



**FAIRNESS COMMISSIONER**

**COMMISSAIRE À L'ÉQUITÉ**

## **Newsletter - November 2022**

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### **LEGAL OBLIGATIONS AND BEST PRACTICES GUIDE FOR HEALTH REGULATORY COLLEGES**



The Office of the Fairness Commissioner (OFC) is pleased to share [the Legislated Obligations and Fair Registration Best Practices Guide for Health Regulatory Colleges](#).

In developing this important document, we consulted widely with regulators, representatives from the immigration and settlement communities, and subject matter experts. In August 2022, the OFC asked the health regulatory colleges to review the proposed draft to provide any final comments. We were grateful for the feedback and were able to incorporate a number of changes to reflect those concerns and questions.

The purpose of this guide is two-fold. First, it provides health regulatory colleges with information and advice to more fully understand how to comply with their obligations under the Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA). Second, it provides OFC staff with a tool to help them assess the degree to which a health regulatory college is achieving compliance. The obligations are accompanied by lists of best practices designed to improve the quality, timeliness, and fairness of registration decisions, and to generally promote excellent client-service.

This guide only applies to health regulatory colleges and the OFC previously published a separate guide for the [non-health regulators and compulsory trades](#) that reflects the differences between the wording of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACKTA) and Schedule 2 of the RHPA. It replaces the Registration Practices Assessment Guide: For Regulated Professions and Health

Regulatory Colleges (2016) and Registration Practices Indicators and Sources: A Companion to the OFC's Registration Practices Assessment Guide (2016.)

The OFC encourages the health regulatory colleges to carefully reflect on the contents of the guide, with particular reference to the embedded best practices, which have wide applicability across the regulatory community. These best practices replace the database of exemplary practices that our office had previously posted on our web site.

Please note that the guide forms only one component of the OFC's new compliance approach and should be read in conjunction with:

- the OFC's Modern Regulator Principles that were issued in April 2021; and
- the Risk-Informed Compliance Framework and Policy.

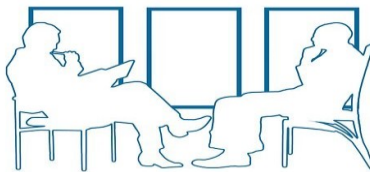
These documents, which can be found [here](#), form the basis upon which the OFC will work with health regulatory colleges to improve registration outcomes for all applicants, including internationally trained individuals.

The OFC would ask that the health regulatory colleges circulate the guide to their council members, leadership team, and staff as appropriate. And as always, the OFC would be happy to respond to any questions that the Colleges may have about the document and receive your ideas for additional best practices that we can feature in the guide.

The guide can be downloaded and printed from [here](#) (English) and [here](#) (French).

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## AN INTERVIEW WITH COMMISSIONER GLASBERG



### ***Q: What priority issues have occupied your time over the last few months?***

Our office continues to work with the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) on operationalizing the recent amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA) and the associated regulations that have now been enacted.

The provisions that will engage us most involve the prohibition against retaining Canadian experience requirements and the establishment of maximum time limits for issuing registration decisions. In both cases, should professional regulators seek exemptions from these statutory obligations, they must file their applications with the

Fairness Commissioner who must then provide a recommendation to the MLITSD Minister on how to respond to the requests.

We are busy developing educational materials and guidelines to address these new processes. We will also be defining the information that we will require from regulators to validate that they are complying with the new mandatory time limits.

***Q: What else has caught your attention lately?***

Like many Ontarians, I have followed the debate about the supply shortages within certain Ontario professions and skilled trades. In this context, I was pleased that the Minister of Health, the Honourable Sylvia Jones, directed the College of Physicians and Surgeons of Ontario (CPSO) and the College of Nurses of Ontario (CNO) to provide recommendations to her on ways to speed the registration of internationally trained health professionals. I also found the proposals that the colleges provided to be innovative and worthy of further review.

I was particularly attracted by CNO's recommendation that the government amend its registration regulation to enable the college to potentially register close to 5,000 internationally trained nurses in the temporary class, subject to completing any outstanding requirements. They will remain in this class while completing educational and examination requirements needed for general class registration. I was also pleased that Minister Jones subsequently endorsed this approach in principle and that the required regulation has now been enacted.

CNO has also indicated that these changes to temporary class registration come at a time when the college is breaking single year records for registering nurses with the skill, knowledge and judgment to practice safely in Ontario.

I view this development as important since it both protects public health and safety and helps to move highly competent internationally educated nurses (IENs) through the registration process in an efficient manner. It is also important symbolically as general class registration is no longer the bright line that establishes when IENs are able to contribute to the nursing profession and when they cannot. In this sense, issuing a temporary certificate of registration recognizes that all professionals are subject to a learning continuum where their skills and experiential learning need to be continually upgraded during their careers.

It is my hope that the college will carefully evaluate this innovative initiative to validate that the benefits to public health and safety, coupled with the prompt registration of IENs, outweigh any associated risks. It would also be important to consider whether this model should become a more permanent component of the registration process for both nurses and other professions and trades which have experienced registration bottlenecks in the past.

***Q: What topics have you been discussing with regulators?***

I am encouraging regulators to take a more system-wide perspective on their responsibilities and, in particular, to consider the supply and demand characteristics of their professions or trades. A case in point is the dental and dental hygiene professions, where the federal government's has recently introduced the Canada Dental Benefit which provides eligible parents or guardians with up-front tax-free payments to cover dental expenses for their children under 12-years-old. This program is expected to spin off significant numbers of new visits to dentists and dental hygienists. Consequently, the Royal College of Dental Surgeons of Ontario and the College of Dental Hygienists of Ontario will need to carefully monitor whether there is an adequate supply of professionals to service this new demand.

I also remind regulators that they must focus on identifying registration practices that are causing unreasonable barriers and delays, and to find ways to address them. I have also encouraged them to adopt flexible processes to allow higher numbers of qualified internationally trained applicants into their professions or trades in order to both address skills shortages in the province and to acknowledge the country's commitment to higher immigration levels.

One example involves the desirability of moving from what I would call a sequential to a parallel registration processing model. Let me provide an example to explain this concept. Several years ago, our office conducted a survey which explored how long it took internationally trained applicants to secure the documentation necessary for them to initiate the licensure process. The study revealed that, for 24% of the candidates, it took more than six months to obtain these materials and, for an additional 52%, from one to six months.

Only 24% of applicants were able to secure their documentation in less than a month. The upshot is that there are a large number of candidates whose applications are effectively suspended until their documents arrive. I want to encourage regulators to apply a risk-based approach to regulation to identify situations where individual applications should be allowed to advance to the next stage of the process until the candidate's documents catch up. An approach of this nature could meaningfully assist applicants, reduce average processing timelines by months, and help regulators achieve new registration time limits.

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## THE OFC WELCOMES NEW STAFF



We are pleased to announce three staffing updates in our office.

**Mabel Opoku:** After a secondment with the Ministry of Education, we are happy to welcome back Mabel as our Business Operations Advisor. She helps keep us organized, on budget and well set up at our desks to complete our daily tasks.

**Aaliya Correa:** Aaliya recently joined the OFC as a Policy Analyst Intern. As a recent grad from the University of Toronto, she successfully competed for this role through the Indigenous Internship Program and looks forward to developing her skills in Policy.

**Marie Claire Ip:** Marie Claire is our most recent addition who successfully competed and was hired as the OFC's Executive Coordinator. She will work with our senior management to support business functions and operations.

In the upcoming editions of the OFC Newsletter, we will be giving our readers some insight into our office as we profile the staff. Stay tuned for more!

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