



London, England



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Fairness in Canadian Public Policy and its Effect on Registration Practices

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Promoting Regulatory Excellence

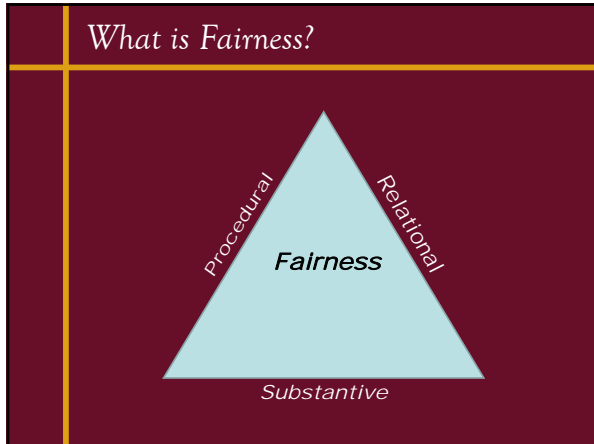
Overview

- Context
- Agreement on Internal Trade
- Review Boards
- Fair Registration Acts
- Foreign Qualifications Standards
- Conclusion



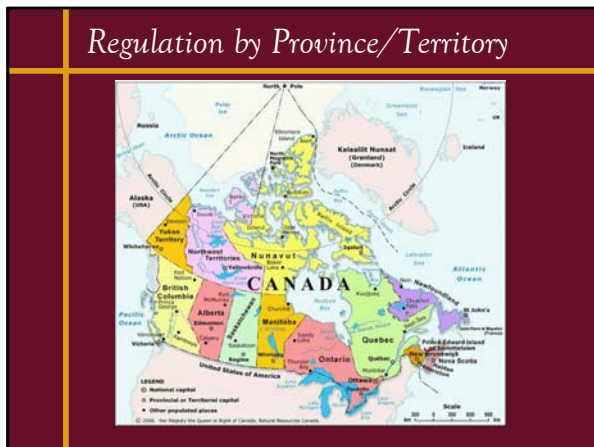
Fairness & Regulation in Canada

CONTEXT



Canadians, eh

- Culture of fairness to all Canadian citizens regardless of where born



Canadian Regulatory Agencies

- Created through legislation
- Mandate: Protect the Public
- Self-regulatory structure:
 - Board/council
 - Committee, incl. Registration cmte

Entry-to-Practice Responsibilities

- Set standards for registration
- Assess Canadian and internationally educated applicants
- Create policies, procedures, and tools for carrying out these tasks

All in the name of public safety

Government Oversight Growing

- Traditionally, oversight via legislation and regulations
- Now also Mobility Agreements, Review Boards, Fairness Acts





Agreement on Internal Trade
MOBILITY WITHIN CANADA

New National Law

- Agreement on Internal Trade Chapter 7
– Labour Mobility, 1995 & 2009



AIT (2009) stipulates that regulators:

Must register an interprovincial applicant without reassessing

AIT allows regulators to require:

- Reasonable application fees, insurance, bond, criminal background check, evidence of good character
- Evidence of good standing
- Demonstration of knowledge of provincial jurisprudence

AIT Exceptions



- Must meet a legitimate objective (e.g. environmental protection)

Impact on Regulators


- Put in motion harmonization work
 - Increased communication and understanding between provinces
 - Additional workload

Impact on Regulators, cont.

- Decreased work in registration
 - Cannot require additional training, etc
 - Collaboration with other provinces

Lowest common denominator problem

- IEPs have chosen to go to province with least stringent requirements to be registered
- They then move to whatever province/territory they want



Impact on Registration Practices

- Registration criteria are largely harmonized
- Exceptions are clear and published
- Increase in national assessment processes




REVIEW BOARDS

Review Boards

- Ontario (2005), BC (2009), Quebec (2010)
- Receive complaints from individuals
- Different approaches: from formal hearing to more flexible reviews

Impact on Regulators

- Added workload
- Financial burden
- Some good feedback



Impact on Registration Practices

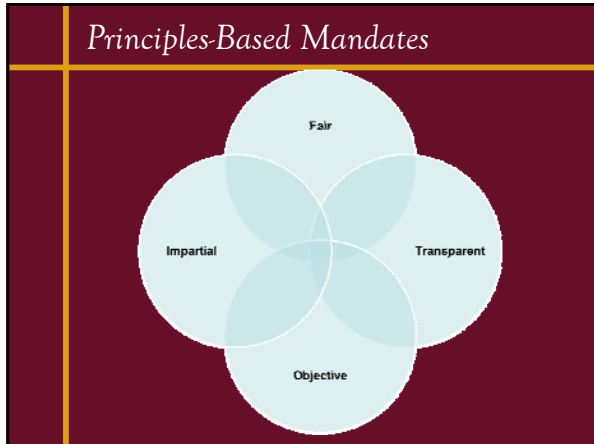
- Perception of increased fairness
- Some changes made to improve registration practices but focus on individuals



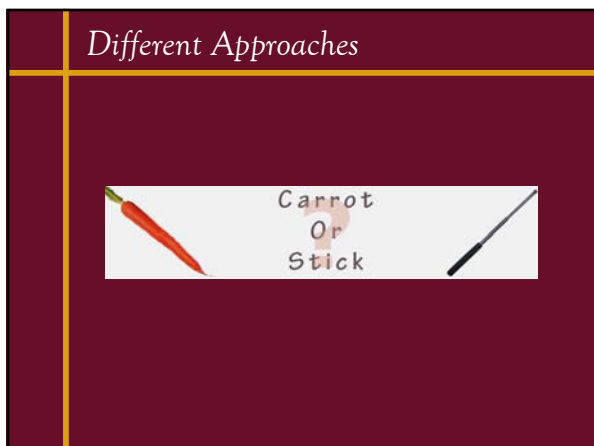
FAIR REGISTRATION ACTS

Fair Registration Acts

- Ontario (2006), Nova Scotia (2008), Manitoba (2009), Quebec (2009)
- Focused on systemic change, not individuals
- Created Commissioners to oversee implementation



- Regulators must provide:*
- ✓ Clear information
 - ✓ Timely decisions
 - ✓ Internal review or appeal
 - ✓ Trained assessors
 - ✓ Applicant access to records



Ontario



“ Fair registration is not achieved overnight. It requires ongoing vigilance. ”

Excerpt from OFC website homepage

Ontario Reporting Requirements

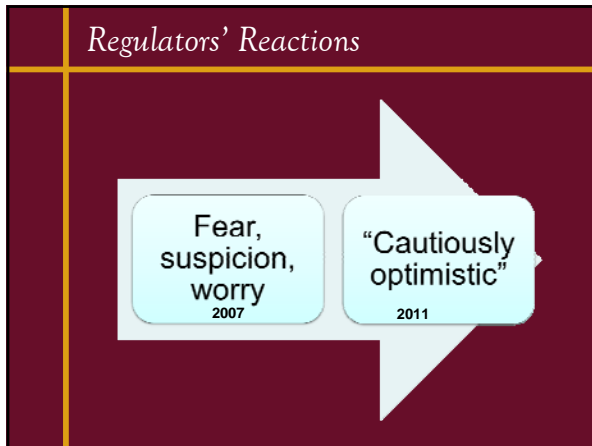


- Annual reports on registration practices
- Triennial external audits
- Entry-to-practice reviews
- OFC-led reviews

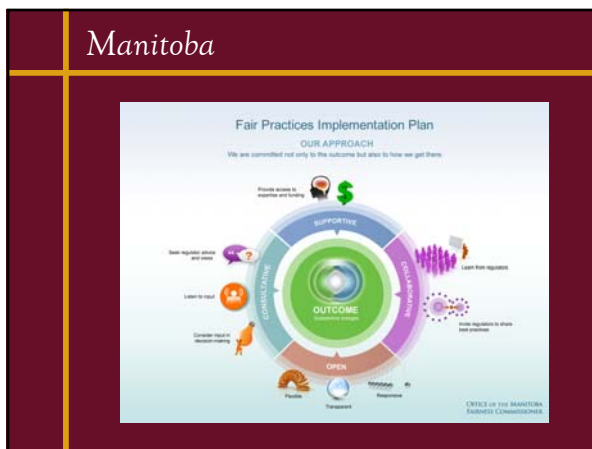
Impact on Ontario Regulators

- Guidelines for reviewing registration practices
- Significant additional workload
- Large financial costs to regulators









Manitoba reporting requirements

- Registration Review as requested
- Must include applicant data - collected via a process developed by OFC

Impacts on Manitoba Regulators

- Regular, useful meetings
- Minor frustrations
- Funding available




Impact on Registration Practices

- Some improvements implemented or underway



Nova Scotia's Review Officer

- In process of being established
- Plan to focus on education and capacity building
- Will require biannual reports



Quebec's Complaints Commissioner

- In process of being established
- Act is not detailed, gives a lot of latitude to commissioner
- Plan to implement a flexible, creative process to be “agent of change”

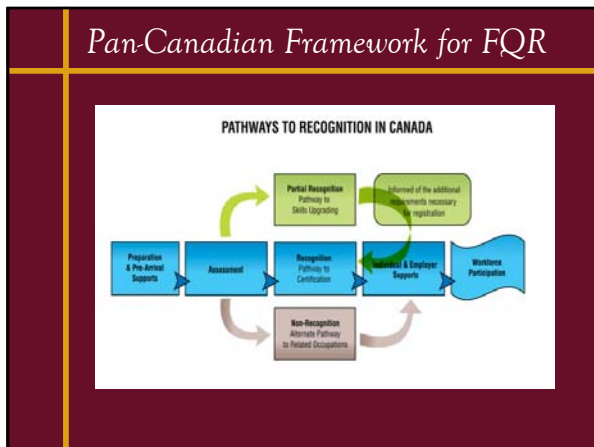


Quebec – A 3-fold Mandate


1. Verify/audit registration systems
2. Monitor the cooperation between the professional system and the educational system
3. Examine individual complaints







Impact on Regulators

- Funding available 
- Indirect push to harmonization and simplification of processes
- Assists in clarifying expectations

Impact on Registration

- Improvements made
- Pan-Canadian Framework is a push to harmonization
- Some professions have created own frameworks

Fairness & New Oversight Mechanisms for Registration Practices
CONCLUSION

Summing Up

- Lots of new oversight mechanisms
- Registration criteria and processes becoming harmonized across Canada
- Costs and benefits for regulators
- Good for professionals

Speaker Contact Information

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