



FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ

Glossary

This glossary defines commonly used terms in the context of the OFC's work.

Academic requirement

The formal post-secondary education, or equivalent, that is required for licensing in a particular regulated profession or trade.

Acceptable alternative

A flexible approach to registration requirements adopted by regulators to recognize the various ways in which professional competencies can be achieved and assessed. For example, many professions have recognized acceptable alternatives to academic requirements, such as bridging programs or combinations of training and experience.

Action Plan

Plans developed by the regulatory bodies themselves to address the recommendations for improving practices made following the OFC's assessment of registration practices.

Appeal and/or review process

A rehearing, reconsideration, review or appeal provided by a regulated profession in respect to a registration decision.

Applicant

An individual who applies for a license to practice a regulated profession or trade in Ontario.

Assessment Guide

The Assessment Guide describes the OFC's expectations of regulators in meeting the specific and the general duty under fair access legislation.

Assessment of registration practices (a.k.a. assessment)

At regular intervals, the OFC assesses each regulatory body's registration practices against the duties set out in fair access legislation and makes recommendations for improving practices as needed. These assessments are conducted using the Assessment Guide.

Audit	Audits are one of the mechanisms available to the OFC to determine compliance of a regulatory body with fair access legislation.
Bridging programs (a.k.a bridging)	Bridging programs provide individuals with academic training, language training, work experience and/or other occupation-specific services to help them integrate into their profession or trade in Ontario.
Canadian work experience	The requirement that applicants have prior work experience in Canada to be eligible for licensure.
Commendable Practices	A program, activity or strategy related to a regulator’s registration practices that go beyond the minimum standards set by the OFC.
Competency	Demonstrable skill, knowledge or judgment that a licensed professional or tradesperson is expected to apply when practising their profession or trade.
Competency-based Assessment	A tool to measure applicants’ ability to apply their skills, knowledge and judgment in the context of their profession or trade.
Compliance Order	One of the statutory compliance instruments within the Fairness Commissioner’s authority. The Fairness Commissioner may issue a compliance order if a regulatory body has not complied with the specific duties listed in FARPACTA, Part III, or has not provided the required reports described in Part VI. The order may require the regulator to do or to refrain from doing such things as are specified in the order.
Compulsory Trade	A trade in which registration with the Ontario College of Trades as an apprentice or journey person candidate, or certification as a journey person, is mandatory. There are currently 22 skilled trades in four divisions that are designated “compulsory”.
Council	A regulator’s governing body is often called a Council. It plays the same role as a Board of Directors and oversees organizational administration. A Council is typically comprised of members from the profession or trade who are elected by their peers, as well as members of the public who are appointed by Ontario’s Lieutenant Governor in Council.
Credential Assessment	Assessment of an individual’s academic credentials, including degrees, diplomas, certificates and other formal types of qualifications, often as a step to determining whether he or she has met the academic requirements for licensure in a profession or trade.

Entry-to-practice (ETP) review	The OFC uses the name “Entry-to-Practice Reviews” for what the fair access legislation refers to as “reviews of registration practices.” These are a systematic analysis conducted by a regulator of its own registration requirements and practices pertaining to its profession or trade.
Exemplary Practices Database	A collection of registration practices used by Ontario regulators that the OFC has identified as exceeding minimum standards and exceeding the threshold of “Commendable Practices”. The database is maintained by the OFC for the purpose of sharing relevant, useful information on best practices with regulators.
Fair access law/legislation	Refers to the <i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)</i> and to similar provisions in Schedule 2 of the Regulated Health Professions Act, 1991 (RHPA). Together, they govern the OFC’s authority in overseeing fair access to the regulated professions and compulsory trades in Ontario. The intent of this legislation is for regulators to have registration practices that are transparent, objective, impartial and fair so that all qualified applicants may attain licensure in Ontario regardless of their place of training. The rationale is that fair access to registration is in the public interest.
Fair Access Principles (or Fairness Principles)	The requirement set out in fair access legislation for regulatory bodies to have transparent, objective, impartial and fair registration practices.
Fairness	<p>A process or decision is considered fair in the regulatory context when all of the following are demonstrated:</p> <p><i>Substantive fairness:</i> ensuring the fairness of the decision itself. The decision itself must be fair, and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.</p> <p><i>Procedural fairness:</i> ensuring the fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that individuals have equal opportunity to participate in the registration process and demonstrate their ability to practice.</p> <p><i>Relational fairness:</i> ensuring that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.</p>
Fairness Commissioner	Individual appointed by the Lieutenant Governor in Council to act as the fair registration practices commissioner for the province of Ontario, as established by fair access law.

Fair Access to Regulated Professions and Compulsory Trades Act (FARPACKTA)

The enabling statute for the Office of the Fairness Commissioner from which the Commissioner’s authority stems. It requires regulated professions and trades in Ontario to have registration practices that are transparent, objective, impartial and fair.

General Duty

A duty established under the fair access legislation requiring regulators to ensure that all registration practices are transparent, objective, impartial and fair. This is different from the Specific Duties set out in the legislation.

Health Professions Appeal and Review Board (HPARB)

An independent adjudicative tribunal with a review and appeal mandate created by the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*. One of its main objectives is to ensure that professions are regulated in the public interest.

Applicants for registration can appeal registration decisions made by a regulator to HPARB.

Health Professions Procedural Code

Schedule 2 to the *Regulated Health Professions Act, 1991* which sets out the practical rules for health regulators pertaining to all of their statutory functions, including registration.

Impartiality

A process or decision is impartial if the position from which it is undertaken is neutral. Neutrality occurs when actions or behaviors that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases. In the regulatory context, impartiality encompasses the following:

Identification: having systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions, and lack of understanding of issues related to diversity).

Strategies: having systems to address bias and enable neutrality during the assessment and decision making process (for example, training policies that address conflict of interest, procedures to follow if bias is identified, and using group deliberation and consensus strategies to come to decisions).

Internationally Educated Individuals

An individual who received their profession or trade specific education outside of Canada. The term covers both immigrants and Canadians who studied abroad.

Language Requirements

The standards established by a regulatory body to demonstrate the language proficiency required for entry to practice of a profession or trade.

Licence

The authorization issued by a regulatory body enabling a person to practise a regulated profession or trade and/or to use a protected title.

Minister of Citizenship, Immigration and International Trade	Individual responsible for the administration of FARPACTA and to whom the OFC is accountable.
Objectivity	<p>A process or decision is objective if it is based on formal systems, such as criteria, tools, and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable. In the regulatory context, objectivity of systems encompasses the following:</p> <p><i>Reliability:</i> ensuring that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made, and in whatever context the decision is made.</p> <p><i>Validity:</i> ensuring that the criteria, training, tools and procedures measure what they intend to.</p>
Objective Structured Clinical Exam (OSCE)	A clinical exam designed to test an individual's skills, knowledge and judgment in the health professions. This type of exam typically involves interacting with trained actors.
Office of the Fairness Commissioner (OFC)	The OFC was established by the <i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006</i> to ensure that everyone who is qualified to practise a regulated profession or trade in Ontario can get a licence to practise here. The OFC works with the regulatory bodies that oversee the regulated professions and trades to ensure that their licensing processes are transparent, objective, impartial and fair.
Practical Experience	Hands-on training or work experience related to a profession or trade that is required for licensure. This may be distinct from Canadian experience.
Profession- or trade- specific legislation	The enabling legislation for a profession or trade. It typically includes the scope of practice for the profession or trade and other information about the governance and administration of that profession or trade. There may be regulations under the legislation which set out details about registration requirements.
Protected Title	A title legally restricted by persons who are qualified to practice a regulated profession or trade.
Qualifications Assessment Agencies	Third-party organizations that assess academic and other qualifications on behalf of Ontario's regulated professions. There are three types of organizations: post-secondary educational institutions, credentials assessment agencies and profession-related assessment agencies. Under the fair access law, regulators have a responsibility to take reasonable measure to ensure that these agencies respect the principles of the fair access law.

Qualification	A condition that must be fulfilled before determining whether an individual may enter a regulated profession.
Recommendation	When the OFC identifies licensing issues and areas for improvement in a regulatory body's registration practices to address the duties set out in the fair access legislation.
Registration	The granting of membership, with or without conditions, in a regulated profession or trade whether by registration, licensure, certification, admission, enrolment or other means.
Registration Committee	A group operating under the authority of a regulator's governing legislation that is responsible for approving or denying the registration of applicants for licensing or certification.
Registration Decision	A decision to grant registration to an applicant, to propose that an applicant not be granted registration, to not grant registration to an applicant, or to grant registration to an applicant with terms, conditions and limitations.
Registration Practices	An action, procedure, or policy used by regulators to assess applicants for the purpose of registration.
Registration Requirements	Requirements for registration include the qualifications applicants must have, the proof they must provide to show they are met, the fees they must pay, and any other criteria they must meet to be registered. Qualifications typically include academic credentials, language proficiency, workplace or clinical experience, successful completion of registration exams, and good character.
Regulated Health Professions Act (RHPA)	<i>The Regulated Health Professions Act, 1991</i> (RHPA), and associated health profession Acts, set out the governing framework for the regulated health professions in Ontario.
Regulated Profession/trade	A regulated profession or trade is responsible for governing, through its regulatory body, the professional conduct of its members so that the public interest is served. All regulated professions are required by law to set standards of practice and competence for entry into their profession. Applicants must meet these standards in order to register or receive a licence to practice – that is, to legally work in the profession or trade.
Regulation	Legal instrument in which regulators may set out their registration requirements. A regulation is established under the regulator's enabling legislation.

Regulatory Body (a.k.a. Regulator)	An organization that oversees one or more professions or trade and governs its members in the public interest. Some regulatory bodies oversee more than one profession or trade: for example, the Law Society of Upper Canada oversees both lawyers and paralegals. Some regulatory bodies are called colleges, but they are not schools.
Right to Practice	Entitles a qualified individual to practice a profession or trade.
Right to Title	Entitles a licensed member of a regulated profession or trade to use a protected title when representing themselves in professional matters.
Self-assessment of registration practices	Evaluation of the regulatory bodies' ability to meet the general duty, conducted by the regulator rather than the OFC. In this process, the regulatory body may choose to either conduct a structured self-assessment based on the practices listed in the assessment guide or conduct a self-assessment in which the regulatory body uses examples and explanations to demonstrate its transparent, objective, impartial and fair practices.
Specific Duties	Specific duties that the fair access legislation requires regulators to meet in the following areas: information, timely decisions, responses and reasons, internal review or appeal processes and information on appeal rights, fair assessment of qualifications, and access to records. It also stipulates that regulators must provide training for assessors and decision makers.
Strategy for Continuous Improvement	The strategic approach the OFC takes in fulfilling its mandate under fair access legislation.
Third Party	An organization relied on by regulators to assess the qualifications of individuals applying for registration. The OFC has an obligation to monitor third party assessors and regulators hold them to account to ensure that they design and conduct assessments in a transparent, objective, impartial and fair manner.
Trade (a.k.a. Compulsory Trade)	A compulsory trade to which the <i>Ontario College of Trades and Apprenticeship Act, 2009</i> applies.
Transparency	<p>A process is transparent if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions. In the regulatory context, transparency of the registration process encompasses the following:</p> <p><i>Openness</i>: having measures and structures in place that make it easy to see how the registration process operates.</p> <p><i>Access</i>: making registration information easily available.</p> <p><i>Clarity</i>: ensuring that information used to communicate about registration is complete, accurate and easy to understand.</p>