



FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ

Newsletter - June 2022 Edition

OFFICE OF THE FAIRNESS COMMISSIONER CLIENT SATISFACTION SURVEY

As part of its 2022-24 business plan, the Office of the Fairness Commissioner (OFC) identified several key performance indicators, one of which is “the percentage of regulators and other stakeholders who identify the OFC as an effective or highly effective regulator and service delivery agency. The baseline target for this performance measure was set at 80%.

In order to ascertain whether the office had achieved this target, we committed to survey regulators and other stakeholders to track the office’s level of performance, degree of effectiveness, and agility to produce better outcomes for registrants.

In December 2021, we released the first version of our client satisfaction survey to the 40 professional regulatory bodies for which our office has oversight. Next year, we plan to extend the reach of our survey to encompass other key stakeholders as well. The survey has also provided us with an important opportunity to better understand our relationship with regulators.

We posed a total of 16 questions in the survey, 11 of which involved multiple choice questions. These focused on:

- The OFC’s overall subject matter knowledge and professionalism.
- The office’s level of responsiveness.
- Our willingness to collaborate.
- The OFC’s effectiveness as a modern regulator.
- The relevance and timeliness of the office’s communications materials.
- The adequacy of steps that we took to transition regulators to our new Risk-Informed Compliance Framework (RICF).

The survey also included two open-ended questions where regulators were invited to comment on future OFC priorities and to raise other issues not canvassed elsewhere in the survey document. The three remaining questions sought information about the regulator's profile.

We obtained a high response rate of 75% and an impressive overall satisfaction rate of 90% as the median of satisfaction scores for the 11 quantitative questions.

The OFC scored the highest client satisfaction rates for the questions relating to staff professionalism (100%), steps to assist regulators to understand the office's new RICF (97%), consultation with regulators (93%) and OFC adherence to modern regulator principles (93%).

The office achieved lower client satisfaction scores on questions pertaining to collaboration with regulators to solve more complex or longstanding issues or problems (63%), the relevance and timeliness of OFC communications products (67%), OFC availability to provide insights and/or advice on issues that the regulator considered to be urgent or important (80%) and on the statement that the OFC has been an effective regulator and service delivery agency (83%). The last score, however, exceeded our business plan benchmark of 80%.

The results generally indicate that professional regulators value our office's advice on registration practices, collaborative mindset, and our availability to provide support when needed. We scored particularly well on topics relating to our RICF. In addition, the majority of regulatory bodies indicated that they interacted with the OFC between two to three times per year.

We also provided respondents with the opportunity to provide recommendations for future OFC priorities. Some of the suggestions what we received were the following:

- Develop and provide guidelines on reporting to the OFC when interacting with third parties.
- Provide advice on the application of forward-looking risk factors.
- Offer advice on managing bias and issues of diversity, equity and inclusivity.

Regulators also provided us with some encouraging open-ended comments on our successes during the last year. These included the following observations:

"Moving to a risk informed process seems like a great modernization move"

"We are supportive of the new risk informed framework and moving away from a one size fits all approach to compliance."

"Setting guidelines is a great priority that can be very useful to regulated professions".

"The relationships with the staff in the OFC office have been extremely collegial and collaborative. We commend the OFC on the progressive approach that the office has

taken to fulfill its obligations under the legislation, and we look forward to a productive year ahead.”

“Like the blog, the Commissioner’s visibility and consultative approach”.

“We continue to see ourselves as collaborators with the OFC and look forward to working together to resolve identified challenges. We support the introduction of this survey and believe that this survey should be distributed each year”.

“The OFC has done an outstanding job in extremely challenging times to ensure that regulatory bodies continue to ensure fairness in their certification processes. The OFC’s regular communications and consultations have supported regulators in these efforts”.

There were also some useful comments about areas where the OFC could improve. Some of these are provided below:

“We recognize challenges in staffing. It would be nice to have some consistency in analysts assigned.”

“The transition (i.e., between the old process and new framework) could have been better explained to the Colleges. It’s also helpful to have OFC staff have a firm understanding of legal obligations vs best practices when going into discussions about compliance (past pain point).

“Meetings were more reporting-focused rather than a discussion about solving issues”.

“We appreciate that the OFC and Ministry of Health have been working together on matters of mutual interest especially as it relates to the College Performance Measurement Framework. We respectfully ask that any duplication between the two reporting processes be minimized.”

“It would be really helpful if the OFC or the individual assigned analysts could consider tailoring some of the templates that are developed for regulators. There are times where we get asked similar questions in different forms and need to provide the same information or explanations on multiple occasions”.

“We recognize that the OFC is still in a learning phase and is gathering information, building relationships, and taking steps forward after careful consideration. We also recognize the efforts and the hard work accomplished by the OFC over the past two years and we support the direction of the organization.”

We appreciate and take seriously the feedback that we have received and will seriously consider these points for our future planning activities and stakeholder outreach.

We would like to thank those regulators who participated in survey exercise and would be pleased to respond to any questions that readers may have about this exercise.

FAIRNESS COMMISSIONER PRESENTATION TO TOUCHSTONE INSTITUTE

On March 9, 2022, Fairness Commissioner Irwin Glasberg made a presentation at the Touchstone Institute's *Perspectives of Virtualization* symposium. The title of his presentation was "The Changing Landscape for Virtualization". During his remarks, the commissioner discussed lessons learned from the Covid-19 pandemic, recent amendments to Ontario's *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, and recent jurisprudence on the impact of the *Canadian Charter of Rights and Freedoms* on registration testing protocols. To watch the presentation, please click [here](#).

CANADIAN EXPERIENCE GUIDANCE FOR REGULATORS

With the recent changes to the *Fair Access to Regulated Professions and Compulsory Trades Act*, the OFC has posted to its website two new guidance documents for regulators seeking clarification on the process to seek an exemption from the prohibition on Canadian experience and alternate routes to licensing. Both documents can be found under [Resources for Regulators](#).