

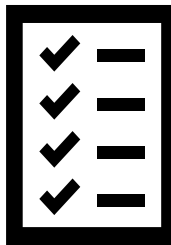
# Office of the Fairness Commissioner: Modern Regulator Principles



**1. Our approach to regulatory compliance will be based on transparency, professionalism and collaboration.**

The Office of the Fairness Commissioner (OFC) will:

- focus on achieving better outcomes through simpler and more straightforward compliance expectations.
- consult and collaborate with professions and trades (hereinafter “regulators”) when new approaches or changes to regulatory frameworks are proposed.
- be accountable for its decisions and open to public scrutiny.



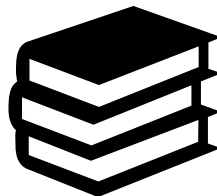
**2. Our compliance approach will be evidence-based and risk-informed.**

We will consider both the historical performance of individual regulators, and their future risk profiles, in selecting appropriate compliance tools and our level of engagement with them. The future-looking risk factors will be those that could materially impact the achievement of better outcomes for applicants and that achieve defined fairness-based public policy considerations. The most current set of historical and forward-looking considerations may be found here ([hyperlink](#)). In any given period, the OFC’s compliance activities may be geared towards individual regulators, more thematic/systemic issues across classes of regulators, or both. We will take into account the distinct mandates of individual regulators and adjust our responses as needed, based on a regulator’s profile, current situation, and how it is achieving compliance.



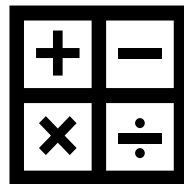
**3. We will apply a proportionate approach to improve and promote compliance.**

The resources that we will employ to monitor the activities of a regulator will be proportional to the historical experience, and level of risk, associated with that regulator’s activities. The OFC will focus its efforts on those regulators that have achieved less progress in meeting their compliance requirements than their peers and/or are considered to demonstrate an elevated forward-looking risk profile. Conversely, regulators that are meeting their specific compliance obligations, and/or making substantial progress in providing registration practices that are transparent, objective, impartial and fair, may be subject to less prescriptive reporting and related requirements.



**4. We will communicate, educate and offer guidance to regulators to promote and enhance compliance.**

The OFC will employ a suite of compliance tools and work with regulators to improve their registration and assessment processes. These approaches will include education, outreach, peer discussions, the dissemination of best practices materials and tool-kits, annual reporting requirements and more formal reviews of regulation practices designed to enhance compliance.



**5. We will monitor, measure, evaluate and report on our activities and outcomes in order to adapt and improve our compliance activities.**

To the extent possible, the data and evidence that the OFC collects will inform the determination of regulator risk profiles and associated compliance activity. The OFC will also work to employ modern technologies and pathways to simplify its data collection, reporting and information dissemination functions.



**6. We will share information and collaborate to reduce burdens and promote greater consistency.**

The OFC will work constructively with other regulatory oversight bodies to reduce the regulatory burden on individual regulators. In particular, the OFC acknowledges that both it and the Ontario Ministry of Health have a shared responsibility to work with health colleges to achieve fair registration practices.

## Historical Performance Indicators

The nature and extent of material compliance recommendations that the OFC has issued to the regulator in the last compliance cycle

The extent to which the regulator has complied with these recommendations and avoided new issues

The regulator's observed motivation to work with the OFC on defined compliance objectives

The content of decisions issued by the courts or tribunals that discuss the regulator's registration practices

The degree to which the regulator's registration processes exhibit the attributes of transparency, objectivity, impartiality and fairness, as demonstrated, for example, by the number of OFC recognized "commendable practices" and/or other best practices and innovations that the regulator has instituted over time

## Forward-Looking Risk Factors

Organizational capacity

Overall control that a regulator exerts over its assessment and registration processes

Response to emergency situations, such as the Covid-19 pandemic

Over-reliance on Canadian experience requirements

Public policy considerations, specifically:  
a. critical labour shortages of professionals or tradespersons that involve the regulator  
b. the need to apply inclusion and anti-racism approaches to the regulator's assessment and registration processes