in the fair-access legislation.
- Targeted assessments focus on the areas where the OFC made recommendations in the previous full assessment.

Focus of this Assessment and Report

The 2016-2017 assessment of the College of Medical Laboratory Technologists of Ontario (CMLTO) is a full assessment.

The OFC's detailed report captures the results of the full assessment. However, practices related to provision of information are excluded for regulators who have previously been assessed. For those regulators, these practices have been removed from the report.^[1] The assessment summary provides the following key information from the detailed report:

- duties that were assessed
- an overview of assessment outcomes for specific duty practices
- an overview of comments related to the general duty
- commendable practices
- recommendations

Assessment Summary

Specific Duties

Specific duties assessed

The regulator has been assessed in all of the specific duties, with the exception of provision of information.

Comments

The CMLTO has demonstrated all of the practices in the following specific-duty areas:

- 2. Timely Decisions, Responses and Reasons
- 3. Internal Review or Appeal
- 6. Assessment of Qualifications
- 7. Training
- 8. Access to Records

General Duty

Assessment method

The regulator selected the following method for the assessment of the general duty:

a. OFC practice-based assessment (following the practices in the Assessment Guide)	<input checked="" type="checkbox"/>
b. Regulator practice-based self-assessment (following the practices in the Assessment Guide)	<input type="checkbox"/>
c. Regulator systems-based self-assessment (in which it explains systemically and holistically how it meets the general duty)	<input type="checkbox"/>

Principles assessed

The regulator has been assessed on all of the general duty principles: transparency, objectivity, impartiality and fairness.

Comments

Since the last assessment, the OFC found that the CMLTO has maintained a high standard of transparency, objectivity, impartiality and fairness in its registration practices and processes.

Commendable Practices

A *commendable practice* is a program, activity or strategy that goes beyond the minimum standards set by the OFC assessment guides, considering the regulatory body's resources and profession-specific context. Commendable practices may or may not have potential for transferability to another regulatory body.

The regulatory body is demonstrating commendable practices in the following areas:

Assessment of Qualifications

1. Partnering with the College of Medical Laboratory Technologists of Manitoba to review the prior learning assessment program of the Canadian Society of Medical Laboratory Technologists. (QA 15)

Training

1. Inviting the OFC to present at the annual meeting of the Registration Committee on the OFC approach to transparency, objectivity, impartiality and fairness, and to discuss the College's continuous improvement toward these goals.

Opportunities for Improvement

During this assessment cycle, the OFC has not identified any opportunities for improvement for CMLTO. The OFC expects that the CMLTO will continue maintaining its standards in the future. In the spirit of continuous improvement, the OFC encourages the CMLTO to continue its efforts towards more transparent, objective, impartial and fair registration processes.

Assessment History

In the previous assessment, the OFC did not identify any recommendations for the CMLTO.

Detailed Report^[2]

Specific Duty

1. Specific Duty — Information for Applicants

RHPA, Schedule 2, s. 22.3

Assessment Outcome
Not Applicable
OFC Comments
Exempt as Previously Assessed

2. Specific Duty — Timely Decisions, Responses and Reasons

RHPA, Schedule 2, s.20 (1)

**Only applies to regulatory bodies governed by FARPACTA*

1. If a regulator rejects an application, it gives written reasons to the applicant. [Fairness, Transparency]

Assessment Outcome
Demonstrated

2. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay*. [Fairness]

Assessment Outcome
Not Applicable
OFC Comments
Assessed under General Duty - Fairness

3. The regulator responds to applicants' inquiries or requests without undue delay*. [Fairness]

Assessment Outcome
Not Applicable
OFC Comments
Assessed under General Duty - Fairness

4. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay*. [Fairness]

Assessment Outcome
Not Applicable
OFC Comments
Assessed under General Duty - Fairness

5. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay*. [Fairness]

Assessment Outcome
Not Applicable
OFC Comments
Assessed under General Duty - Fairness

3. Specific Duty — Internal Review or Appeal

RHPA, Schedule 2, s. 15, s. 17, s. 19, s. 22.3

**Only applies to regulatory bodies governed by FARPACTA*

1. The regulator provides applicants with an internal review of, or appeal from, registration decisions. [Fairness]

Assessment Outcome
Demonstrated

2. The regulator implements rules and procedures that prevent anyone who acted as a decision-maker in a registration decision from acting as a decision-maker in an internal review or appeal of that same registration decision. [Impartiality]

Assessment Outcome
Demonstrated

3. The regulator provides information on its website that informs applicants about opportunities for an internal review or appeal. [Transparency]

Exempt as Previously Assessed

4. The regulator provides information on its website about any limits or conditions on an internal review or appeal. [Transparency]

Exempt as Previously Assessed

4. Specific Duty — Information on Appeal Rights

RHPA, Schedule 2, s. 20, s. 21, s. 22

Assessment Outcome
Not Applicable
OFC Comments
Exempt as Previously Assessed

5. Specific Duty — Documentation of Qualifications

Assessment Outcome
Not Applicable
OFC Comments
Exempt as Previously Assessed

6. Specific Duty — Assessment of Qualifications

RHPA, Schedule 2, s. 22.4(2)

**Only applies to regulatory bodies that develop and administer their own exams.*

1. On its website, the regulator informs applicants about the process, criteria, and policies for the assessment of qualifications. [Transparency]

Assessment Outcome
Not Applicable
OFC Comments
Exempt as Previously Assessed

2. The regulator communicates the results of qualifications assessment to each applicant in writing. [Transparency]

Assessment Outcome
Not Applicable
OFC Comments
CMLTO does not conduct assessment of qualifications. This and other practices in this section, except for practice 15, do not apply to the College.

3. The regulator gives its assessors access to assessment criteria, policies and procedures. [Transparency]

Assessment Outcome

Not Applicable

4. The regulator shows that its tests and exams measure what they intend to measure. [Objectivity]

Assessment Outcome

Not Applicable

5. The regulator states its assessment criteria in ways that enable assessors to interpret them consistently. [Objectivity]

Assessment Outcome

Not Applicable

6. The regulator ensures that the information about educational programs that is used to develop or update assessment criteria is kept current and accurate. [Objectivity]

Assessment Outcome

Not Applicable

7. The regulator links its assessment methods to the requirements/standards for entry to the profession or trade. [Objectivity]

Assessment Outcome

Not Applicable

8. The regulator requires that assessors consistently apply qualifications assessment criteria, policies and procedures to all applicants. [Objectivity]

Assessment Outcome

Not Applicable

9. The regulator uses only qualified assessors to conduct the assessments. [Objectivity]

Assessment Outcome

Not Applicable

10. The regulator monitors the consistency and accuracy of decisions, and takes corrective actions as necessary, to safeguard the objectivity of its assessment decisions. [Objectivity]

Assessment Outcome

Not Applicable

11. The regulator prohibits discrimination and informs assessors about the need to avoid bias in the assessment. [Impartiality]

Assessment Outcome

Not Applicable

12. The regulator implements procedures to safeguard the impartiality of its assessment methods and procedures. [Impartiality]

Assessment Outcome

Not Applicable

13. The regulator gives applicants an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]

Assessment Outcome

Not Applicable

14. The regulator assesses qualifications, communicates results to applicants, and provides written reasons for unsuccessful applicants, without undue delay. [Fairness]

Assessment Outcome

Not Applicable

15. Regulators that rely on third-party assessments establish policies and procedures to hold third-party assessors accountable for ensuring that assessments are transparent, objective, impartial and fair. [Transparency, Objectivity, Impartiality, Fairness]

Assessment Outcome

Demonstrated

Commendable Practice

The College partnered with the College of Medical Laboratory Technologists of Manitoba to review the prior learning assessment program of the Canadian Society of Medical Laboratory Technologists.

7. Specific Duty — Training

RHPA, Schedule 2, s. 22.4(3)

1. The regulator provides training for staff and volunteers who assess qualifications or make registration, internal review or appeal decisions. [Objectivity, Impartiality, Fairness]

Assessment Outcome

Demonstrated

Commendable Practice

The College invites the OFC to present at the annual meeting of the Registration Committee on the OFC approach to transparency, objectivity, impartiality and fairness, and to discuss the College's continuous improvement toward these goals.

2. The regulator addresses topics of objectivity and impartiality in the training it provides to assessors and decision-makers. [Objectivity, Impartiality]

Assessment Outcome

Demonstrated

3. The regulator identifies when new and incumbent staff and volunteers require training and provides the training accordingly. [Objectivity, Impartiality, Fairness]

Assessment Outcome

Demonstrated

8. Specific Duty — Access to Records

RHPA, Schedule 2, s. 16

1. The regulator provides each applicant with access to his or her application records. [Fairness]

Assessment Outcome

Demonstrated

2. If there is a fee for making records available, the regulator gives applicants an estimate of this fee. [Transparency]

Assessment Outcome

Not Applicable

3. If there is a fee for making records available, the regulator review the fee to ensure that it does not exceed the amount of reasonable cost recovery. [Fairness]

Assessment Outcome

Not Applicable

General Duty

RHPA, Schedule 2, S.22.2

Transparency

The regulator must meet the following practices:

- Maintaining openness
- Providing access to, monitoring, and updating registration information
- Communicating clearly with applicants about their status

Assessment Outcome

Over the course of three assessment cycles, the College has maintained a high degree of transparency about its registration practices. The College demonstrates transparency as follows:

Openness

The College takes necessary steps to maintain an open registration process and to enable interested stakeholders to understand how the registration process operates. This includes the following website content:

- separate newsletters for members and employers, annual reports, and the College's strategic plan
- a summary of council meeting highlights on the College website.

Since the last assessment, the College has taken additional steps to ensure procedures that govern the registration process are recorded in policy documents, and has approved revisions to two Governance Process Policies resulting in a new consolidated Council Code of Conduct.

Access

The College continues to ensure that applicants are provided with information at the time and in the way needed to take actions appropriate to their individual circumstances. In 2016 the College posted the latest career map on its public website, providing accurate and up-to-date information about the application process.

Clarity

The College continues to provide clear and timely information to applicants throughout the registration process. The College has internal customer service standards related to registration practices that it monitors monthly through the Registration Team Lead.

Objectivity

- Designing criteria and procedures that are reliable and valid
- Monitoring and following up threats to validity and reliability

Assessment Outcome

The College uses evidence provided by the Canadian Society of Medical Laboratory Science, in the form of:

- Language ability testing
- Prior Learning Assessment
- Examination results

The results of these assessments provide the basis for committee members to decide whether applicants meet the registration requirements. The results provide clear unequivocal evidence as to whether requirements have been met. The College maintains confidence in these results through a Memorandum of Understanding with the CSLMS.

Impartiality

- Identifying bias, monitoring, and taking corrective action
- Implementing strategies

Assessment Outcome

Registration Committee decision-makers are provided with information and tools to do their jobs.

- RC annual orientation – committee members receive an annual orientation from legal counsel on policies and procedures related to committee duties.
- RC Procedures manual - committee members have access to a policies and procedures manual.
- Staff Resources – committee members receive staff support from the Member Services Team Leader.

The College's bylaws include a section on Conflict of Interest, which states that all Council and committee members must comply with the Council member's code of conduct as set out in Council policy.

Registration Committee members are trained by legal counsel in anti-harassment and anti-discrimination issues under the Human Rights Code on a yearly basis.

Fairness

- Ensuring substantive fairness
- Ensuring procedural fairness
- Ensuring relational fairness

Assessment Outcome

The College continues to demonstrate fairness across its registration practices.

Substantive Fairness

The national competency profile for medical laboratory technologists is based on an analysis of medical laboratory programs, validated through consultation with medical laboratory stakeholders. This ensures the College's requirements are evidence-based and developed through a fair and substantive process.

Procedural Fairness

The College's strategic directions framework facilitates a review of registration processes, under the rubric of 'Excellence in Regulatory Programs and Services.'

The College has internal customer service standards related to registration practices that it monitors monthly through the Registration Team Lead. This ensures that the College's registration procedures are monitored for consistency and fairness.

Relational Fairness

The College accepts alternative forms of documentation required for registration, detailed on the website in a policy titled 'Alternative Documents for Registration.' This is an example of how the College provides flexibility and fairness in its registration processes.

Background

Assessment Methods

Assessments are based on the [Registration Practices Assessment Guide: For Regulated Professions and Health Regulatory Colleges](#). The guide presents registration practices relating to the specific duties and general duty in the fair access legislation.

A regulatory body's practices can be measured against the fair access legislation's specific duties in a straightforward way. However, the general duty is broad, and the principles it mentions (transparency, objectivity, impartiality and fairness) are not defined in the legislation.

As a result, the specific-duty and general-duty obligations are assessed differently (see the [Strategy for Continuous Improvement of Registration Practices](#)).

Specific Duties

The OFC can clearly determine whether a regulatory body demonstrates the specific-duty practices in the assessment guide. Therefore, for each specific-duty practice, the OFC provides one of the following assessment outcomes:

- Demonstrated – all required elements of the practice are present or addressed
- Partially Demonstrated – some but not all required elements are present or addressed
- Not Demonstrated – none of the required elements are present or addressed
- Not Applicable – this practice does not apply to the CMLTO's registration practices

General Duty

Because there are many ways that a regulatory body can demonstrate that its practices, overall, are meeting the principles of the general duty, the OFC makes assessment *comments* for the general duty, rather than identifying assessment outcomes. For the same reason, assessment comments are made by principle, rather than by practice.

For information about the OFC's interpretations of the general-duty principles and the practices that the OFC uses as a guideline for assessment, see [the OFC's website](#).

Commendable Practices and Recommendations

Where applicable, the OFC identifies commendable practices or recommendations for improvement related to the specific duties and general duty.

Sources

Assessment outcomes, comments, and commendable practices and recommendations are based on information provided by the regulatory body. The OFC relies on the accuracy of this information to produce the assessment report. The OFC compiles registration information from sources such as the following:

- Fair Registration Practices Reports, audits, Entry-to-Practice Review Reports, annual meetings
- the regulatory body's:
 - website
 - policies, procedures, guidelines and related documentation templates for communication with applicants
 - regulations and bylaws
 - internal auditing and reporting mechanisms
 - third-party agreements and related monitoring or reporting documentation
 - qualifications assessments and related documentation
- targeted questions/requests for evidence that the regulatory body demonstrates a practice or principle

For more information about the assessment cycle, assessment process, and legislative obligations, see the [Strategy for Continuous Improvement](#).

References

1. ^ These include: all practices from Information for Applicants, practice 3 from Internal Review and Appeals, practice 1 from Information on Appeal Rights, practice 1 from Documentation of Qualifications, practice 1 from Assessment of Qualifications, practice 2 from Access to Records, and practices 4-11 from Transparency of the Registration Practices Assessment Guide.
2. ^ Please note: Suggestions for continuous improvement appear only in the detailed report. Suggestions for improvement are not intended to be recommendations for action to demonstrate a practice, but are made solely to provide suggestions for areas that a regulatory body may consider improving in the future.

