



## REGISTRATION PRACTICES ASSESSMENT GUIDE — FOR REGULATED PROFESSIONS

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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 Act, 2006. Its mandate is to ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.

# REGISTRATION PRACTICES ASSESSMENT GUIDE — FOR REGULATED PROFESSIONS

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# INTRODUCTION

## Purpose

This guide presents required and recommended registration practices for non-health regulatory bodies that are subject to the Fair Access to Regulated Professions Act, 2006 (FARPA). The guide enables staff of the Office of the Fairness Commissioner (OFC) to take a consistent and transparent approach to assessing a regulatory body's current registration practices and making recommendations for improvement.

This guide is a key part of the OFC's continuous improvement strategy. For information about the role that this guide plays in the strategy, see the [Strategy for Continuous Improvement of Registration Practices](#).

NOTE: Due to the differences in the legislation covering health regulatory colleges and the legislation for non-health regulatory bodies, two separate guides were developed. This guide is for assessing non-health regulatory bodies. For health regulatory colleges, see the [Registration Practices Assessment Guide — For Health Regulatory Colleges](#).

## Organization of This Guide

The rest of this guide is organized into sections that each list practices relating to a major element of FARPA.

Practices marked as "**Required**" appear in a shaded background. These are practices that correspond to the regulators' specific duties identified in FARPA. The regulatory body **must** demonstrate these required practices.

Practices marked as "**Good**" relate to the general duty of regulators to provide registration practices that are transparent, objective, impartial and fair. These principles are not defined in the legislation. The OFC encourages regulatory bodies to implement the good practices.

## Use of This Guide

To assess a regulatory body's practices using this guide, OFC staff record whether the regulatory body is demonstrating a practice and offer comments. They also identify opportunities for improvement and further discussion, and highlight commendable practices. Staff use this guide to generate a Registration Practices Assessment Report.

# 1. SPECIFIC DUTY — INFORMATION FOR APPLICANTS

[Legislation: FARPA, s. 7](#)

## Does the regulatory body demonstrate the following practices?

1. Good: All of the information referred to in this section is on the regulatory body's website, for applicants and for people intending to apply.
2. Required: The regulatory body describes requirements for registration, including the ways in which requirements may be met and/or the criteria that must be met for the requirements to be satisfied.
3. Required: The regulatory body provides information about the requirements that may be satisfied through acceptable alternatives.
4. Good: The regulatory body provides information about all requirements that are subject to exemptions.
5. Good: If a language requirement can be met in English or French, the regulatory body provides registration information in English and French.
6. Good: If a regulatory body has any requirements for personal attributes such as "good character," it describes the criteria that are used to assess these requirements.
7. Required: All the steps in the registration process are described clearly, including any qualifications assessment processes.
8. Good: The regulatory body identifies the steps in the registration process that an applicant can do or start outside of Canada, such as qualifications assessment, language assessment, and examinations.
9. Good: The regulatory body describes the role of any third-party organizations that applicants may come in contact with during the registration process, such as qualifications assessment agencies and organizations that conduct examinations or provide training programs.
10. Required: The regulatory body informs applicants about the following items related to assessment of qualifications:
  - the criteria that qualifications assessments are based on
  - how those criteria are linked to the requirements/standards for entering the profession
  - the costs
  - the time needed
  - opportunities to appeal the results of a qualifications assessment or have the results reviewed
  - any policies and procedures relating to accommodation of special needs

11. Good: The regulatory body informs applicants about any qualifications assessment methods it uses.
12. Good: The regulatory body informs applicants about which documents are kept by the regulatory body and which documents are returned to applicants upon written request.
13. Required: The regulatory body provides information about how long the registration process usually takes.
14. Good: The regulatory body provides information about the estimated time for each stage of the application process that is under the body's control. When timelines vary, a range or maximum amount of time is provided. When timelines vary by application type, the different timelines are outlined. Information about variables that may slow down the normal process is included, if these exist.
15. Required: The regulatory body makes available a fee scale that shows all registration fees that are under the regulatory body's control.
16. Good: The regulatory body identifies other costs associated with the registration process, including third-party assessments. This enables the applicant to approximate the total cost of the registration process.
17. Good: The regulatory body provides information or a referral to sources of information (for example, a website link) about any resources and supports that are available to applicants during the registration and assessment process. Examples of resources and supports include: examination blueprints, practice tests or examinations, sample assessment questions, programs for orientation to the profession, bridging programs, occupation-specific language training opportunities, mentorship opportunities, work experience opportunities, and online tools to self-assess language or professional qualifications.
18. Good: Applicants and individuals intending to apply can access information in multiple formats (such as downloading the information from the regulatory body's website, having it mailed to them by the regulatory body upon request, or obtaining it orally).
19. Good: Registration information, including information that applies specifically to internationally trained individuals, is complete, clear, and easy to find. For example:
  - The information avoids unnecessarily complicated language and minimizes technical language or jargon.
  - No rules or policies that relate to registration are unwritten
20. Good: Registration information is current and accurate.

## 2. SPECIFIC DUTY — TIMELY DECISIONS, RESPONSES AND REASONS

[Legislation: FARPA, s. 8](#)

### Does the regulatory body demonstrate the following practices?

1. Required: The regulatory body ensures that the following are done within a reasonable amount of time:
  - making registration decisions; giving the decisions (in writing) to applicants; and giving reasons, where applicable
  - making decisions about internal reviews and appeals; giving the decisions (in writing) to applicants; and giving reasons, where applicable
  - responding to applicants' inquiries or requests

## 3. SPECIFIC DUTY — INTERNAL REVIEW OR APPEAL<sup>1</sup>

[Legislation: FARPA, s. 9\(1-3, 5\)](#)

### Does the regulatory body demonstrate the following practices?

1. Required: An internal review of or appeal from registration decisions is provided.
2. Good: Information is provided about opportunities for an internal review or appeal.
3. Required: The regulatory body ensures that it provides internal reviews of or appeals from decisions within a reasonable time.
4. Required: Applicants have an opportunity to make submissions for an internal review or appeal. (The regulatory body may specify the way that applicants must make their submissions; for example, orally, in writing, or by electronic means.)
5. Required: No one who acted as a decision-maker in a registration decision acts as a decision-maker in an internal review or appeal of that same registration decision.

<sup>1</sup> Note: An internal "appeal" involves reconsideration of the Registrar's first-level decision. 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). (George M. Thomson, "Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions," November, 2005.)

## 4. SPECIFIC DUTY — INFORMATION ON APPEAL RIGHTS

[Legislation: FARPA, s. 9\(4\)](#)

### Does the regulatory body demonstrate the following practices?

1. Required: If a regulatory body offers a *further* review of, or appeal from, a registration decision,<sup>2</sup> it informs applicants that they can ask for that further appeal.

<sup>2</sup> This "further" review or appeal is beyond the initial "internal" review or appeal referred to in FARPA, s. 9(1-3,5) (see the previous section of this guide, "Specific Duty – Internal Review or Appeal").

## 5. SPECIFIC DUTY — DOCUMENTATION OF QUALIFICATIONS

[Legislation: FARPA, s. 10\(1\)](#)

### Does the regulatory body demonstrate the following practices?

1. Required: The regulatory body provides information about the documents that must accompany an application to demonstrate qualifications. This information includes the following, if applicable:
  - required content of the documents
  - required format of the documents, including the translation format, if applicable
  - required mode of transmission of the documents (for example, some regulatory bodies require that transcripts be sent in a sealed envelope directly by the institution)
  - how to contact the regulatory body to explore what alternate documentation may be acceptable, if applicants cannot get the required documentation for reasons beyond their control
2. Good: The regulatory body gives a website link to, or explains where to find, the documentation required by any third parties who play a role in the body's registration process.
3. Good: The regulatory body informs applicants about missing or incomplete documentation.
4. Good: If an applicant indicates that he or she cannot get the required documentation for reasons beyond his or her control, the regulatory body has a process:
  - to determine whether the documentation is in fact unobtainable
  - to consider and examine alternatives
  - if possible, to help the applicant get alternative documentation if the required documentation is unobtainable

## 6. SPECIFIC DUTY — ASSESSMENT OF QUALIFICATIONS

[Legislation: FARPA, s. 10\(2\)](#)

### Does the regulatory body demonstrate the following practices?

1. Required: Qualifications assessments are based on transparent criteria, and those criteria are directly linked to the requirements/standards for entry to the profession. [Transparency]
2. Good: Subjectivity in decision-making is minimized by the use of specific criteria for assessing qualifications. [Objectivity]
3. Required: Qualifications assessment criteria are applied consistently to all applicants. [Objectivity]
4. Required: Assessment methods are reviewed for objectivity, validity and reliability. [Objectivity]
5. Required: Information about educational programs used in qualifications assessment is current and accurate. [Fairness, Objectivity, Transparency]
6. Required: The results of qualifications assessment are communicated to the applicant in writing (electronically or in hardcopy). [Fairness, Transparency]
7. Required: If an application is rejected, applicants are given written reasons. The written reasons include the identification of any criteria that the applicant did not meet. [Fairness, Transparency]
8. Required: Applicants have an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]
9. Required: The regulatory body ensures that the following are done within a reasonable amount of time:
  - assessing the qualifications
  - communicating the results to applicants
  - providing reasons in writing for unsuccessful applications
 [Fairness, Transparency]
10. Good: Where appropriate, language tests assess occupation-specific language skills. [Fairness]
11. Good: When language proficiency is a requirement, the level of proficiency required reflects the level required to practise the profession. [Fairness]
12. Good: Assessments are made free from bias and preconceived notions about any individual or group of individuals. [Impartiality]

13. Required: Regulatory bodies that rely on third-party assessments describe the measures they take to ensure that the third-party assessments are transparent, objective, impartial and fair. [Fairness, Transparency, Objectivity, Impartiality]
14. Good: Applicants can have their qualifications assessed while outside Canada. [Fairness]

## 7. SPECIFIC DUTY — TRAINING

[Legislation: FARPA, s. 11](#)

### Does the regulatory body demonstrate the following practices?

1. Required: The regulatory body ensures that training is provided for individuals who:
  - assess qualifications
  - make registration decisions
  - make internal review and appeal decisions
2. Required: Where appropriate, training includes the following:
  - training in how to hold hearings
  - training in any special considerations that may apply in the assessment of applicants and the process for applying those considerations. Examples of special considerations include the following: acceptable alternatives to required documentation, and policies regarding accommodation of special needs.
3. Good: The individuals covered by item 1 receive:
  - initial training (as soon as they have been assigned their duties)
  - ongoing training (whenever there is a change in regulations, policies or procedures)
4. Good: All staff members who deal with applications have training in the following:
  - anti-discrimination
  - cultural diversity
  - the objectives of FARPA

## 8. SPECIFIC DUTY — ACCESS TO RECORDS

[Legislation: FARPA, s. 12](#)

### Does the regulatory body demonstrate the following practices?

1. Required: Subject to limitations indicated in legislation, applicants have access to their records. Records include all the documents that relate to the application.  
  
Documents may include the following, for example: documents provided by the applicant; documents that describe the regulatory body's rationale for its decision; documents related to an applicant's assessment of qualifications, such as exam results or credential assessment results; and documents related to accommodation requests, review requests, and appeals.
2. Required: The regulatory body has a process for considering requests for access to records.
3. Good: The regulatory body communicates the following to applicants:
  - the way that an applicant can ask for records (for example, in person, by email, or by completing and submitting a written form)
  - the way in which records are available (for example, by photocopy or by access in person)
  - who may access the records
  - how long the records are kept
  - what limitations (if any) exist on the right to access the records
4. Required: If there is a fee for making records available, the regulatory body gives applicants an estimate of this fee.
5. Required: If there is a fee for making records available, the amount of the fee does not exceed the amount of reasonable cost recovery.
6. Good: When requested, access to records is granted as soon as possible, within a maximum of 30 days.

# GENERAL DUTY

[Legislation: FARPA, s. 6](#)

## Does the regulatory body demonstrate the following practices?

### TRANSPARENCY

1. Good: Registration policies and criteria are well-documented. They are easy to find. They are described in a direct way. Their meaning is readily apparent. They are well-defined and unambiguous. There are no unwritten policies.
2. Good: Regulatory bodies communicate well with applicants about their application. Applicants know how their applications are progressing. Decisions and the reasons for them are communicated clearly. Applicants can see that the documented policies have been followed in their case.

### OBJECTIVITY

1. Good: Criteria can be measured by using verifiable data, without requiring a subjective assessment that applies personal views or judgments.  
For example, well-crafted marking templates or multiple-choice questions may be used to help make the grading of exams a more objective exercise; good character requirements may be measured against concrete criteria such as the lack of a criminal record, or the completion of a standard template for references.
2. Good: Decision-makers can determine whether the criteria have been met or not in a straightforward way. Different decision-makers reach consistent decisions.

### IMPARTIALITY

1. Good: Registration decisions are made free from bias and preconceived notions about any individual or group of individuals.
2. Good: Decision-makers come to each case without a preconceived view about the merits of the application. They maintain an open mind as they review the evidence to determine whether the applicant meets the criteria.
3. Good: Decision-makers do not undervalue applicants from certain jurisdictions or give undue preference to those from other jurisdictions, because the decision-makers are well trained in applying assessment criteria.
4. Good: Assessors, decision-makers and any other staff members who deal with registration applications are free from real or perceived conflicts of interest.<sup>3</sup>

## FAIRNESS

1. Good: Registration decisions adhere to published criteria, standards and policies.
2. Good: Applicants are treated in a way that takes their circumstances into consideration (reasonable accommodation) to achieve an equitable result. For example, insisting that all applicants provide original documents treats everyone the same but may not be fair where records are not obtainable, and where alternative methods exist to prove the credential or competency.
3. Good: Registration fees are reasonable. The regulatory body can show how fees under its control are set and can provide the rationale for the amounts. Fees are not unjustifiably higher than the cost of providing the service.
4. Good: The regulatory body is able to explain how all requirements emerged and why they are necessary and relevant to the practice of the profession.
5. Good: Requirements do not unjustifiably exclude or limit certain groups, such as internationally trained applicants.
6. Good: The regulatory body can clearly justify the Canadian or Ontario experience it claims is necessary for applicants to become familiar with the specifics of practice in Ontario.
7. Good: The regulatory body can explain how international experience alone is insufficient to meet the objectives of the regulatory body's workplace or clinical experience requirement.
8. Good: The registration process is streamlined and unnecessary steps are eliminated.

<sup>3</sup> 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; or
- 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.