



Registration Practices: Indicators and Sources

A Companion to the OFC's Registration Practices Assessment Guide

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The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006. Its mandate is to ensure that certain regulated professions and compulsory trades have registration practices that are transparent, objective, impartial and fair.



CONTENTS

INTRODUCTION 3

OFC ASSESSMENT PROCESS AND METHODOLOGY 5

SPECIFIC DUTIES 9

- 1. Information for Applicants 9
- 2. Timely Decisions, Responses and Reasons 12
- 3. Internal Review or Appeal 16
- 4. Information on Appeal Rights 20
- 5. Documentation of Qualifications 21
- 6. Assessment of Qualifications 22
- 7. Training 32
- 8. Access to Records 35

GENERAL DUTY 38

- 9. Transparency 38
- 10. Objectivity 45
- 11. Impartiality 49
- 12. Fairness 53

APPENDIX A: PROVISIONS OF SCHEDULE 2 OF THE REGULATED HEALTH PROFESSIONS ACT (RHPA) RELATING TO SPECIFIC DUTIES 3 AND 4 63

INTRODUCTION

Purpose

This guide is a companion document to the Office of the Fairness Commissioner's (OFC) *Registration Practices Assessment Guide* (2016). It provides supplementary information about actions that regulators are expected to take to meet their fair-access obligations and provides examples of how to demonstrate the actions.

Using this guide

ORGANIZATION OF THIS GUIDE

The guide is organized according to the specific and the general duties of the fair-access legislation. It follows the same structure and numbering as the OFC's *Registration Practices Assessment Guide*.

For each practice, it describes:

- **actions (indicators) required to meet a practice's requirements:** the actions that a regulator must do to fulfil each practice.
- **examples of evidence:** examples of how a regulator can demonstrate that it is performing the required actions. These examples are provided for reference only. Regulators may choose to provide other evidence.

Practices listed in the specific-duty sections (sections 1–8) correspond to regulators' specific duties identified in the legislation.

Note that each specific-duty practice corresponds to one or more of the general-duty principles — transparency, objectivity, impartiality and fairness. These principles are indicated in brackets after each appropriate specific-duty practice.

The general duty is in a distinct section in the fair-access legislation. The OFC's interpretations of the general-duty principles are listed in the general-duty sections of this guide (sections 9–12), as a reference.

Note: Some practices in the specific-duty sections may appear to be similar to practices in the general-duty sections. This is especially evident when comparing practices in Section 6, "Specific Duty — Assessment of Qualifications," and practices in the general-duty sections of "Objectivity" and "Impartiality."

How these differ is that the general-duty sections address the transparency, objectivity, impartiality and fairness of all criteria, tools and procedures used to make *registration decisions*, while Section 6 focuses on *assessment decisions*.

Registration decisions include, for example, decisions about or related to the following:

- accepting or rejecting an application
- handling reviews or appeals
- verifying good character
- exempting an applicant from a registration requirement
- granting special considerations
- issuing a licence with or without limitations or conditions

Objectivity and impartiality in assessments of qualifications are addressed using practices in Section 6.

For some regulators, functions related to assessment of qualifications are closely intertwined with functions related to making registration decisions. The OFC will consider this context and apply the practices accordingly, to avoid redundancy.

OFC ASSESSMENT PROCESS AND METHODOLOGY

This section outlines the assessment process and methods the OFC uses to assess regulators' registration practices.

1. Research and information gathering

To start the assessment process for a regulator, the OFC begins gathering information about the regulator's registration practices. When compiling this information, the OFC tries to answer some broad questions:

- What is required from an applicant in order to be registered? What are the specific actions an applicant needs to take? What is involved in completing these actions – for example, what resources are required, what registration steps can be completed outside of Canada? How does the regulator communicate this information to applicants?
- What types of decisions does the regulator need to make during the registration process? What decisions does the regulator make itself and what decisions does it outsource to third parties? Who, within the regulatory body, is responsible for decisions? What resources does the regulator need and what actions does it take to make those decisions? What criteria and procedures does it follow when making decisions?
- Is the regulator's registration process linear or nonlinear? Is there a clear separation of functions related to making different types of decisions — for example, decisions about assessment of qualifications vs. other registration decisions? Or are these functions intertwined?

These questions inform the initial research phase of the assessment process.

2. Assessment

ASSESSING AGAINST THE GUIDE'S PRACTICES

Next, the OFC starts assessing the information gathered against practices listed in this guide.

Practices listed in the specific-duty sections (sections 1–8) correspond to regulators' specific duties identified in the legislation. The specific duties require regulators to:

- provide information for applicants
- provide timely decisions, responses and reasons for applicants
- offer internal review or appeal processes
- provide information for applicants about their appeal rights
- provide training for assessors and decision-makers
- assess qualifications fairly
- grant applicants access to their own records

The legislation's general duty requires that regulators' registration practices must be transparent, objective, impartial and fair. The OFC has developed interpretations of these principles. The interpretations appear in the general-duty sections of this document, and are the practical mechanisms that regulatory bodies can use to demonstrate that they are applying these principles.

When approaching each specific-duty or general-duty practice, the OFC addresses the following question:

- What sort of documentation shows that the regulator is taking actions to meet the practice?

In some cases, the OFC may not have enough information to complete the assessment. When this happens, the OFC will contact the regulator to ask for more information or for clarification. In this case, the OFC will ask targeted questions and/or request material that shows that the regulatory body is meeting a practice or principle.

EVIDENCE

The amount and type of evidence the OFC may require from a regulator may vary according to the practices being assessed and the specifics of the regulator's registration process. When evaluating evidence, the OFC looks at the following:

- **Relevance:** The information provided has a clear and logical connection to the practice or principle it is intended to illustrate. It allows the OFC to draw informed and consistent conclusions.
- **Reliability:** The information provided is current and authoritative. It goes beyond opinion and self-description, drawing on publicly available information, official policy, and/or stakeholder consultation to demonstrate practices and principles.
- **Sufficiency:** The information provided is enough for the OFC to draw informed conclusions. It addresses all aspects of the relevant practice or principle, and the full range of circumstances to which the practice or principle applies.

Evidence may include excerpts from:

- registration regulations and bylaws
- registration information: print and online materials
- internal documentation: policies and guidelines, training materials, and meeting minutes
- public reports and other publications: annual reports and magazine or newsletter articles
- regulator's submissions and reports to the OFC: Fair Registration Practices (FRP) reports, Audit reports, Entry-to-Practice Review reports
- third-party reports (by national bodies or government ministries)

SPECIFIC DUTIES

Specific duties are explicitly mentioned in the legislation. For each specific-duty practice, the OFC provides one of the following assessment conclusions:

- Demonstrated — all required elements of the practice are present or addressed
- Partially Demonstrated — some but not all required elements are present or addressed
- Not Demonstrated — none of the required elements are present or addressed
- Not Applicable — this practice does not apply to the regulatory body's registration practices

GENERAL DUTY

Because there is flexibility in how a regulatory body can demonstrate that its practices, overall, are meeting the principles of the general duty, the OFC makes assessment comments for each principle (transparency, objectivity, impartiality and fairness), rather than for individual practices.

3. Draft assessment report

PREPARING THE REPORT

When the initial assessment analysis is complete, the OFC prepares a draft report.

The report includes a section that highlights commendable practices that are already in place or are underway.

It also identifies areas that would benefit from enhancement. For each practice or principle that the OFC deems partially demonstrated or not demonstrated, the draft report includes a rationale for the assessment conclusion and a comment about how the regulator's practice could be modified to meet the requirement.

At this stage, these comments are not yet intended to be recommendations. Rather, they are included to identify potential issues and to invite the regulator to respond.

When the draft is complete, the OFC sends it to the regulator.

REGULATOR REVIEW

Once the regulator receives the OFC's draft assessment report, the regulator has an opportunity to review and respond.

Where the assessment report says that a practice is not demonstrated or is only partially demonstrated, this means that the OFC could not find enough evidence to demonstrate the practice. If there is additional evidence that the regulator believes was omitted during the initial assessment, it gives that evidence to the OFC. If there is no additional information or evidence, the regulator describes how it will address the areas identified.

If necessary, the regulator asks for clarification.

The OFC may revise the assessment in the draft report based on additional evidence provided by the regulator.

Note: Assessment conclusions, comments, and commendable practices and recommendations are based on information provided by the regulatory body. The OFC relies on the accuracy of this information to produce the assessment report.

4. Revising and finalizing assessment outcomes

Following the regulator's response to the draft report, the OFC revises the report. These revisions are based on additional evidence provided by the regulator.

When the revised report is complete, the OFC again gives the report to the regulator.

The regulator has an opportunity to meet with the OFC to discuss the assessment findings before the OFC finalizes the report.

SPECIFIC DUTY

1. Information for Applicants

LEGISLATION

FARPACTA, s. 7

A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,

- (a) information about its registration practices;
- (b) information about the amount of time that the registration process usually takes;
- (c) objective requirements for registration by the regulated profession together with a statement of which requirements may be satisfied through alternatives that are acceptable to the regulated profession; and
- (d) a fee scale related to registrations.

RHPA, Schedule 2, s. 22.3

The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes.

The regulator must meet the following practices:

1. The regulator describes requirements for registration on its website. [Transparency]

The regulator takes the following actions to meet this practice:

- (a) includes information on its website about the ways in which requirements may be met and/or the criteria that must be met for the requirements to be satisfied
- (b) provides details on its website about any acceptable alternative ways for meeting a requirement for registration

Examples of evidence of those actions:

- website link(s) to the information about registration requirements
- website link(s) to tables, charts or similar tools that illustrate the registration requirements
- a distinct section in the regulator's website on registration requirements

2. The regulator describes all the steps in the registration process on its website, including any processes for assessing qualifications. [Transparency]

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) provides information on its website about:</p> <ul style="list-style-type: none"> i the specific steps that applicants need to take to complete the registration process ii what each step entails iii the order in which steps must be taken, if applicable iv the steps that the regulator has identified as acceptable alternatives
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • website link(s) to the information about the steps in the registration process • website link(s) to tables, charts or similar tools that illustrate the steps in the registration process • a distinct section in the regulator's website on the steps in the registration process

3. The regulator provides information on its website about how long the registration process usually takes, including the time required for assessing qualifications. [Transparency]

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) specifies the approximate time needed to complete the registration process, from the receipt of a complete initial application to when applicants are expected to receive a final licensure decision; where it is not possible to provide an estimate, the regulator:</p> <ul style="list-style-type: none"> i includes a rationale ii provides information about timelines or variables that contribute to the length of the registration process
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • website link(s) to the information about registration process timelines • website link(s) to tables, charts or similar tools that help to approximate registration timelines • a distinct section in the regulator's website on registration process timelines

4. The regulator publishes a fee scale on its website, showing all registration fees that are under the regulator's control, including the fees required for assessing qualifications. [Transparency]

The regulator takes the following actions to meet this practice:	(a) provides information on its website about all fees that are payable to the regulator
Examples of evidence of those actions:	<ul style="list-style-type: none"> • website link(s) to tables, charts or similar tools that illustrate fees that are under the regulator's control • website link(s) to the information about the fees that are under the regulator's control • a distinct section in the regulator's website on the fees that are under the regulator's control

5. The regulator ensures that the information required by practices 1–4 in this section is clear, accurate, complete and easy to find. [Transparency]

The regulator takes the following actions to meet this practice:	<p>(a) reviews this information for clarity, accuracy and completeness</p> <p>(b) organizes this information on its website in a way that makes it easy to find</p>
Examples of evidence of those actions:	<ul style="list-style-type: none"> • a "last updated" date on information materials for applicants • a policy or policies guiding periodic review of website materials • records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website

2. Timely Decisions, Responses and Reasons

LEGISLATION

FARPACTA, s. 8 and s. 9 (1)

8. A regulated profession shall,

- (a) ensure that it makes registration decisions within a reasonable time;
- (b) provide written responses to applicants within a reasonable time; and
- (c) provide written reasons to applicants within a reasonable time in respect of all registration decisions and internal review or appeal decisions.

9 (1) A regulated profession shall provide an internal review of or appeal from its registration decisions within a reasonable time.

RHPA, Schedule 2, s. 20 (1)

20. (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration.

The regulator must meet the following practice:

1. If a regulator rejects an application, it gives written reasons to the applicant. [Fairness, Transparency]

The regulator takes the following actions to meet this practice:

- (a) has a process for communicating reasons to applicants if applications are rejected
- (b) has a policy to apply this process to all applicants who are rejected

Examples of evidence of those actions:

- examples of decision letters or templates used to communicate decisions
- excerpts from the registration materials for applicants that indicate a process for providing written reasons
- guidelines directing decision-makers to inform applicants in writing about reasons for rejecting an application
- website link(s) to the information about timelines or a process for providing written reasons

Regulatory bodies governed by FARPACTA must also meet the following practices:

2. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay. [Fairness]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has set timelines for each of the following procedures: <ul style="list-style-type: none"> i making decisions ii communicating decisions to applicants, and providing reasons for decisions (where applicable) (b) takes measures to follow and monitor adherence to the timelines
Examples of evidence of those actions:	<ul style="list-style-type: none"> • excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines • excerpts from the registration materials for applicants, advising them about timelines for providing decisions and reasons for decisions • guidelines for decision-makers advising them about timelines • internal reports or other records describing actions taken to monitor adherence to timelines and outcomes of those actions (e.g., periodic reporting regarding days lapsed on a file) • policy documents or other similar records establishing timelines and procedures for monitoring them • screenshots of an internal digital resource that flags files that are overdue for decisions according to the regulator's timeline • website link(s) to the information about timelines for providing decisions and reasons for decisions

3. The regulator responds to applicants' inquiries or requests without undue delay. [Fairness]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has set timelines for responding to applicant inquiries or requests (b) takes measures to follow and monitor adherence to the timelines
Examples of evidence of those actions:	<ul style="list-style-type: none"> • excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines • excerpts from the registration materials for applicants, advising them about timelines for responding to applicants' inquiries or requests • guidelines for decision-makers advising them about timelines • internal reports or other records describing actions taken to monitor adherence to timelines and outcomes of those actions (e.g., a periodic reporting regarding the number of days lapsed between receiving and responding to an inquiry)

- policy documents or other similar records establishing timelines and procedures for monitoring them
- website link(s) to the information about timelines for responding to applicant inquiries or requests

4. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay. [Fairness]

The regulator takes the following actions to meet this practice:

- (a) has set timelines for internal review and appeal processes
- (b) takes measures to follow and monitor adherence to the timelines

Examples of evidence of those actions:

- excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines
- excerpts from the registration materials for applicants, advising them about timelines for internal reviews or appeals
- guidelines for decision-makers advising them about timelines
- internal reports or other records describing actions taken to monitor adherence to timelines and outcomes of those actions (e.g., periodic reporting regarding the number of days lapsed between receiving a request for an internal review or appeal and reviewing the request)
- policy documents or other similar records establishing timelines and procedures for monitoring them
- provisions in the regulator's governing documents establishing timelines for internal reviews and appeals (e.g., registration regulation, bylaws)
- screenshots of an internal digital resource that flags files that are overdue for internal review or appeal decisions according to the regulator's timeline
- website link(s) to the information about timelines for internal reviews or appeals

5. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay. [Fairness]

The regulator takes the following actions to meet this practice:

- (a) has set timelines for:
 - i making decisions about internal review and appeal processes
 - ii giving written decisions and reasons to applicants
- (b) takes measures to follow and monitor adherence to the timelines

Examples of evidence of those actions:

- excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines
- excerpts from the registration materials for applicants, advising them about timelines for internal reviews or appeals
- guidelines for decision-makers advising them about timelines
- internal reports or other records describing actions taken to monitor adherence to timelines and outcomes of those actions
- policy documents or other similar records establishing timelines and procedures for monitoring them
- provisions in the regulator's governing documents establishing timelines for internal reviews and appeals (e.g., registration regulation, bylaws)
- screenshots of an internal digital resource that flags files that are overdue for making decisions about internal reviews or appeals
- website link(s) to the information about timelines for internal reviews or appeals

3. Internal Review or Appeal¹

LEGISLATION

FARPACTA, s. 7 (a)

A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,

- (a) information about its registration practices

FARPACTA, s. 9 (2–3, 5)

- (2) A regulated profession shall provide an applicant for registration an opportunity to make submissions with respect to any internal review or appeal.
- (3) A regulated profession may specify whether submissions in respect of an internal review or appeal are to be submitted orally, in writing or by electronic means.
- (5) No one who acted as a decision-maker in respect of a registration decision shall act as a decision-maker in an internal review or appeal in respect of that registration decision.

RHPA, Schedule 2, s. 22.3

The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes.

RHPA, Schedule 2, s. 15, s. 17, s. 19, s. 20

(Due to its length, the text for these sections is in Appendix A.)

¹ In an internal "review," the Registrar has not made a decision but has made a proposal that results in the matter being reviewed and determined by the Registration Committee (or another committee that fulfils that role). An internal "appeal" involves reconsideration of the Registrar's first-level decision (or the first-level decision of another party that fulfils that role). (George M. Thomson, "Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions," November, 2005.)

The regulator must meet the following practices:

1. The regulator provides applicants with an internal review of, or appeal from, registration decisions.² [Fairness]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) provides applicants with the opportunity to appeal registration decisions or have the decisions reviewed (b) has a process for having decisions reviewed or appealed (c) allows a review or an appeal to be made whether or not an applicant provides any new submissions or information
Examples of evidence of those actions:	<ul style="list-style-type: none"> • excerpts from the registration materials for applicants, advising them about internal review or appeal opportunities • guidelines or policies for decision-makers, addressing reviews and appeals • provisions in the regulator's governing documents regarding internal reviews or appeals (e.g., registration regulation, bylaws) • website link(s) to information about internal reviews or appeals

2. The regulator implements rules and procedures that prevent anyone who acted as a decision-maker in a registration decision from acting as a decision-maker in an internal review or appeal of that same registration decision. [Impartiality]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has a policy or procedures that prevent anyone who acted as a decision-maker in a registration decision from acting as a decision-maker in an internal review or appeal of that same decision (b) does one of the following: <ul style="list-style-type: none"> i separates registration and appeal functions; OR ii implements procedures that safeguard the impartiality of review and appeal decisions in instances where registration and appeal functions are assigned to the same unit or team and/or oversight of those functions is assigned to the same individual
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2 For regulators governed by the RHPA, the OFC will review processes: i) that deal with circumstances in which the Registrar proposes to deny registration or to impose terms, conditions, or limitations on a certificate of registration and refers the application to the Registration Committee; and ii) that address or govern work of the Registration Committee (or another committee that fulfils that role). For regulators governed by FARPACTA, the OFC will review processes that address opportunities for an internal review or appeal of decisions that are different from assessment decisions. For example, this may include decisions about or related to the following: rejecting an application; exempting an applicant from a registration requirement; granting special considerations; or issuing a licence with or without limitations or conditions.

Examples of evidence of those actions:

- excerpts from training materials for staff or volunteers
- guidelines for decision-makers advising them about procedures to safeguard the impartiality of review or appeal decisions
- guidelines or policies directing decision-makers who were involved in or consulted on a registration decision to be excused from participating on the review or appeal of that same decision
- website link(s) to information about internal reviews or appeals processes

3. The regulator provides information on its website that informs applicants about opportunities for an internal review or appeal. [Transparency]

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about:
- i on applicants' rights to appeal registration decisions
 - ii applicants' right to make submissions
 - iii the format in which applicants must make their submissions
 - iv the grounds for referring an applicant's application to the Registration Committee³ (where applicable)
 - v the specific steps that an applicant needs to follow to complete the review or appeal process, and the sequencing of those steps, if applicable
- (b) reviews this information for clarity, accuracy and completeness
- (c) organizes this information on its website in a way that makes it easy to find

Examples of evidence of those actions:

- a "last updated" date on information materials for applicants
- a policy or policies guiding periodic review of website materials
- records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website
- website link(s) to the information about opportunities for an internal review or appeal
- a distinct section in the regulator's website on opportunities for an internal review or appeal

3 Or another committee that fulfils that role.

Regulatory bodies governed by FARPACTA must also meet practice 4:

4. The regulator provides information on its website about any limits or conditions on an internal review or appeal. [Transparency]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) provides information on its website about what can and/or cannot be appealed (b) reviews this information for clarity, accuracy and completeness (c) organizes this information on its website in a way makes it easy to find
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • a “last updated” date on information materials for applicants • a policy or policies guiding periodic review of website materials • records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website • website link(s) to information about what can and/or cannot be appealed and why any limits or conditions on the availability of appeals are necessary

4. Information On Appeal Rights⁴

LEGISLATION

FARPACTA, s. 9 (4)

A regulated profession shall inform an applicant of any rights the applicant may have to request a further review of, or appeal from, the decision.

RHPA, Schedule 2, s. 20 (Notice of orders), s. 21 (Appeal to Board), s. 22 Registration hearings or reviews)

(Due to its length, the text for these sections is in Appendix A.)

The regulator must meet the following practices:

1. On its website, the regulator informs applicants of their right to request further review of, or appeal from, the review or appeal decision. [Transparency]

The regulator takes the following actions to meet this practice:

- (a) on its website, informs applicants of their right to external appeal:
 - i Non-health regulators inform applicants of their right to appeal within the regulatory body, and as a last recourse, to the Divisional Court.
 - ii Health regulators inform applicants of their right to appeal to the Health Professions Appeal and Review Board (HPARB).
- (b) on its website, specifies any limits to those rights, if any exist
- (c) reviews this information for clarity, accuracy and completeness
- (d) organizes this information in a way that makes it easy to find

Examples of evidence of those actions:

- a “last updated” date on information materials for applicants
- a policy or policies guiding periodic review of website materials
- records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website
- statements describing opportunities for further review — located near the information about internal reviews and appeals, so the information can be easily found
- website link(s) to information describing opportunities to request further review
- website link(s) to statements specifying if there are any limits for requesting further review

⁴ This further review or appeal is beyond the initial internal review or appeal referred to in FARPACTA, s. 9 (1–3, 5).

5. Documentation of Qualifications

LEGISLATION

FARPACTA, s. 10 (1)

A regulated profession shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives to the documentation may be acceptable to the regulated profession if an applicant cannot obtain the required documentation for reasons beyond his or her control.

RHPA, Schedule 2, s. 22.4 (1)

The College shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives may be acceptable to the College if an applicant cannot obtain the required documentation for reasons beyond his or her control.

The regulator must meet the following practice:

1. The regulator provides information on its website about the documents that must accompany an application to demonstrate qualifications. [Transparency]

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about:
 - i the required content of the documents
 - ii the required format of the documents, including the translation format, if applicable
 - iii the required method for sending the documents
 - iv how to contact the regulator to explore what alternative documentation may be acceptable, if applicants cannot get the required documentation for reasons beyond their control
- (b) reviews this information for clarity, accuracy and completeness
- (c) organizes this information on its website in a way that makes it easy to find

Examples of evidence of those actions:

- a “last updated” date on information materials for applicants
- a policy or policies guiding periodic review of website materials
- records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website
- website link(s) to the information about the documentation requirements
- website link(s) to tables, charts or similar tools that help explain the documentation requirements
- a distinct section in the regulator’s website on registration process timelines

5 For example, some regulatory bodies require that transcripts be sent in a sealed envelope directly by the institution that issues the transcripts.

6. Assessment of Qualifications

LEGISLATION

FARPACTA, s. 10 (2)

If a regulated profession makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair, and if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.4 (2)

If the College makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair and, if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.

OFC'S INTERPRETATION

In the context of assessing qualifications, the OFC interprets *transparent, objective, impartial and fair* as follows:

- **Transparent:** providing information about assessment of qualifications so that applicants have all relevant information at the time and in the way they need in order to take actions that are appropriate to their individual circumstances
- **Objective:**
 - designing qualifications assessment methods — including criteria, policies and procedures — so that they measure what they intend to measure
 - using only qualified assessors to conduct the assessments
 - implementing procedures to safeguard the consistency and accuracy of assessment decisions
 - monitoring assessment decisions for consistency and accuracy
- **Impartial:** monitoring assessment policies and procedures to identify threats to impartiality and to safeguard impartiality in assessment decisions
- Fair:⁶
 - assessing applicants in a timely way
 - giving them equal opportunity to participate in the assessments

⁶ This section focuses only on the procedural fairness of the assessments. Substantive and relational fairness are addressed more broadly by practices in the "General Duty — Fairness" section of this guide (see Section 12).

- treating them similarly when there is no justification for different treatment
- granting applicants opportunities to challenge or dispute any assessment outcomes
- using assessment methods that provide for applicants' diversity
- considering applicants' circumstances
- providing accommodations when justified

Qualifications assessment includes assessment of the following: applicants' documents for completeness and authenticity; academic credential/educational programs for equivalency; work experience; language proficiency; exams; prior learning assessment; and currency of qualifications.

Practices 1–14 refer to qualifications assessments that are conducted by the regulator itself. Only practice 15 refers to assessments conducted by third parties.

The regulator must, for each assessment method, meet the following practices:

1. On its website, the regulator informs applicants about the process, criteria, and policies for the assessment of qualifications. [Transparency]

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) provides information on its website about:</p> <ul style="list-style-type: none"> i the criteria that qualifications assessments are based on ii how those criteria are linked to the requirements/standards for entering the profession or trade iii opportunities to appeal the results of a qualifications assessment or have the results reviewed iv policies and procedures relating to special considerations⁷ <p>(b) reviews this information for clarity, accuracy and completeness</p> <p>(c) organizes this information on its website in a way that it is easy to find</p>
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • a “last updated” date on information materials for applicants • a policy or policies guiding periodic review of website materials • records showing how the regulator collects feedback from users about the clarity and accuracy of the information on the website • website link(s) to the information about the process, criteria and policies for the assessment of qualifications • a distinct section in the regulator's website on assessment of qualifications

⁷ Where it is impossible to remove barriers without undue hardship to the regulator, special arrangements must be made so that all applicants can be fully assessed. This accommodation may include: accommodation for special needs; providing and accepting communication in multiple formats; mechanisms to allow flexibility in demonstrating competencies or ways to meet requirements; and providing flexibility and/or offering multiple dates for applicants participating in assessments.

2. The regulator communicates the results of qualifications assessment to each applicant in writing.
[Transparency]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has a process for informing applicants in writing about the results of the qualifications assessment for each assessment method it conducts (b) in its communication with applicants, includes: <ul style="list-style-type: none"> i the rationale for the assessment decision, or the identification of criteria that the applicant did and did not meet ii information about what the applicant can do to close any gaps in his or her qualifications iii information about next steps for registration
Examples of evidence of those actions:	<ul style="list-style-type: none"> • examples of letters or templates used to communicate results • guidelines directing assessors to inform applicants in writing about the results of qualifications assessments • screenshots of digital resources for applicants if the regulatory body uses them to communicate the results of qualifications assessments

3. The regulator gives its assessors⁸ access to assessment criteria, policies and procedures.
[Transparency]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) informs its assessors how to access assessment criteria, policies and procedures (b) informs its assessors about any changes to criteria, policies and procedures
Examples of evidence of those actions:	<ul style="list-style-type: none"> • copies of “Contents” pages from guidelines for assessors, showing that the content includes assessment criteria and procedures and/or other similar documents • examples of internal communication about how to access assessment criteria, policies and procedures • screenshots taken from internal digital resources for assessors

⁸ Assessors include staff and volunteers.

4. The regulator shows that its tests and exams measure what they intend to measure.⁹ [Objectivity]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) includes psychometric scrutiny in the development of tests and exams, showing the assessment methods to be valid (b) shows a logical connection between the content and topics covered by the test or exam and the competencies it intends to test/examine by: <ul style="list-style-type: none"> i specifying the purpose and/or objectives of the assessment, and what decisions are made as the result of the assessment, in exam blueprints or other similar documents ii specifying what is being assessed, and the levels of competence required to pass the test/exam, in exam blueprints or other similar documents (e.g., competencies examined, topics, the weighting of all areas, and expected performance levels)
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • blueprints or other similar documents outlining topics, levels of competence, and competencies examined • internal reports or other records of psychometric review during the development of the assessment method • internal reports or other records of psychometric review following the administering of exams or tests • website link(s) to published pass scores

5. The regulator states its assessment criteria in ways that enable assessors to interpret them consistently. [Objectivity]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) expresses criteria in measurable units (b) establishes specific scores or grading scales used in the assessment methods that measure competencies or performance (c) reviews criteria for clarity
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • excerpts from assessment policies, procedures, guidelines or other similar documents that: <ul style="list-style-type: none"> – describe the assessment criteria in measurable units such as years or hours of study, hours of work, or specific behavioural exemplars – describe the criteria in a language that is direct and free of jargon – explain the specific scores or grading scales used in the assessment methods • internal reports or other records of psychometric review of the criteria

⁹ This practice applies only to those regulatory bodies that develop and administer their own exams. Where this is not the case, the regulatory bodies are not assessed for this practice.

6. The regulator ensures that the information about educational programs that is used to develop or update assessment criteria is kept current and accurate.¹⁰ [Objectivity]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has a process for periodically researching the educational programs it assesses (b) has a process for recording the data in a database or a log (c) has a process for periodically reviewing information stored in the database or the log for accuracy and relevance (d) updates the information as necessary, if the review identifies that it needs to be updated
Examples of evidence of those actions:	<ul style="list-style-type: none"> • examples of correspondence with other organizations that is used in research about educational programs • excerpts from or copies of surveys used to obtain/update information about educational programs • guidelines for assessors directing them about how to conduct research about educational programs and how to record research outcomes • internal reports or other records of reviews about educational programs • screenshots taken from digital resources for assessors related to educational programs, showing a “last reviewed” date • records about educational programs, including details about the accreditation status of the program and/or educational institution, and the length, scope and breadth of the program • the regulator’s written comments about how it records information about educational programs

7. The regulator links its assessment methods to the requirements/standards for entry to the profession or trade. [Objectivity]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) documents a link between an assessment method and the requirements/standards for entry to the profession or trade
Examples of evidence of those actions:	<ul style="list-style-type: none"> • exam blueprints or other similar materials explaining how the assessment method and its criteria are linked to competencies assessed

¹⁰ This practice applies only to those regulators that conduct their own assessment of academic credentials and/or their own review of academic programs for equivalency. It does not apply to regulators that rely on a third party for these activities.

- excerpts from the registration materials for applicants that include statements describing how registration requirements and assessment methods are linked
- statements in competency frameworks linking assessment methods to the competencies they intend to measure

8. The regulator requires that assessors consistently apply qualifications assessment criteria, policies and procedures to all applicants. [Objectivity]

The regulator takes the following actions to meet this practice:

- requires that assessors follow documented guidelines about how to conduct the assessment
- requires that assessors use the same tools to reach assessment decisions for each applicant, or the same tools for each group of applicants if different tools are used for different groups
- has a process for taking into account the results of previous decisions made in similar cases

Examples of evidence of those actions:

- copies of content pages from guidelines for assessors, showing that the content addresses assessment criteria and procedures, and/or other similar documents
- examples of templates or other similar documents used in assessments to show that assessors follow the same procedures and follow the same steps in the same order
- examples of diagrams, charts, or any other similar documents illustrating the assessment process steps and procedures
- guidelines for assessors directing them to:
 - follow the same procedures and steps in the same order
 - review and take into account the results of previous decisions made in similar cases
- screenshots of digital resources, to show that assessors use common resources
- screenshots of an internal digital resource that is used to store information about precedent-assessment decisions

9. The regulator uses only qualified assessors to conduct the assessments. [Objectivity]

The regulator takes the following actions to meet this practice:

- establishes qualification standards for assessors, exam administrators, and markers
- has a process for selecting assessors, exam administrators, and markers in accordance with those qualification standards

Examples of evidence of those actions:

- excerpts from job postings, job descriptions or other similar documents that include statements about the required qualifications for assessors, exam administrators, and markers
- guidelines for decision-makers advising them about procedures for selecting assessors, exam administrators, and markers
- records indicating a training program for assessors
- guidelines for decision-makers advising them about how to determine the competencies of assessors, exam administrators, and markers

10. The regulator monitors the consistency and accuracy of decisions, and takes corrective actions as necessary, to safeguard the objectivity of its assessment decisions. [Objectivity]

The regulator takes the following actions to meet this practice:

- (a) has a process to assess the extent to which decisions are consistent and accurate
- (b) identifies and implements corrective actions as necessary

Examples of evidence of those actions:

- guidelines for assessors or their supervisors advising them how to monitor the consistency and accuracy of decisions
- public or internal reports indicating actions taken to monitor the consistency and accuracy of decisions and the outcomes of those actions
- records showing the review of data that identify any of the following:
 - trends in appeals and decisions overturned following an appeal
 - trends in applicant complaints
 - trends in the scoring of competency assessment
 - trends in passing rates for tests and exams

11. The regulator prohibits discrimination and informs assessors about the need to avoid bias in the assessment. [Impartiality]

The regulator takes the following actions to meet this practice:

- (a) identifies and documents characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise impartial assessment decisions
- (b) informs assessors about these characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise impartial assessment decisions
- (c) informs assessors what to do if they identify situations of bias
- (d) prohibits discrimination in the assessment of qualifications

Examples of evidence of those actions:

- excerpts about bias from orientation materials for new assessors
- excerpts from training materials for assessors that address bias and that tell assessors what to do if they find themselves in positions of bias
- guidelines or policies advising assessors about characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise impartial assessment decisions
- guidelines, policies or other similar documents for assessors that address bias, conflict of interest, and anti-discrimination
- statements addressing bias and anti-discrimination in code-of-conduct information for staff and volunteers

12. The regulator implements procedures to safeguard the impartiality of its assessment methods and procedures. [Impartiality]¹¹

The regulator takes the following actions to meet this practice:

- (a) implements procedures to avoid or minimize bias in the assessment decisions¹¹
- (b) has a process for monitoring the assessment procedures in order to identify the potential sources of impartiality
- (c) identifies and implements corrective actions as necessary

Examples of evidence of those actions:

- guidelines for assessors advising them about circumstances that may compromise impartial assessment decisions
- guidelines for assessors and their supervisors telling them to take actions to safeguard impartiality (e.g., “blind” reviews, group decision-making)
- internal reports or other records describing actions taken to safeguard the impartiality of assessment methods and procedures and describing the outcomes of those actions
- policies prohibiting discrimination
- records showing review and analysis of data to identify any of the following:
 - trends in appeals of assessment decisions, and decisions overturned following an appeal
 - trends in applicants concerns
- statements addressing bias and/or sources of bias in code-of-conduct information for assessors
- the regulator’s testimony about procedures for monitoring and safeguarding the impartiality of assessment methods

¹¹ For example, the regulator may require that assessment decisions be reviewed by more than one assessor; require that assessors only have access to details that are relevant to the decision, so that they are not influenced by information that is not relevant to the decision; collect and analyze data, to assess the extent to which assessment decisions are free from bias, and to identify potential threats to impartiality; require that its assessors act with integrity.

13. The regulator gives applicants an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) has a process or procedures for having the assessment decisions reviewed or appealed (b) provides applicants with the opportunity to appeal assessment decisions or have the decisions reviewed in accordance with this process (c) if there are limitations or conditions on the availability of internal review or appeal, can provide a rationale about why they are necessary
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • excerpts from the registration materials for applicants, advising them about internal review or appeal opportunities • guidelines or policies for assessors addressing reviews and appeals • provisions in the regulator's governing documents regarding internal reviews or appeals (e.g., bylaws) • regulator's testimony about any limitations or conditions on the availability of internal reviews or appeals • website link(s) to information about reviews or appeals

14. The regulator assesses qualifications, communicates results to applicants, and provides written reasons for unsuccessful applicants, without undue delay. [Fairness]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) has set timelines for: <ul style="list-style-type: none"> i assessing qualifications ii communicating results to applicants iii providing written reasons for unsuccessful applicants (b) takes measures to follow and monitor adherence to the timelines
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • excerpts from the registration materials for applicants, advising them about assessment timelines • guidelines for decision-makers advising them about assessment timelines • internal reports or other records describing actions taken to monitor adherence to assessment timelines and outcomes of those actions • policy documents or other similar records establishing timelines and the procedures for monitoring them • provisions in the regulator's governing documents establishing assessment timelines (e.g., bylaws) • screenshots of an internal digital resource that flags files that are overdue for making assessment decisions • website link(s) to the information about assessment timelines

15. Regulators that rely on third-party assessments establish policies and procedures to hold third-party assessors accountable for ensuring that assessments are transparent, objective, impartial and fair. [Transparency, Objectivity, Impartiality, Fairness]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) identifies procedures for evaluating the third parties' assessment practices¹² (b) identifies procedures for monitoring the third parties' assessment practices¹³ (c) plans, documents, and implements those procedures periodically or at fixed intervals (d) identifies potential issues, and if any issues are identified, takes actions to address them (e) when services from a new third-party assessor are required, establishes a formal process for selecting only those third parties that are qualified to provide transparent, objective, impartial and fair assessments¹⁴
Examples of evidence of those actions:	<ul style="list-style-type: none"> • agendas and minutes from meetings with the third parties • copies of, or excerpts from, formal agreements between the regulator and the third party • examples of correspondence between the regulator and the third party • excerpts from meeting minutes or decision notes • internal reports or other records describing actions taken to evaluate and/or monitor third parties' assessment practices • records showing review, analysis and actions taken on data related to applicants' complaints about the third parties

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- 12 For example, a regulator may require one or both of the following: a) the regulator has regular meetings with each third party it uses; b) every time an exam is held, the examination body issues a review report describing how it ensured transparency, objectivity, impartiality, and fairness during the development/administration of the exam.
- 13 For example, a regulator may do one or more of the following: a) review third parties' websites to be informed of any changes; b) track, log, and analyze applicants' complaints related to third parties' assessments; c) conduct regular meetings with the third parties to review the most common applicant complaints; d) participate in the third parties' substantive policy decisions through representation on the third parties' governing authority; e) develop and implement formal service agreements that establish service standards.
- 14 The OFC will only assess item e) for regulators that obtain the services of new providers during the period between the OFC's assessments of registration practices.

7. Training

LEGISLATION

FARPACTA, s. 11

A regulated profession shall ensure that individuals assessing qualifications and making registration decisions or internal review or appeal decisions have received training that includes, where appropriate,

- (a) training on how to hold hearings; and
- (b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations.

RHPA, Schedule 2, s. 22.4 (3)

The College shall ensure that individuals assessing qualifications and making registration decisions or reviewing decisions have received training that includes, where appropriate,

- (a) training on how to assess such qualifications and make such decisions;
- (b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations.

The regulator must meet the following practices:

1. The regulator provides training for staff and volunteers who assess qualifications or make registration, internal review or appeal decisions. [Objectivity, Impartiality, Fairness]

The regulator takes the following actions to meet this practice:

- (a) identifies staff and volunteer positions that do any of the following:
 - i assess qualifications
 - ii make registration decisions
 - iii make internal review or appeal decisions
 - iv hold hearings
 - v identify and apply any special considerations that may be relevant in the assessment of applications
- (b) provides training to new and incumbent staff and volunteers in these positions that addresses the following (as appropriate to the position):
 - i how to assess qualifications and make registration decisions
 - ii how to make internal review or appeal decisions
 - iii how to hold hearings
 - iv how to apply special considerations in the assessment of applications

Examples of evidence of those actions:

- copies of past training agendas showing dates of training and topics covered
- examples of training plans for staff and volunteers
- excerpts from the job descriptions of the positions that are responsible for the training of staff and volunteers
- excerpts from orientation or training materials for staff and volunteers, identifying positions involved in assessing qualifications and making registration decisions
- excerpts from terms of reference for volunteers, identifying training requirements
- guidelines for supervisors and/or other personnel responsible for training of staff and volunteers
- meeting agendas and minutes indicating discussions related to training of staff and volunteers
- statements in meeting minutes addressing training
- statements in training logs and plans

2. The regulator addresses topics of objectivity and impartiality in the training it provides to assessors and decision-makers. [Objectivity, Impartiality]

The regulator takes the following actions to meet this practice:

- (a) provides training to assessors and decision-makers that addresses the following topics:
- i anti-discrimination¹⁵
 - ii cultural diversity¹⁶
 - iii the objectives of the fair-access law
 - iv objective decision-making and what it means in the context of the registration process¹⁷
 - v impartial decision-making and what it means in the context of the registration process¹⁸

15 For example: the Ontario Human Rights Code, and/or internal policies related to anti-discrimination.

16 For example: differences in cultural backgrounds and how to identify the potential for bias.

17 For example: procedures to follow in order to achieve consistency.

18 For example: types of bias; what assessors and decision-makers should do if they find themselves in the position of bias; conflict of interest; and procedures related to the conflict of interest.

Examples of evidence of those actions:

- copies of past training session/presentation agendas showing that topics i) to v) have been covered
- examples of training logs and plans
- excerpts from orientation materials for new staff and volunteers
- excerpts from training materials for staff and/or volunteers, showing that topics i) to v) have been covered
- meeting minutes

3. The regulator identifies when new and incumbent staff and volunteers require training and provides the training accordingly. [Objectivity, Impartiality, Fairness].

The regulator takes the following actions to meet this practice:

- (a) has a process to identify when new and/or incumbent staff and volunteers require training¹⁹
- (b) establishes timelines for completing the training
- (c) has a process for verifying that the training is completed according to the timelines

Examples of evidence of those actions:

- copies of past training agendas showing dates of training and topics covered
- examples of training plans for staff and volunteers
- excerpts from the job descriptions of the positions responsible for the training of staff and volunteers
- excerpts from orientation or training materials for staff and volunteers, identifying the positions involved in assessing qualifications and making registration decisions
- excerpts from terms of reference for volunteers, identifying training requirements
- guidelines for supervisors and/or other positions responsible for the training of staff and volunteers
- meeting agendas and minutes indicating discussions related to the training of staff and volunteers
- statements in meeting minutes addressing training
- statements in training logs and plans

¹⁹ For example, the regulator may require that new staff and volunteers receive initial training as soon as they have been assigned their duties and ongoing training whenever there is a change in regulations, policies and procedures, or that they receive training on a yearly basis.

8. Access to Records

LEGISLATION

FARPACTA, s. 12

- (1) Upon the written request of an applicant for registration by a regulated profession, the regulated profession shall provide the applicant with access to records held by it that are related to the application.
- (2) Despite subsection (1), a regulated profession may refuse access to a record if,
 - (a) the record or any information in the record is subject to a legal privilege that restricts disclosure of the record or the information, as the case may be;
 - (b) another Act, an Act of Canada or a court order prohibits disclosure of the record or any information in the record in the circumstances;
 - (c) granting the access could reasonably be expected to lead to the identification of a person who provided information in the record to the regulated profession explicitly or implicitly in confidence, and the regulated profession considers it appropriate in the circumstances that the identity of the person be kept confidential; or
 - (d) granting the access could negatively affect public safety or could undermine the integrity of the registration process.
- (3) Despite subsection (2), an applicant has a right of access to that part of a record that can reasonably be severed from the part to which the applicant does not have a right of access by reason of that subsection.
- (4) A regulated profession shall establish a process under which requests for access to records will be considered.
- (5) A regulated profession may charge the applicant a fee for making records available if it first gives the applicant an estimate of the fee.
- (6) The amount of the fee shall not exceed the amount prescribed by the regulations or the amount of reasonable cost recovery, if no amount is prescribed.
- (7) A regulated profession may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (5) if, in its opinion, it is fair and equitable to do so.

RHPA, Schedule 2, s. 16

- (1) The Registrar shall give an applicant for registration, at his or her request, all the information and a copy of each document the College has that is relevant to the application.
- (2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person.
- (3) The Registrar shall establish a process for the purposes of dealing with an applicant's request under subsection (1).
- (4) The Registrar may require an applicant to pay a fee for making information and documents available to the applicant if the Registrar first gives the applicant an estimate of the fee.
- (5) The amount of the fee shall not exceed the amount of reasonable cost recovery.
- (6) The Registrar may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (4) if, in the Registrar's opinion, it is fair and equitable to do so.

The regulator must meet the following practices:

1. The regulator provides each applicant with access to his or her application records.²⁰ [Fairness]

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) identifies what specific records or documents are considered to be part of the application record (b) has a process for handling an applicant's request for access to records (c) has criteria and guidelines for deciding about refusing or limiting access to records
Examples of evidence of those actions:	<ul style="list-style-type: none"> • excerpts from the registration materials for applicants, advising them about access to records • a policy or other similar document about access to records • statements in the regulator's bylaws addressing access to records • website link(s) to information about access to applicants' records

²⁰ Records may include: documents provided by the applicant; documents that describe the regulator's rationale for its decision; documents related to assessment of qualifications, such as exam results or credential assessment results; and documents related to accommodation requests, review requests, and appeals.

2. If there is a fee for making records available, the regulator gives applicants an estimate of this fee. [Transparency]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) provides information that allows applicants to estimate fees for accessing records (b) reviews this information for clarity, accuracy and completeness (c) provides this information in a way that makes it easy to find and access
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • excerpts from the registration materials for applicants, advising them about fees for access to records • a “last updated” date on information materials for applicants • a policy or policies guiding periodic review of website materials • records showing how the regulatory body collects feedback from users about the clarity and accuracy of the information on the website • website link(s) to information about fees for access to records

3. If there is a fee for making records available, the regulator reviews the fee to ensure that it does not exceed the amount of reasonable cost recovery. [Fairness]

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) has a rationale for the amount of the fee it charges applicants for access to records (b) conducts a periodic review of the fee, for the purpose of ensuring that it does not exceed the amount of reasonable cost recovery
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • agendas or excerpts from meeting minutes, indicating discussions about fees for access to records • excerpts from decision notes, indicating review of fees for access to records • excerpts from internal reports, describing the last fee review • excerpts from reports, describing the last fee review and the frequency of fee reviews • policies guiding access to records • the regulator's testimony indicating the rationale for the amount of the fee for access to records

GENERAL DUTY

9. Transparency

LEGISLATION

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are **transparent**, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are **transparent**, objective, impartial and fair.

OFC's interpretation

A process is **transparent** if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions.

In the regulatory context, transparency of the registration process encompasses the following:

- **Openness:** having measures and structures in place that make it easy to see how the registration process operates
- **Access:** making registration information easily available
- **Clarity:** ensuring that information used to communicate about registration is complete, accurate and easy to understand.

MAINTAINING OPENNESS

1. The regulator enables interested stakeholders, including the public and applicants, to understand how the registration process operates.

The regulator takes the following actions to meet this practice:

- (a) provides opportunities for interested stakeholders to be informed of key developments in registration practices and/or about how the registration process operates²¹
- (b) publishes information about the structure of accountability for registration functions²²

21 For example, this may include opening council or board meetings to the public, appointing public members of the council to panels and committees dealing with registration matters, disseminating periodic reports or updates about key developments in registration practices, and holding stakeholder information sessions.

22 For example, this may include publishing information that identifies committees and positions responsible for registration policy and registration decisions.

Examples of evidence of those actions:

- annual reports, strategic plans or other similar documents relaying information on key developments in registration practices
- excerpts from the regulator's newsletters or public presentations on key developments in registration practices
- website link(s) to information about identifying roles and responsibilities related to the registration functions; or other types of publications containing this information

2. The regulator includes public input in decisions about significant registration changes.

The regulator takes the following actions to meet this practice:

- (a) seeks input from interested parties when proposals are made to amend registration regulations or bylaws and/or registration requirements
- (b) includes public representatives on registration decision-making committees and panels
- (c) at regular intervals, seeks input from applicants and members about their registration experiences, and uses this input where appropriate to improve the registration process

Examples of evidence of those actions:

- examples of communications notifying interested parties of proposed changes to registration practices
- excerpts from newsletters informing readers about key developments in registration practices
- excerpts from public or internal reports on consultations regarding potential or real changes
- public or internal reports demonstrating that applicants were surveyed on changes
- statements in bylaws, regulations, and terms of reference identifying requirements for committee composition
- website link(s) to statements about proposed changes
- website link(s) to tools used to collect feedback from applicants and interested members of the public

3. The regulator records all procedures that govern the registration process in policy documents, and makes registration decisions on the basis of written criteria and policy.

The regulator takes the following actions to meet this practice:

- (a) has a process for recording new registration policies or procedures in an appropriate policy document within a specified timeline

23 For example, a process on how to initiate, develop and/or obtain approval of the policy or update.

- (b) reviews registration criteria, policies and procedures at regular intervals to ensure that they accurately reflect current registration practices
- (c) if the review identifies a need for updating the registration criteria, policies or procedures, has a process to update them within a specified time

Examples of evidence of those actions:

- examples of charts or diagrams illustrating the process for creating or updating policies and procedures
- excerpts from the job descriptions of the positions that are responsible for creating new policies and procedures or updating existing ones
- guidelines on procedures to follow to create new policies and procedures or to update existing ones
- guidelines on procedures to verify whether the existing registration policies and procedures reflect existing registration practices
- records of initiatives reviewing policies and procedures to determine if they are current and up-to-date

PROVIDING ACCESS TO, MONITORING, AND UPDATING REGISTRATION INFORMATION

4. The regulator identifies all registration requirements that are subject to exemptions and provides information on its website about how applicants can request the exemptions.

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about all requirements that are subject to exemptions
- (b) identifies the conditions under which exemptions may be granted
- (c) describes the process by which applicants can request exemptions

Examples of evidence of those actions:

- website link(s) to tables, charts or similar tools that illustrate registration requirements and exemptions
- website link(s) to the information about registration requirements subject to exemption
- a distinct section in the regulator's website on registration requirements and exemptions

5. The regulator provides information on its website about costs that are associated with the registration process but that are not under the regulator's control, including third-party assessments.

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about all costs that are associated with the registration process but that are not under the regulator's control

Examples of evidence of those actions:

- website link(s) on the regulator's website to third parties' websites
- website link(s) to the information on all fees/costs related to the registration process
- website link(s) to tables, charts or similar tools that identify all fees/costs related to the registration process

6. The regulator provides information on its website about the steps in the registration process that applicants can start and/or complete outside of Canada.

The regulator takes the following actions to meet this practice:

- (a) on its website, identifies the steps in the registration process that can be completed outside of Canada

Examples of evidence of those actions:

- website link(s) to application checklists that identify the steps that can be started and/or completed outside of Canada
- website link(s) to the information about registration steps that can be started and/or completed outside of Canada
- a distinct section in the regulator's website providing registration information for internationally trained applicants, and identifying steps that may be started or completed outside of Canada

7. The regulator provides information on its website about any third-party organizations that applicants may come in contact with during the registration process.

The regulator takes the following actions to meet this practice:

- (a) describes the role of the third-party organizations on its website
- (b) provides a link on its website to the third parties' websites or explains where to find information about the requirements of the third-party organizations

Examples of evidence of those actions:

- website link(s) to the information about third-party organizations
- a distinct section in the regulator's website where it identifies any third-party organizations that applicants may come in contact with during the registration process

8. The regulator provides information on its website about resources and supports that are available to applicants during the registration and assessment process.

The regulator takes the following actions to meet this practice:

- (a) on its website, provides information or a referral to sources of information about any resources and supports that are available to applicants during the registration and assessment process

Examples of evidence of those actions:

- website links to:
 - exam blueprints
 - practice tests or exams or sample assessment questions
 - details about programs for orientation to the profession or trade and/or bridging programs
 - occupation-specific language-training or mentorship opportunities
 - online tools to self-assess language or other competencies
- a website that has a distinct section on resources for applicants

9. The regulator provides information on its website about the estimated time for each step of the registration process that is under its control.

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about:
- i the estimated time for each stage of the registration process that is under the regulator's control
 - ii a range or estimated maximum amount of time, when timelines vary
 - iii timelines for different types of applications, if they vary
 - iv variables that may slow down the normal process, if these exist

Examples of evidence of those actions:

- website link(s) to information about the registration process timelines
- website link(s) to tables, charts or similar tools that help estimate the time for each registration step
- a distinct section in the regulator's website on registration timelines, so that the information can be easily found

10. The regulator provides information on its website about the process for obtaining records related to applicants' registration files.

The regulator takes the following actions to meet this practice:

- (a) provides information on its website about:
- i the way that an applicant can ask for records
 - ii the way in which records are available
 - iii who may access the records
 - iv how long the records are kept
 - v what limitations exist on the right to access the records, if any
 - vi which documents are kept by the regulator and which documents are returned to applicants upon written request

Examples of evidence of those actions:

- website link(s) to information about access to records
- a distinct section in the regulator's website on access to records, so that the information can be easily found

11. The regulator ensures that the information required by practices 4–10 in this section is clear, accurate, complete and easy to find.

The regulator takes the following actions to meet this practice:

- (a) reviews this information for clarity, accuracy and completeness
- (b) organizes this information on its website in a way that makes it easy to find

Examples of evidence of those actions:

- a "last updated" date on information materials for applicants
- a policy or policies guiding periodic review of website materials
- records showing that the regulator collects feedback from users about the clarity and accuracy of the information on the website

COMMUNICATING CLEARLY WITH APPLICANTS ABOUT THEIR STATUS

12. Throughout the registration process, the regulator informs applicants about the status of their application and provides them with relevant information.

The regulator takes the following actions to meet this practice:

- (a) informs applicants about the status of their application
- (b) informs applicants about actions they need to take to proceed in the registration process
- (c) informs applicants about missing or incomplete documentation and actions they need to take to complete the application
- (d) informs applicants about any delays in the application process

Examples of evidence of those actions:

- examples of templates used to prepare letters
- guidelines directing staff and volunteers on when to communicate with applicants about the status of their applications (e.g., about completed registration steps and steps yet to be completed)
- screenshots of digital resources for applicants, if the regulator uses them to communicate with applicants about the status of applications; or website link(s) to registration portals that applicants may use to check application status

13. The regulator provides clear registration information, including decisions and reasons, when communicating with applicants.

<p>The regulator takes the following actions to meet this practice:</p>	<ul style="list-style-type: none"> (a) in registration decision letters, links the decision to the criteria/requirement(s) that have not been met and identifies gaps if applicable (b) has a process for reviewing its communications for plain language and clarity
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • examples of decision letters or templates used in preparing decision letters • examples of style guides for written communication • excerpts from training materials for decision-makers about writing letters regarding decisions and reasons • guidelines directing decision-makers about how to draft decision letters • records indicating procedures for measuring the effectiveness of written communication (e.g., applicant survey, communication working group, corporate communication department) • statements in decision letters informing applicants about how to get additional clarification about a decision

10. Objectivity

LEGISLATION

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and fair.

OFC'S INTERPRETATION

A process or decision is objective if it is based on formal systems, such as criteria, tools, and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable. In the regulatory context, objectivity of systems encompasses the following:

- **Reliability:** ensuring that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made, and in whatever context the decision is made
- **Validity:** ensuring that the criteria, training, tools and procedures measure what they intend to

Practices in this section may appear to be similar to practices in Section 6, “Specific Duty — Assessment of Qualifications.”

The difference is that this section addresses objectivity of all criteria, tools and procedures used to make any registration decisions that are different from assessment decisions. For example, this may include decisions about or related to the following: rejecting an application; handling reviews or appeals; verifying good character; exempting an applicant from a registration requirement; granting special considerations; or issuing a licence with or without limitations or conditions.

Objectivity in assessments of qualifications is addressed by practices in Section 6.

DESIGNING CRITERIA AND PROCEDURES THAT ARE RELIABLE AND VALID

1. The regulator designs and states its registration requirements and the criteria for meeting them in ways that enable its decision-makers to make consistent registration decisions.

The regulator takes the following actions to meet this practice:

- (a) expresses the criteria in measurable units; and/or establishes specific conditions that applicants must meet to satisfy a registration requirement; and/or describes the requirements and criteria in statements that are direct and free of jargon
- (b) has a process for reviewing and updating statements describing registration requirements and criteria for clarity

Examples of evidence of those actions:

- internal reports and records of periodic review of the registration requirements and criteria
- “last reviewed” or “next planned review” dates on policy documents addressing registration requirements and criteria
- public or internal reports produced as a result of consultations with experts, or other similar documents
- website link(s) to information about registration requirements and criteria

2. The regulator gives its decision-makers access to the information and tools they need to do their job.

The regulator takes the following actions to meet this practice:

- (a) informs its decision-makers about how to access criteria, policies, procedures and tools
- (b) informs decision-makers about changes to criteria, policies and procedures

Examples of evidence of those actions:

- examples of internal communications about how to access registration criteria, policies and procedures (e.g., the regulator may issue a periodic newsletter where it provides updates about any policy changes)
- copies of “Contents” pages from guidelines for decision-makers, showing that the content addresses registration criteria, policies and procedures
- examples of charts or diagrams describing the decision-making process steps
- screenshots taken from internal digital resources for decision-makers
- excerpts from training materials for decision-makers

3. The regulator uses appropriate evidence for determining whether applicants meet the registration requirements.²⁴

The regulator takes the following actions to meet this practice:

- (a) takes measures to do the following:
 - i base its decisions on evidence that directly demonstrates how an applicant meets or doesn't meet the requirement²⁴
 - ii confine its decisions only to evidence that is specifically related to the decision itself

²⁴ This means that when the evidence is measured against registration-requirement criteria, it is evident whether or not the criteria have been met.

Examples of evidence of those actions:

- agendas or meeting minutes indicating discussions about accuracy and consistency in decision-making
- examples of diagrams or charts describing the decision-making steps
- examples of templates for decision-makers to use for the recording of evidence reviewed and conclusions reached
- guidelines for decision-makers advising them how to interpret evidence against criteria or other similar records
- samples of decision-letter templates

4. The regulator takes actions to ensure that decision-makers consistently apply registration-requirement criteria, policies and procedures to all applicants.

The regulator takes the following actions to meet this practice:

- (a) requires that decision-makers follow documented guidelines
- (b) requires that decision-makers use the same tools to reach registration decisions for each applicant, or the same tools for each group of applicants if different tools are used for different groups
- (c) has a process for taking into account the results of previous decisions made about similar cases

Examples of evidence of those actions:

- copies of “Contents” pages from guidelines for decision-makers, showing that the content addresses actions a) to c)
- examples of diagrams, charts, or any other similar documents explaining the decision-making steps and procedures
- examples of templates or other similar documents, to show that decision-makers follow the same procedures and steps in the same order
- guidelines for decision-makers
- screenshots of digital resources that are used to store information about precedent registration decisions
- screenshots of digital resources, to show that that decision-makers use common resources

MONITORING AND FOLLOWING UP THREATS TO VALIDITY AND RELIABILITY

5. The regulator monitors the objectivity of its registration decisions and takes corrective actions as necessary.²⁵

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) has a process for assessing the extent to which registration decisions are consistent and accurate²⁶</p> <p>(b) has a process for identifying and implementing corrective actions as necessary</p>
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • examples of terms of reference for committees or other groups established to monitor the quality of the registration decisions • guidelines advising how to monitor the consistency and accuracy of registration decisions • internal reports or other records describing actions taken to monitor consistency and accuracy in decision-making and the outcome of those actions • meeting agendas or minutes indicating discussions about the accuracy and consistency of decisions • records showing the review of data to identify any of the following: <ul style="list-style-type: none"> – trends in applicants' complaints – trends in reviews or appeals and registration, and decisions overturned following a review or an appeal

25 The OFC will review this practice in conjunction with practice 4 in Section 11 ("Impartiality"), because requirements set out by both practices may require the same set of actions by the regulator.

26 For example, this may include collecting and analyzing data about appeals and decisions overturned following an appeal; monitoring of HPARB decisions to identify any trends in appeals reviewed by HPARB; collecting and analyzing data about applicants' complaints; or undertaking a review of a random sample of past registration decisions.

11. Impartiality

LEGISLATION

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and fair.

OFC'S INTERPRETATION

A process or decision is impartial if the position from which it is undertaken is neutral. Neutrality occurs when actions or behaviours that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases. In the regulatory context, impartiality encompasses the following:

- **Identification:** having systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions, and lack of understanding of issues related to diversity)
- **Strategies:** having systems to address bias and enable neutrality during the assessment and decision-making process (for example, training policies that address conflict of interest, and procedures to follow if bias is identified)

IDENTIFYING BIAS, MONITORING, AND TAKING CORRECTIVE ACTION

1. The regulator documents, and informs its decision-makers about, the need to avoid bias in registration decisions.

The regulator takes the following actions to meet this practice:

- (a) identifies and document characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise the impartiality of its registration decisions
- (b) informs decision-makers about characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise impartial registration decisions
- (c) informs decision-makers about what they must do if they identify situations of bias

Examples of evidence of those actions:

- excerpts addressing bias from orientation materials for new staff and/or volunteers
- excerpts from training materials for decision-makers that address bias and that direct them about what to do if they find themselves in positions of bias

- guidelines advising decision-makers about characteristics or types of bias, and/or sources of bias, and/or circumstances that may compromise impartial registration decisions
- policies or other similar documents addressing bias, discrimination, and/or conflict of interest
- statements addressing bias, in a code of conduct for staff and volunteers
- statements in public documents, such as annual reports or other similar documents, indicating the regulator's commitment to a bias-free and discrimination-free registration process

2. The regulator documents, and informs its decision-makers about, what constitutes a conflict of interest and what decision-makers should do when they find themselves in a conflict of interest.²⁷

The regulator takes the following actions to meet this practice:

- (a) identifies and documents what constitutes a conflict of interest
- (b) informs decision-makers about what they should do when they find themselves in a conflict of interest

Examples of evidence of those actions:

- excerpts from training materials for decision-makers, addressing conflict of interest
- guidelines for decision-makers advising what constitutes a conflict of interest and what procedures to follow if conflict of interest occurs
- meeting agendas and/or minutes indicating procedures addressing conflict of interest

3. The regulator monitors its decision-making process, to ensure that the decisions²⁸ are made in the public interest, and are not compromised by external or internal interests and/or competing functions.

The regulator takes the following actions to meet this practice:

- (a) has a process for considering internal or external factors that may improperly influence policy or individual case decisions and for determining what actions are necessary for impartial decision-making

27 A conflict of interest includes, for example, any situation or circumstance in which the person's other commitments, relationships, or financial interests:

- could improperly influence the person's objective, unbiased and impartial exercise of his or her independent judgment, or could be perceived as doing so
- could compromise, impair, or be incompatible with the person's effective performance of his or her contractual obligations, or could be perceived as doing so

28 This may include decisions about registration policies or about individual registration cases.

	<p>(b) considers why a policy change is in the public interest and/or what particular issue it intends to resolve²⁹</p> <p>(c) explores what positive and/or negative impacts the policy change may have on those affected by it</p>
Examples of evidence of those actions:	<ul style="list-style-type: none"> • public or internal reports indicating an analysis of the policy change's impact • rules or guidelines addressing the competing interests or functions (e.g., this may include statements in the profession or trade's legislation requiring that the public interest should always take precedence over any other competing interests or functions) • rules, policies or procedures about making registration policy decisions • statements in risk management plans addressing the potentially competing functions • statements in policy or other similar documents, advising what specific issues or risks these policies aim to address and/or how they are in the public interest • the regulator's testimony about actions it takes to ensure that internal or external factors do not improperly influence its decisions

IMPLEMENTING STRATEGIES

4. The regulator implements procedures to safeguard the impartiality of its decisions, and takes corrective actions as necessary.³⁰

The regulator takes the following actions to meet this practice:	<p>(a) implements procedures to avoid or minimize bias in registration decisions³¹</p> <p>(b) has a process for monitoring decision-making procedures in order to identify potential sources of impartiality</p> <p>(c) identifies and implements corrective actions as necessary</p>
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29 The OFC will only review b) and c) when there was a change in a substantive registration policy and/or registration requirements.

30 The OFC will review this practice in conjunction with reviewing practice 5 in Section 10 ("Objectivity"), because requirements set out by both practices may require the same set of actions by the regulator.

31 The procedures may vary depending on the decision-making structure and steps in the registration process. The OFC will look at evidence of actions and determine their suitability in the context of the registration process. For example, the regulator may design its decision-making process in a way that requires decision-makers to complete a checklist where they record criteria that have and have not been met. These checklists, once completed, are used to inform or support the decisions. The regulator may also conduct random audits of a sample of decisions made over a specified period.

Examples of evidence of those actions:

- examples of templates or other similar documents showing that decision-makers link their decisions to evidence reviewed
- examples of terms of reference for committees and panels of committees
- excerpts from internal reports identifying potential issues, recommendations, and/or corrective actions
- guidelines directing decision-makers about the following:
 - “blind” reviews of applications, where an applicant’s personal details are withheld (e.g., first and last names, age, sex)
 - use of the same processes for all applicants
 - procedures where multiple decision-makers are involved in reviewing an application
- internal reports or other records indicating actions taken to monitor the impartiality of the registration decisions
- meeting agendas or minutes indicating discussions about the potential for bias
- records showing review of data in order to identify any of the following:
 - trends in applicants’ complaints
 - trends in reviews or appeals and decisions overturned following a review or an appeal

5. The regulator demonstrates a commitment to being free of discrimination and bias.

The regulator takes the following actions to meet this practice:

- (a) directs its decision-makers to commit to impartial decision-making
- (b) prohibits them from engaging in discriminatory actions
- (c) prohibits threats and retaliation against applicants who submit appeals or requests for reviews, or who submit complaints about staff or procedures

Examples of evidence of those actions:

- policy excerpts addressing impartial decision-making and/or integrity
- excerpts from a code of conduct for staff and/or volunteers that identify what constitutes bias and that prohibit discrimination
- statements in public documents, such as annual reports or other similar documents, indicating the regulator’s commitment to a bias-free and discrimination-free registration process
- templates used to obtain declarations by staff and/or volunteers to commit to discrimination-free actions

12. Fairness

LEGISLATION

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and fair.

OFC'S INTERPRETATION

A process or decision is fair in the regulatory context when all of the following are demonstrated:

- **Substantive fairness:** ensuring fairness of the decision itself. The decision itself must be fair and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.
- **Procedural fairness:** ensuring fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that applicants have equal opportunity to demonstrate their ability to practise.
- **Relational fairness:** ensuring people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.

ENSURING SUBSTANTIVE FAIRNESS

1. The regulator can show that all of its registration requirements are necessary and relevant to the practice of the profession or trade.

The regulator takes the following actions to meet this practice:

- (a) shows that there is a logical and compelling connection between the registration requirement and the entry-to-practice standards for the profession or trade, by doing *one* of the following:
 - i mapping each registration requirement to the specific competency or groups of competencies it addresses; **OR**
 - ii showing that each registration requirement was developed through a transparent and impartial process
- (b) does *one* of the following:
 - i implements acceptable alternatives for meeting the requirements; **OR**
 - ii shows that there is no other way to safely determine an applicant's competencies to practise the profession or trade

Examples of evidence of those actions:

- a competency framework that shows how each registration requirement is linked to the specific competency or groups of competencies
- Entry-To-Practice Review reports
- excerpts from decision notes, indicating links between the registration requirements and entry-to-practice standards for a profession or trade
- excerpts from meeting minutes, indicating discussions about the relevance and necessity of the registration requirements
- public or internal reports containing expert analysis on the relevance and necessity of the registration requirements
- public or internal reports about competency frameworks or registration requirements, produced as a result of consultations with stakeholders
- records documenting the rationale for requirements
- website link(s) to information about acceptable alternatives to the registration requirements
- website link(s) to information about the rationale for the registration requirements

2. The regulator reviews its registration requirements for relevance and necessity at regular intervals.

The regulator takes the following actions to meet this practice:

- (a) has a process for reviewing registration requirements at regular intervals, in order to verify that they continue to be relevant and necessary

Examples of evidence of those actions:

- copies of calls to stakeholders for consultations about the registration requirements
- excerpts from policies, reports, or other documents, indicating a process for reviewing requirements
- excerpts from decision notes, indicating review of the registration requirements
- excerpts from meeting minutes, indicating discussions about review of the registration requirements
- public or internal reports containing expert analysis about the relevance and necessity of the registration requirements
- public or internal reports produced as a result of consultations that were held with stakeholders in order to review requirements
- records indicating the monitoring/reviewing of factors that may influence registration requirements (e.g., educational programs)

3. Where Canadian work experience is required for licensing, the regulator can clearly justify this requirement.³²

The regulator takes the following actions to meet this practice:	<p>(a) shows that there is a logical and compelling connection between the Canadian work experience requirement and the competencies³² to be obtained through the requirement</p> <p>(b) does one of the following:</p> <ul style="list-style-type: none"> i has implemented acceptable alternatives; OR ii can show that there is no other way to safely determine an applicant's ability to safely practise the profession or trade
Examples of evidence of those actions:	<ul style="list-style-type: none"> • a competency framework that identifies competencies to be addressed through Canadian or Ontario experience • Entry-To-Practice Review reports • excerpts from decision notes, indicating that the requirement for Canadian work experience is the only safe way to determine an applicant's ability to safely practice the profession or trade • excerpts from meeting minutes, indicating discussions about the necessity and relevance of Canadian work experience • public or internal reports containing expert analysis about the relevance and necessity of a Canadian work experience requirement • public or internal reports produced as a result of consultations with stakeholders about a Canadian experience requirement • records documenting the rationale for the requirement • records on alternatives to a Canadian experience requirement • website link(s) to information about alternatives to a Canadian experience requirement

4. The regulatory body conducts reviews of its fees at regular intervals.

The regulator takes the following actions to meet this practice:	<p>(a) has a rationale for the amount of the fees under its control</p> <p>(b) conducts a periodic review of fees for the purpose of identifying the reasonableness of fees</p>
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³² Either described in a competency framework or as specific skills/knowledge; the regulator must be able to identify the specific competencies that can only be obtained through Canadian work experience.

Examples of evidence of those actions:

- a regulator's written comments indicating periodic analysis of fees (e.g., annual review by the board or council)
- a regulator's written comments indicating the rationale for the amount of the fees under its control
- excerpts from annual reports and public audit statements
- excerpts from decision notes or other similar records, indicating the review of fees that are under the regulator's control
- excerpts from reports, describing the last fee review
- meeting agendas or minutes indicating discussions about fees that are under the regulator's control
- records indicating consultations regarding fees

ENSURING PROCEDURAL FAIRNESS

5. The regulator takes measures to ensure that its registration decisions adhere to registration criteria, policies, and procedures.

The regulator takes the following actions to meet this practice:

- (a) has a process for verifying compliance with policies and procedures and for identifying deviations
- (b) identifies and implements corrective actions as necessary

Examples of evidence of those actions:

- examples of terms of reference for a committee tasked with monitoring compliance
- excerpts from the job descriptions of the positions that are responsible for quality assurance and/or for monitoring compliance with registration criteria, policies and procedures
- excerpts from records, indicating actions taken to mitigate non-compliance (e.g., training on criteria, policy changes)
- excerpts from reports, meeting notes, or other documents, indicating measures to encourage compliance (e.g., procedure manuals, computerized processes, review of statistical data)
- public or internal reports indicating an internal audit or review process aimed at identifying cases of compliance and non-compliance
- records showing the collection and review of data to identify trends in registration decisions, complaints, and decisions about special requests

6. The regulator takes actions to review its registration practices, to identify opportunities for improvement and streamlining.

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) has a process for:</p> <ul style="list-style-type: none"> i identifying procedures and steps in its registration process that may be simplified or eliminated ii reviewing the alignment of its own registration practices with best practices iii identifying and implementing changes as necessary
<p>Examples of evidence of those actions:</p>	<ul style="list-style-type: none"> • internal or public reports indicating the regulator's commitment to continuous improvement • public or internal reports indicating a review of process maps or the collection and analysis of relevant data • records indicating modifications to process maps or other actions/decisions taken as a result of the review • records of initiatives aimed at identifying the potential for improving the registration practices • statements in the job descriptions for the positions that are responsible for efficient use of the organization's resources • statements in the job descriptions indicating a process for identifying opportunities for improvement

7. The regulator can show that its registration procedures do not unjustifiably exclude or limit certain groups, such as internationally trained applicants.

<p>The regulator takes the following actions to meet this practice:</p>	<p>(a) has a process for verifying that its registration practices do not unjustifiably exclude or limit certain groups by:</p> <ul style="list-style-type: none"> i reviewing its timelines to ensure that they do not unjustifiably prevent applicants from demonstrating their ability to practise ii collecting and analyzing data about membership and applicants to identify trends indicating the potential for exclusion iii monitoring its registration procedures to identify whether they have the effect of excluding or limiting certain groups <p>(b) has a documented justification for differentiating between groups of applicants, when there is a need for doing so</p> <p>(c) implements procedures or undertakes initiatives to enable applicants to have their qualifications assessed while outside Canada</p>
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Examples of evidence of those actions:

- internal or external reports about initiatives to enable qualifications assessments outside Canada
- meeting minutes and agendas indicating discussions about initiatives aimed at inclusion and diversity in membership
- records explaining differing requirements among groups of applicants
- records indicating steps taken to prevent differential impact:
 - excerpts from public or internal reports indicating analysis of applicant and membership data
 - public or internal reports indicating initiatives related to outreach and diversity
- records of surveys and/or focus groups that assessed the climate of inclusion
- records on alternatives to the registration requirements
- statements in annual reports, strategic plans or other similar documents that set expectations related to inclusion or diversity as measures of organizational performance
- website link(s) to information about outreach initiatives
- website link(s) to information about steps in the registration process that may be undertaken outside Canada

PRACTICES 8–11 APPLY ONLY TO REGULATORY BODIES GOVERNED BY THE RHPA.

8. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay.

The regulator takes the following actions to meet this practice:

- (a) has set timelines for each of the following procedures:
 - i making decisions
 - ii communicating decisions to applicants, and providing reasons for decisions (where applicable)
- (b) takes measures to follow and monitor adherence to the timelines

Examples of evidence of those actions:

- excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines
- excerpts from the registration materials for applicants, advising them about timelines for providing decisions and reasons for decisions
- guidelines for decision-makers advising them about timelines
- internal reports or other records describing actions taken to monitor adherence to timelines and outcomes of those actions (e.g., periodic reporting regarding days lapsed on a file)

- policy documents or other similar records establishing timelines and the procedures for monitoring the timelines
- screenshots of an internal digital resource that flags files that are overdue for decisions (according to the regulators' timeline)
- website link(s) to the information about timelines for providing decisions and reasons for decisions

9. The regulator responds to applicants' inquiries or requests without undue delay.

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has set timelines for responding to applicant inquiries or requests (b) takes measures to follow and monitor adherence to the timelines
Examples of evidence of those actions:	<ul style="list-style-type: none"> • excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines • excerpts from the registration materials for applicants, advising them about timelines for responding to applicant inquiries or requests • guidelines for decision-makers advising them about timelines • internal reports or other records describing actions taken to monitor adherence to timelines and describing outcomes of those actions (e.g., a periodic reporting about the number of days lapsed between receiving and responding to an inquiry) • policy documents or other similar records establishing timelines and the procedures for monitoring them • website link(s) to the information about timelines for responding to applicant inquiries or requests

10. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay.

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has set timelines for internal review and appeals processes (b) takes measures to follow and monitor adherence to the timelines
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Examples of evidence of those actions:

- excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines
- excerpts from the registration materials for applicants, advising them about timelines for internal reviews or appeals
- guidelines for decision-makers advising them about timelines
- internal reports or other records describing actions taken to monitor adherence to timelines and describing outcomes of those actions (e.g., periodic reporting about the number of days lapsed between receiving a request for an internal review or appeal and reviewing the request)
- policy documents or other similar records establishing timelines and the procedures for monitoring them
- provisions in the regulator's governing documents establishing timelines for internal reviews and appeals (e.g., registration regulation, bylaws)
- screenshots of an internal digital resource that flags files that are overdue for internal review or appeal decisions (according to the regulators' timeline)
- website link(s) to the information about timelines for internal reviews or appeals

11. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay.

The regulator takes the following actions to meet this practice:

- (a) has set timelines for:
 - i making decisions about internal review and appeals processes
 - ii giving written decisions and reasons to applicants
- (b) takes measures to follow and monitor adherence to the timelines

Examples of evidence of those actions:

- excerpts from the job descriptions of the positions that are responsible for monitoring and enforcing adherence to timelines
- excerpts from the registration materials for applicants, advising them about timelines for internal reviews or appeals
- guidelines for decision-makers advising them about timelines
- internal reports or other records describing actions taken to monitor adherence to timelines and describing outcomes of those actions
- policy documents or other similar records establishing timelines and the procedures for monitoring them

- provisions in the regulator's governing documents establishing timelines for internal reviews and appeals (e.g., registration regulation, bylaws)
- screenshots of an internal digital resource that flags files that are overdue for making decisions about internal reviews or appeals
- website link(s) to the information about timelines for internal reviews or appeals

ENSURING RELATIONAL FAIRNESS

12. The regulator treats applicants in a way that takes their circumstances into consideration (reasonable accommodation), to ensure that everyone has equal opportunities to participate in the registration process.

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) has a process for taking applicants' circumstances into consideration, including: <ul style="list-style-type: none"> i a process for considering applicants' requests for accommodation ii a process for providing reasonable accommodations
Examples of evidence of those actions:	<ul style="list-style-type: none"> • examples of forms or templates for applicants to request special accommodations • excerpts from exam guides, regarding special accommodations • excerpts from the registration materials for applicants, advising them about opportunities for special accommodations • guidelines or policies for decision-makers about procedures to follow when a request for special accommodations has been received • website link(s) to information about opportunities for special accommodations during the assessment and/or application process • website link(s) to statements inviting applicants to contact the regulator regarding requests for special accommodations

13. The regulator has a process for considering and providing accommodations in cases where an applicant indicates that he or she cannot get the required documentation for reasons beyond his or her control.

The regulator takes the following actions to meet this practice:	<ul style="list-style-type: none"> (a) determines whether the documentation is in fact unobtainable (b) considers and examines alternatives (c) takes steps as appropriate to help the applicant obtain the required or alternative documentation
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Examples of evidence of those actions:

- examples of forms or templates for applicants to request documentation about special accommodation
- excerpts from policies on documentation, indicating a process to consider alternative documentation and provide accommodations
- excerpts from the registration materials for applicants, advising them about alternative documentation
- guidelines for decision-makers on providing accommodations for applicants
- website link(s) to information about opportunities for alternative documentation
- website link(s) to statements inviting applicants to contact regulators regarding requests for alternative documentation

APPENDIX A: Provisions of Schedule 2 of the RHPA Relating to Specific Duties 3 and 4

The following are provisions of Schedule 2 of the Regulated Health Professions Act (RHPA) relating to specific duties 3 (Internal Review or Appeal) and 4 (Information on Appeal Rights).

Registration

- 15.** (1) If a person applies to the Registrar for registration, the Registrar shall,
- (a) register the applicant; or
 - (b) refer the application to the Registration Committee.

Referrals to Registration Committee

- (2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar,
- (a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements;
 - (a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1);
 - (b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or
 - (c) proposes to refuse the application.

Notice to applicant

- (3) If the Registrar refers an application to the Registration Committee, he or she shall give the applicant notice of the statutory grounds for the referral and of the applicant's right to make written submissions under subsection 18 (1).

Terms, etc., attached on consent

- (4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so with the approval of a panel of the Registration Committee selected by the chair for the purpose.

Panels for consent

- (5) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (4).

Consideration by panel

- 18.** (1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 15 (3) or within any longer period the Registrar may specify in the notice.

Orders by panel

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

Idem

(3) A panel, in making an order under subsection (2), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

Order on consent

(4) The panel may, with the consent of the applicant, direct the Registrar to issue a certificate of registration with the terms, conditions and limitations specified by the panel imposed.

Application for variation

19. (1) A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of a registration proceeding.

Limitations

(2) The right to apply under subsection (1) is subject to any limitation in the order imposing the term, condition or limitation or to which the member consented and to any limitation made under subsection (7) in the disposition of a previous application under this section.

Panels

(3) An application to the Registration Committee under subsection (1) or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee.

Idem

(4) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (3).

Submissions

(5) An applicant may make written submissions to the panel.

Orders

(6) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to modify terms, conditions or limitations on the certificate of registration.

Limitations on applications

(7) When an application has been disposed of under this section, the applicant may not make a new application under subsection (1) within six months of the disposition without leave of the Registrar.

Registrar's leave

(8) The Registrar may only give leave for a new application to be made under subsection (7) if the Registrar is satisfied that there has been a material change in circumstances that justifies the giving of the leave.

Notice of orders

20. (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration.

Contents of notice

(2) A notice under subsection (1) shall inform the applicant of the order and of the provisions of section 19 and of subsections 21 (1) and (2).

Appeal to Board

21. (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the

Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

Requirements of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

Order, etc., to Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

When order may be carried out

- (4) An order of a panel, notice of which is required under subsection 20 (1), may be carried out only when,
- (a) the applicant has given the Registrar notice that the applicant will not be requiring a review or hearing;
 - (b) thirty-five days have passed since the notice of the order was given under subsection 20 (1) without the applicant requiring a review or hearing; or
 - (c) the Board has confirmed the order.

Registration hearings or reviews

22. (1) This section applies to a hearing or review by the Board required by an applicant under subsection 21 (1).

Procedural provisions

(2) The following provisions apply with necessary modifications to a hearing or review:

1. Subsection 38 (4) (exclusion from panel).
2. Section 42 (disclosure of evidence).
3. Section 43 (no communication by panel members).
4. Section 50 (members of panel who participate).
5. Section 55 (release of evidence).

Idem

(3) The following provisions also apply with necessary modifications to a hearing:

1. Section 45 (hearings open).
2. Section 47 (sexual misconduct witnesses).
3. Section 48 (transcript of hearings).

Same

(3.1) The following provisions of the *Statutory Powers Procedure Act* also apply with necessary modifications to a review by the Board:

1. Section 21.1 (correction of errors).
2. Section 25.1 (rules).

Findings of fact

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

Idem

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

Disposal by Board

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate.

Idem

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly.

Limitation on order

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement.

Parties

(9) The College and the applicant are parties to a hearing or review.