Overview

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

CONTEXT

Fairness & Regulation in Canada
What is Fairness?

Canadians, eh

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

Regulation by Province/Territory
**Canadian Regulatory Agencies**

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

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**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

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**Government Oversight Growing**

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

- 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

- Focused on systemic change, not individuals
- Created Commissioners to oversee implementation

FAIR REGISTRATION ACTS
Principles-Based Mandates

- Firm
- Impartial
- Transparent
- Objective

Regulators must provide:

- Clear information
- Timely decisions
- Internal review or appeal
- Trained assessors
- Applicant access to records

Different Approaches
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
Regulators’ Reactions

Fear, suspicion, worry 2007
“Cautiously optimistic” 2011

Impact on Registration Practices

☑ Documented improvements

✗ Some delay in implementing improvements (due to OFC-related workload)

Manitoba
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
Foreign Qualification Recognition (FQR)

**FQR STANDARDS**

**FQR Frameworks**

- Foreign Qualification Recognition Plan for Alberta (2008)
- Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications (2009)

**Pan-Canadian Framework for FQR**
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

CONCLUSION

Fairness & New Oversight Mechanisms for Registration Practices
Summing Up

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

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