



Strategy for Continuous Improvement

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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 trades have registration practices that are transparent, objective, impartial and fair.



STRATEGY FOR CONTINUOUS IMPROVEMENT

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1. Introduction

The Fairness Commissioner encourages regulatory bodies to improve the way they register people who apply for licences to practise professions or trades in Ontario.

This section describes the OFC strategy for continuous improvement of registration practices. It addresses how the OFC:

- facilitates the improvement of registration practices
- fosters a culture of continuous improvement
- monitors the implementation of the fair-access legislation

The Commissioner believes that this approach allows the OFC to achieve its vision that Ontario be known as a place where everyone who is qualified in a regulated profession or trade can legally practise it.

2. Mandate

The Fairness Commissioner's **mandate** is to ensure that the **regulatory bodies** covered by Ontario's fair-access legislation have registration practices that are transparent, objective, impartial and fair.

Health regulatory colleges are covered by Schedule 2 to the **Regulated Health Professions Act, 1991** (RHPA). Other regulatory bodies are covered by the **Fair Access to Regulated Professions and Compulsory Trades Act, 2006** (FARPACTA). They must:

- meet the **specific duties** to provide the following:
 - information to applicants
 - internal review or appeal processes
 - information on appeal rights
 - transparent, objective, impartial and fair qualifications assessments
 - training to their staff
 - access for applicants to their own records
 - timely decisions, responses and reasons to applicants (applies to regulators subject to FARPACTA only)
- meet the **general duty** to have registration practices that are transparent, objective, impartial and fair
- provide reports, such as Fair Registration Practices Reports, Entry-to-Practice-Review Reports and Audit Reports

3. Fair Registration Practices Reports

Each year, each regulatory body submits its Fair Registration Practices Report to the OFC by March 1 for the preceding calendar year. This report is the main way a regulatory body informs the OFC and the public about any changes and improvements it has made to its registration practices over the past year.

For more information, see [Fair Registration Practices Reports](#).

4. Assessments

The OFC assesses regulatory bodies' registration practices every three years to:

- determine whether the regulatory body is fulfilling its duties under the fair-access legislation
- identify any gaps and make recommendations
- engage the regulatory body in action, if necessary

Regulators who receive 10 or fewer recommendations are not required to submit an action plan but instead may hold semi-annual meetings with the OFC to discuss progress.

Regulators who receive more than 10 recommendations must submit an action plan in the format determined by the OFC.

For more information, see [Assessment of Registration Practices](#).

5. Entry-to-Practice Reviews

If the OFC identifies that it needs further information to decide whether a regulator is meeting its legal obligations, it may require a review.

Note: The OFC uses the name “Entry-to-Practice Reviews” for what the legislation refers to as “reviews of registration practices.” This has been done to clearly distinguish them from (and avoid confusion with) Fair Registration Practices Reports.

Entry-to-Practice Reviews enable a regulatory body to examine its own licensing practices and determine whether its requirements are all still necessary and relevant to practising the profession or trade in Ontario.

Reviews may be voluntary or mandatory.

The OFC encourages **voluntary** reviews because they contribute to a culture of thoughtful analysis and meaningful and continuous improvement.

The OFC will require **mandatory** reviews on a case-by-case basis, when certain specific conditions are present.

For more information about voluntary and mandatory reviews, see [Entry-to-Practice Reviews](#).

6. Audits

If the OFC identifies that it needs further information to decide whether a regulator is meeting its legal obligations, it may require an audit.

While an Entry-to-Practice Review comprises a regulatory body's examination of its own practices, an audit is an independent investigation of a regulatory body's registration practices.

An independent investigation offers a wider range of techniques than the OFC has at its disposal and allows the OFC to determine whether the regulatory body is meeting its legal obligations.

Audits will be required when there is a higher level of concern about a persistent issue or issues and the OFC determines that an independent investigation is necessary.

For more information, see [Audits](#).

7. Working Together

The OFC conducts education and outreach activities with regulatory bodies on their fair-access obligations. It also advises and influences them to continuously improve their practices.

The OFC works with regulatory bodies on a continuous basis to:

- monitor emerging issues
- identify improvements that are meaningful and achievable
- identify [practices that can be shared](#) with other regulatory bodies to provide constructive examples of how improvements can be made

Every year, each regulatory body meets with the OFC. Every third year, this meeting is used to discuss the assessment of registration practices. (The OFC has created the document, "[Preparing for the Assessment Meeting: A Checklist for Regulators](#)", to help regulators prepare for this meeting.) Between assessments, the OFC and the regulatory body use their annual meeting to discuss the findings in the latest Fair Registration Practices Report, challenges, accomplishments and commendable practices.

The meeting date is chosen to avoid the regulatory body's peak activity periods.

The meeting is an opportunity for the OFC and the regulatory body to discuss issues related to its obligations in the fair-access legislation. These issues may include:

- the results of an assessment
- commitments
- progress aligned with the duties in the fair-access legislation
- changes to:
 - registration practices
 - data trends
 - provincial, national or international projects that affect registration
 - regulations, bylaws and policies
 - trends in registration-related inquiries and/or complaints

The OFC reviews the evidence it has on an ongoing basis. If the evidence indicates that the regulatory body has failed to submit required information, the OFC will hold the regulatory body to account.

8. Regulatory Bodies' Accountability

Assessments and action plans enable regulatory bodies to commit to improving their practices and enable the OFC to hold regulatory bodies accountable for improvement.

The OFC will hold regulatory bodies to account by taking further steps if they do not implement the actions committed to, or fail to submit required information, or there are unresolved and ongoing issues affecting applicants. The OFC will communicate this issue to the regulatory body and to the appropriate minister.

For regulatory bodies governed by [FARPACKTA](#), the OFC may issue a compliance order if it decides that a regulatory body has not complied with the specific duties listed in FARPACKTA, Part III, or has not provided the required reports described in Part VI.

For regulatory colleges governed by the [RHPA](#), the Commissioner recommends to the Minister of Health and Long-Term Care that a college take action. The minister has oversight of the health regulatory colleges.

9. Strategy Flow Diagram

The following diagram shows the flow of activities in the OFC’s strategy for continuous improvement.

