



**Guidelines Respecting Applications for  
Exemptions from Time Limits Contained in  
*Fair Access to Regulated Professions and  
Compulsory Trades Act, 2006 (FARPACTA).***



**FAIRNESS** COMMISSIONER

COMMISSAIRE À **L'ÉQUITÉ**

**OFFICE OF THE FAIRNESS COMMISSIONER  
BUREAU DU COMMISSAIRE À L'ÉQUITÉ**

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# Guidelines Respecting Applications for Exemptions from Time Limits Contained in FARPACTA

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Responsible Area: Policy and Program Unit, Office of the Fairness Commissioner

Any questions about this policy or requests for alternate formats can be sent to the Office of the Fairness Commissioner by email at [ofc@ontario.ca](mailto:ofc@ontario.ca).

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## Purpose of Guidelines

The purpose of these guidelines is to provide advice to regulated professions on the process for seeking an exemption from the time limits to register internationally trained Individuals (ITIs) and domestic labour mobility applicants (DLMAs), as outlined in section 9.2 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)* and sections 1.1 and 5.1 of Ontario Reg. 261/22 made under the legislation.

Please note that these guidelines apply to "regulated professions" as defined in section 5 and Schedule 1 of FARPACTA (including Skilled Trades Ontario in respect of compulsory trades as defined in the *Building Opportunities in the Skilled Trades Act, 2021*) and not to the regulated health colleges referenced in the *Regulated Health Professions Act, 1991*.

## Statutory / Regulatory Context for Registration Time Limits and Seeking Exemptions from these Requirements

On December 2, 2021, the Ontario government enacted the *Working for Workers Act, 2021*, which, among other things, made several amendments to FARPACTA. In Spring 2022, the government made further amendments to FARPACTA and enacted a regulation under Ontario Reg. 261/22 which included, among other provisions, specifying time limits for the registration of DLMAs and ITIs.

The overall intent of these changes is to speed up the registration process for such applicants to regulated professions. These steps will help enable these individuals to become licensed faster and be able to contribute the Ontario labour market.

FARPACTA and its regulation also set out a process for regulated professions to seek an exemption from these statutory time limits.

## Summary of the time limit requirements

A summary of the time limit requirements and related key information is described below:

Category of Applicant	Registration Decision	Appeal Decision	Key In Force Dates
ITI	<ul style="list-style-type: none"> <li>• Six months after receipt of a complete application</li> <li>• Regulated profession to communicate the decision in writing and provide reasons as required</li> <li>• Regulated profession to provide information on rights of an internal review or appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Ten business days after internal review or appeal decision</li> <li>• Regulated profession to provide applicant with written communication of a decision made following the internal review or appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Exemption process is in force as of January 1, 2023</li> <li>• Time limits are in force as of July 1, 2023</li> </ul>
DLMA	<ul style="list-style-type: none"> <li>• Thirty business days after receipt of a complete application</li> <li>• Regulated profession to communicate the decision in writing and provide reasons as required</li> <li>• Regulated profession to provide information to rights of an internal review or appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Ten business days after internal review or appeal decision</li> <li>• Regulated profession to provide applicant with written communication of a decision made upon following the internal review or of appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Exemption process is in force as of November 21, 2022</li> <li>• Time limits are in force as of March 31, 2023</li> </ul>

The full text of the relevant legislative and regulatory provisions may be reviewed on the Government of Ontario's e-laws for accuracy.

Please click the following link for more details: [Fair Access to Regulated Professions and Compulsory Trades Act, 2006 \(FARPACTA\)](#).

## Filing an Exemption Application

Before filing an exemption application, the Office of the Fairness Commissioner (OFC) encourages regulated professions to reflect on the necessity of seeking an exemption, including any process efficiencies that it could implement to speed up compliance outcomes. One example would be to re-design any registration processes where decisions must be approved by committee.

The OFC also encourages regulated professions to apply a risk-informed registration approach where they can migrate from a serial or sequential registration framework to a parallel one. For example, where one part of an application is not progressing, the regulated profession should consider identifying situations where other parts of the application could reasonably proceed to the next step while waiting on the missing part to catch up. Another progressive approach is to more actively apply provisional registration strategies to allow qualified individuals to enter a profession or skilled trade.

The OFC also recommends that regulated professions contact their assigned OFC Compliance Analysts to discuss best practices that have been put into place by other regulated professions that may help them speed up their registration processes.

Where a regulated profession concludes that it must file an exemption application, it will bear the onus of establishing that it cannot meet the time limits established under the law. Pursuant to the regulatory provisions referred to previously in these guidelines, a regulated profession must include the following information in its exemption application:

1. Appropriate supporting documentation and reasons to document why an exemption is necessary.
2. The date by which the regulated profession plans to be in compliance with the time limit and an outline of the proposed steps that the regulated profession is taking to reach compliance, where applicable.
3. A summary of any other facts relevant to the application.

In reviewing an application for exemption for the purpose of making a recommendation to the Minister of Labour, Immigration, Training and Skills Development, the Fairness Commissioner is required to consider any information provided in the application and may consider any other relevant information.

While it is difficult to anticipate all of the grounds that a regulated profession could advance to obtain an exemption from the time limits, examples might include the need for additional time to implement a new case management system that would materially improve the efficiency of its registration process or the need to request a potential legislative or regulatory amendment that would help to remove an assessment or registration barrier.

Where the regulated profession is specifying a particular compliance date or a series of milestones, it should be prepared to justify the need for the delayed implementation and explain why compliance cannot be achieved more expeditiously.

The OFC would also request that a regulated profession identify the steps that it has taken to date to prepare for the implementation of the new time limits.

Depending on the nature of the exemption requested, the Fairness Commissioner may also seek additional responses or material from the regulated profession to inform the process of making a recommendation to the Minister.

## **The Exemption Application Process**

The process for applying for an exemption from a time limit related to the registration of an ITI or DLMA is the same. The OFC recognizes that the situation of each regulated profession is distinct and, therefore, exemption applications will be managed on a case-by-case basis. The OFC would ask, however, that any submissions be kept to a reasonable length of 10 pages, excluding supporting documentation.

The process is as follows:

1. The regulated profession should submit the application to the relevant compliance analyst, who will acknowledge its receipt.
2. The application should include:
  - A description of the exemption requested.
  - Reasons the exemption is necessary.
  - Appropriate supporting documentation.
  - The date by which the regulated profession plans to achieve compliance or why it cannot achieve compliance.
  - An outline of the steps that the regulated profession has taken or plans to take to achieve compliance.
  - A summary of any other facts relevant to the application.

As stated above, some examples to support such an application could include situations where a regulated profession:

- requires more time to modernize its systems to facilitate compliance and help achieve processing efficiencies (e.g., moving from paper-based to electronic tracking); or
  - needs to seek amendments to its Act or regulations.
3. The Compliance Analyst will review the application and make a recommendation(s) to the Fairness Commissioner.

4. The Fairness Commissioner will make a recommendation(s) to the Minister within eight weeks from receipt of the application subject to prompt receipt of any further information requested from the regulated profession.
5. The Minister will render the decision and notify the regulated profession.

## **A Procedural Note**

Once the Compliance Analyst receives a copy of the application, there may be a request for further written information. In addition, the Fairness Commissioner may request the opportunity to meet with the regulated profession in person to explore individual aspects of its representations. If the Fairness Commissioner relies on information, other than that provided by the regulated profession, to make a recommendation, the OFC will share the information with the regulated profession in advance for comment.

The Compliance Analyst may also work with the regulated profession to facilitate the application process by clarifying or providing missing information to the Fairness Commissioner where this seems appropriate and subject to the regulated profession's consent. The Compliance Analyst may also seek to narrow the issues or to mediate a proposed settlement of the exemption request should the regulated profession be amenable to this approach.

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This is not a legal document. These guidelines are intended to provide general information and advice to regulated professions and should not be considered legal advice. These guidelines do not replace or amend the FARPACTA or its regulation.

These guidelines do not cover every situation and do not affect the OFC's advice-giving or enforcement discretion in any way. The Fairness Commissioner will make a recommendation regarding each exemption application received based on the facts. If you need help understanding your legal rights or obligations, you may wish to seek legal advice. These guidelines are subject to change.

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