



# Annual Report of the Fairness Commissioner 2019-2020

A Time of Transition

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**FAIRNESS COMMISSIONER**  

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**COMMISSAIRE À L'ÉQUITÉ**

**OFFICE OF THE FAIRNESS COMMISSIONER  
BUREAU DU COMMISSAIRE À L'ÉQUITÉ**

An agency of the Government of Ontario  
Un organisme du gouvernement de l'Ontario

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# 1/ Commissioner's Message

This annual report covers the period between April 1, 2019 and March 31, 2020. In many ways, this was a year of transition for the Office of the Fairness Commissioner (OFC).

The OFC is an agency of the provincial government that provides a vital service for people with ambitious goals and aspirations to practice at the most capable level in their vocation, trade or profession. I am privileged to receive this appointment and honored to serve in an agency that impacts the lives of so many people.

I wish to acknowledge the leadership of my predecessors, who capably steered the OFC through significant times of change. Their accomplishments have provided a solid foundation for the future evolution of our office.

I am grateful to Grant Jameson, who completed his two-year term as Fairness Commissioner on April 4, 2019, for his insights into the role that helped me with my own transition, and for his many contributions during his tenure.

I similarly wish to thank George Zegarac, who was appointed to the position of Fairness Commissioner on April 7, 2019. At the time, George also served as Deputy Minister of Training Colleges and Universities. George led the OFC until August 2019, when he left the provincial government. I would like to thank George for his leadership during this period.

I was initially appointed as Fairness Commissioner in January 2020 but, at the time, was also asked to serve as Ontario's Interim Deputy Attorney General for a short period. Owing to the need to address certain unanticipated COVID-19 priorities, I served as the Fairness Commissioner on a part-time basis until August 10, 2020, when I joined full-time. During that period, I worked closely with Christopher Rosati, the Director of our Office, to ensure the critical work of our office continued.

The 2019-2020 reporting period marked a year of organizational transition for our office. In October 2019, the government made the decision to merge its training and skills development mandate into the Ministry of Labour, which became the new Ministry of Labour, Training and Skills Development (MLTSD). As a result, the Fairness Commissioner's position now reports into the Minister of MLTSD, the Honourable Monte McNaughton.

The Ministry of Labour, Training and Skills Development has developed substantial expertise in building respectful relationships with its agencies, and I am delighted that our new relationship

is collaborative and constructive. Minister McNaughton and Deputy Minister David Corbett have provided this office with strong support, for which my team and I are grateful.

As many of you will know, the OFC was initially established in 2007, over 13 years ago. Since that time, our methods of operation have evolved through undertaking focused compliance activities, adopting best practices, re-adjusting our focus and adapting to an ever-changing social and economic environment. As we proceed on our journey, we will continue to innovate and be policy and evidence-driven.

To date, I have identified a number of priority issues that I believe deserve further exploration. These are:

- how to identify the impacts of COVID-19 on the continuity of registration processes across our professions;
- how we can apply a risk-informed approach to our compliance framework;
- ways to simplify our standards;
- how to better assess the work of third-party organizations that have assumed an increasing more prominent role in candidate registration and assessment processes;
- opportunities for regulators to more routinely apply a diversity and anti-racism lens to their registration mandates; and
- ways that our office can add value as a trusted collaborator and center of excellence.

We will continue to work with the government, our stakeholders and the public to help ensure that qualified professionals and tradespersons are able to contribute to Ontario society to their full potential and that that associated registration processes for them—in the words of our legislation—are fair, objective, impartial and transparent.

I hope that you will find the enclosed materials to be informative.

In closing, I would like to thank everyone involved in the work of our Office for your continuing support.

Sincerely,  
Irwin Glasberg

## 2/ Our Mission, Mandate and Principles

### Introduction

We are often asked, what does the Fairness Commissioner do? To respond to that question, it is necessary to explain the reason for the agency's existence.

The OFC operates under *the Fair Access to Regulated Professions and Compulsory Trades Act, 2006* to help ensure that everyone who is qualified to practise in a profession or trade regulated in Ontario can get a licence to practise.

A licence is the authorization issued by a regulatory body enabling a person to practise a regulated profession or compulsory trade\* and/or to use a protected title. The OFC works with the regulatory bodies that oversee the regulated professions and trades to help them establish licensing processes that are transparent, objective, impartial and fair. The goal is to help ensure that qualified professionals that are able to contribute to Canadian society according to the highest level of their abilities.

\* A trade in which registration as an apprentice, journeyperson candidate or certification as a journeyperson is mandatory.

A **regulated profession or trade** is responsible for governing, through its regulatory body, the professional conduct of its members so that the public interest is served. All regulated professions are required by law to set standards of practice and competence for entry into their profession. Applicants must meet these standards in order to register or receive a licence to practice – that is, to legally work in the profession or trade.

### What Is Meant by “Fair Access”?

Individuals who are qualified to practice a profession or compulsory trade must be assured of a fair and equitable opportunity to have their credentials, competencies and qualifications recognized.

Ontario's fair registration practices legislation are found in two statutes. The Health Professions Procedural Code (the Code) under the *Regulated Health Professions Act (RHPA)* governs the practices and policies of the self-governing professions in the health-care sector. These regulators control access to the health professions. *The Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA)* governs the practices and policies of the non-health

related self-governing professions and the College of Trades. These regulators control access to the non-health professions and the compulsory trades.

Since the enactment of fair-access legislation in 2006, the OFC has been responsible for mandating or encouraging the implementation of many registration procedures that have removed barriers to professional registration.

## Functions of the Fairness Commissioner

Fair-access legislation mandates the Fairness Commissioner to help ensure that fair professional licensing practices are provided to each applicant for professional registration. This oversight is done through several functions listed in section 13(3) of FARPACTA and section 22.5(1) of the Health Regulators Procedural Code. These functions include:

- assessing the registration processes of regulated professions;
- initiating audits of registration processes;
- advising regulatory bodies about their registration processes;
- setting guidelines for yearly reporting obligations;
- advising provincial government ministries about issues relating to the professions and compulsory trades in their portfolios; and
- conducting research to explore issues relating to fairness and to identify solutions.

## Stakeholders in Fair Access to Regulated Professions and Compulsory Trades

The key stakeholders who benefit from FARPACTA and RHPA are the people who apply for professional registration, whether they are Ontario-educated or internationally-educated and trained. Stakeholders also include:

- provincial regulatory bodies
- third-party assessment service providers
- provincial ministries responsible for the regulatory bodies
- the federal government
- organizations that provide services to immigrants
- businesses/employers
- unions
- the broader public

- academia, and
- other fairness commissioners across Canada.

While applicants for licenses are the main beneficiaries of the OFC's oversight and compliance mandate, the Fairness Commissioner does not have the authority to formally receive complaints from applicants or to act directly on behalf of applicants. Nonetheless, applicants are at the heart of fair access processes and are, therefore, important in dictating the OFC's priorities.

## Four Principles for Fair Registration Practices

The OFC monitors compliance according to four principles that are set out in fair registration practices legislation. It is essential that the principles are clear in meaning and intent so that all regulators understand the context of compliance.

### Transparency

The rules and guidelines that regulators apply need to be clear so that applicants understand the steps that they need to take to submit a complete application and how their application are processed. Transparency also means that the registration process must be straightforward and that applicants have direct access to information, which is easily understood, complete and accurate, and will help them to reach the goal they seek.

### Objectivity

It is important that the training, tools, criteria and procedures that regulators employ in their registration processes are designed to enhance the consistency of decision-making as between applicants, regardless of the individual making the decision, when it is made and the particular context. The OFC works with regulators to help ensure that their decision-making systems remain valid, reliable and relevant in measuring and assessing the qualifications of applicants.

### Impartiality

The decisions made by regulators must be free of bias which, if present, may produce subjective or tainted assessments or decisions. The regulator must identify all sources of bias and take appropriate steps to address them. Sources of bias might include a conflict of interest, preconceived notions, or limited understanding of issues related to diversity and equality, as identified under the Human Rights Code. Regulators must put strategies in place to ensure impartiality. These might include training policies that address conflict of interest,

procedures to follow if bias is suspected, and/or a group deliberation or consensus process for making decisions in appropriate circumstances.

### **Fairness**

Fairness must sit at the heart of the registration process for individuals who wish to join a profession or compulsory trade. Fairness takes a number of dimensions and is not always amenable to precise definition. At its core, it means that a regulator must identify the steps necessary, and the documentation required, for a candidate to complete the registration process. The assessment must be rational and above board, and not place unnecessary and ill-conceived obstacles in the way of success. Everyone must have the same prospects irrespective of their country of origin or background. The process must be expedient. And there must be a chance for an arms-length review if the individual disagrees with a decision. Those running the processes must embrace their responsibilities with a spirit of purpose, wisdom and empathy.



## 3/Agency Activities

### Monitoring Compliance: Developing a Tailored Approach

In 2018, the OFC's policy and programs team concluded a comprehensive assessment of the registration practices for each regulated profession. Each regulator's registration practices were evaluated against 72 standards. The assessment process, which includes information gathering, process analysis and information meetings, took up to six months to complete for each regulator. These assessments enable the OFC to not only understand how each profession performs against the fair-access standards, but to also identify systemic registration barriers to registration.

The assessment process involves a detailed review of each profession's registration practices benchmarked against a series of compliance standards derived from fair-access legislation. Based on this analysis, the OFC may find that the regulated professions are not complying with the standards. Where this is the case, the Fairness Commissioner makes recommendations for corrective actions to address deficiencies.

The OFC monitors the corrective actions that these regulators are taking through dialogue between the OFC and the regulator, and active reporting.

### Developing a Tailored Approach

The current compliance management approach has been in place since 2011. This level of oversight has:

- Provided the OFC with a deeper understanding of each regulator's practices;
- Underscored the challenges that registrants encounter, helping the OFC better understand how it should apply fair registration legislation; and
- Allowed for the creation of resources, such as the online learning modules, to help the regulated professions understand and apply fair access obligations.

During this period, many of the regulated professions have made great strides in improving their registration practices and incorporating the fair-access agenda into their registration processes. It is clear that these organizations operate in a dynamic and evolving environment where priorities for fair access to the professions may be competing with other priorities. In such an environment, the progress toward

compliance with the fair-access legislation is not uniform across the professions. To address these issues and to better target its resources, the OFC will be migrating to a risk-informed process for the future monitoring of the professions.

## Digital Agency

The OFC believes that it should be as simple and straightforward as possible for regulators to comply with their reporting obligations. On this basis, the OFC plans to adopt new digital practices and technologies to facilitate its relationship with its stakeholders. The current infrastructure will be modernized using up-to-date software to simplify the OFC's information-gathering and compliance reporting functions. The plan is for each step of the process is to be available online starting in December 2020.

## Our Team and the Pandemic Response

The Covid-19 pandemic has significantly impacted how work is performed. The OFC was able to pivot quickly based on previous investments in technology to ensure that each employee could work from home. Most employees have chosen to work remotely. There has been to impact on productivity or efficiency.

The OFC operates out of a small office in Toronto. It is divided into three branches: Program and Policy, Communications, and Operations. It currently employs a team of ten people (excluding the commissioner), who have come together from across the Ontario Public Service to build a lean and effective agency.

The Policy and Programs team is responsible for:

- advising regulatory bodies about compliance with the fair-access legislation
- setting out standards and guidelines for best practices in the area of registration
- assessing and monitoring registration practices
- advising provincial government ministries about issues relating to the professions and trades in their jurisdictions.

The Communications team is responsible for:

- developing communications products to ensure that stakeholders are aware of program and policy initiatives

- creating and providing editorial support for website content and publications
- managing relationships with its stakeholders and partners
- managing the agency's website and internal communications tools.

The Operations team is responsible for:

- maintaining the financial controls for the organization
- managing service and support contracts and agreements
- maintaining the agency's technology infrastructure
- ensuring the agency's compliance with Treasury Board and Ministry financial and business requirements.

## 4/ Progress in Compliance: The Impact of the OFC's Work

In examining registration practices, the OFC works closely with each regulatory body to understand the rationale behind licensing requirements and, where necessary, to challenge the validity of keeping certain rules in place. It is an ongoing process, underpinned by a commitment to continuous improvement.

The regulators under the purview of the OFC are constantly receiving new applications to receive a license to practice. In 2019, 68,194 of these applications came from individual who received their training in Ontario. In comparison, 4954 were educated elsewhere in Canada and 17,528 were educated outside of Canada. The number of international applicants increase steadily every year, meaning that a constant flow of professionals from outside of Canada requests a license to practice in Ontario.

What follows below are a number of tables which provide information about the state of the professions in the province, with particular reference to internationally-trained applicants.

**Table 1: Top 20 professions with the highest number of internationally trained members (ITM)**

| <b>PROFESSIONS</b>                                  | <b>2018 ITM</b> | <b>2019 ITM</b> | <b>INCREASE (IN %)</b> |
|---|-----------------|-----------------|------------------------|
| <b>TEACHERS</b>                                     | 38318           | 38539           | 1                      |
| <b>ENGINEERS</b>                                    | 23444           | 24258           | 3                      |
| <b>NURSES</b>                                       | 21237           | 22082           | 4                      |
| <b>PHYSICIANS AND SURGEONS</b>                      | 13212           | 13635           | 3                      |
| <b>PHARMACISTS</b>                                  | 7785            | 8037            | 3                      |
| <b>LAWYERS</b>                                      | 4600            | 5189            | 11                     |
| <b>DENTAL SURGEONS</b>                              | 4114            | 4428            | 7                      |
| <b>CHARTERED PROFESSIONAL ACCOUNTANTS - ONTARIO</b> | 3249            | 3885            | 16                     |

|  |      |      |    |
|--|------|------|----|
| <b>ENGINEERING TECHNICIANS AND TECHNOLOGISTS</b>     | 3214 | 3175 | -1 |
| <b>PHYSIOTHERAPISTS</b>                              | 2669 | 2998 | 11 |
| <b>SOCIAL WORKERS</b>                                | 1819 | 2076 | 12 |
| <b>AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS</b> | 1453 | 1484 | 2  |
| <b>ARCHITECTS</b>                                    | 1322 | 1401 | 6  |
| <b>CHIROPRACTORS</b>                                 | 1351 | 1395 | 3  |
| <b>HUMAN RESOURCES PROFESSIONALS</b>                 | 1045 | 1275 | 18 |
| <b>VETERINARIANS</b>                                 | 1120 | 1216 | 8  |
| <b>MEDICAL LABORATORY TECHNOLOGISTS</b>              | 1007 | 1032 | 2  |
| <b>OPTOMETRISTS</b>                                  | 912  | 980  | 7  |
| <b>REGISTERED PSYCHOTHERAPISTS</b>                   | 861  | 936  | 8  |
| <b>MEDICAL RADIATION TECHNOLOGISTS</b>               | 706  | 859  | 18 |

**Table 2: Top five source countries for internationally trained applicants in 10 of Ontario's largest professions**

| <b>PROFESSION</b>            | <b>1<sup>ST</sup> LARGEST</b> | <b>2<sup>ND</sup> LARGEST</b> | <b>3<sup>RD</sup> LARGEST</b> | <b>4<sup>TH</sup> LARGEST</b> | <b>5<sup>TH</sup> LARGEST</b> |
|------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>NURSES</b>                | India                         | Philippines                   | Nepal                         | Iran                          | Pakistan                      |
| <b>ENGINEERS</b>             | India                         | Iran                          | China                         | Pakistan                      | Egypt                         |
| <b>CHARTERED ACCOUNTANTS</b> | India                         | U.K.                          | Pakistan                      | Philippines                   | Nigeria                       |
| <b>LAWYERS</b>               | U.K.                          | India                         | Nigeria                       | Australia                     | China                         |
| <b>TEACHERS</b>              | India                         | U.K.                          | Jamaica                       | New Zealand                   | Australia                     |

|                         |       |          |           |          |             |
|-------------------------|-------|----------|-----------|----------|-------------|
| <b>PHARMACISTS</b>      | India | Egypt    | U.K.      | Jordan   | Iran        |
| <b>PHYSIOTHERAPISTS</b> | India | Scotland | Australia | U.K.     | Philippines |
| <b>HR PROFESSIONALS</b> | India | U.K.     | Nigeria   | Pakistan | UAE         |
| <b>DENTAL SURGEONS</b>  | India | Iran     | Australia | Iraq     | Ireland     |
| <b>VETERINARIANS</b>    | India | Pakistan | Egypt     | U.K.     | Australia   |

**Table 3: 20 professions with a high proportion of internationally trained members (ITM)**

| <b>PROFESSION</b>                                    | <b>% OF MEMBERS THAT ARE ITM IN 2019</b> |
|--|--|
| <b>PHARMACISTS</b>                                   | 47                                       |
| <b>DENTAL SURGEONS</b>                               | 41                                       |
| <b>OPTOMETRISTS</b>                                  | 38                                       |
| <b>AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS</b> | 34                                       |
| <b>ARCHITECTS</b>                                    | 31                                       |
| <b>PHYSICIANS AND SURGEONS</b>                       | 31                                       |
| <b>HOMEOPATHS</b>                                    | 31                                       |
| <b>PHYSIOTHERAPISTS</b>                              | 28                                       |
| <b>ENGINEERS</b>                                     | 28                                       |
| <b>CHIROPRACTORS</b>                                 | 28                                       |
| <b>DENTAL TECHNOLOGISTS</b>                          | 27                                       |
| <b>VETERINARIANS</b>                                 | 25                                       |
| <b>PSYCHOLOGISTS &amp; PSYCHOLOGICAL ASSOCIATES</b>  | 20                                       |
| <b>GEOSCIENTISTS</b>                                 | 18                                       |
| <b>ENGINEERING TECHNICIANS AND TECHNOLOGISTS</b>     | 18                                       |

|  |    |
|--|----|
| <b>TEACHERS</b>  | 16 |
| <b>MEDICAL LABORATORY TECHNOLOGISTS</b>                              | 15 |
| <b>TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS</b> | 14 |
| <b>MIDWIVES</b>  | 14 |
| <b>REGISTERED PSYCHOTHERAPISTS</b>                                   | 12 |

## Best Practices in Registration

The OFC wishes to call out some noteworthy advancements made by the following regulators as they continue to refine their registration practices to better serve the needs of applicants.

### Chartered Professional Accountants of Ontario (CPA)

#### Amendments to Regulations (R 9-1 and R 9-2) Involving Student Registration Changes

Registrants now have six years from the commencement date of application to complete modules and then attempt the final examination. Previously, registrants needed to complete the course of study and take and pass the final examination within those six years. The amendments provide clarity for the CPA staff on the parameters of successful completion of the course of study.

#### Opportunity to Network

CPA has taken steps to provide registrants with the opportunity to network and meet human resource recruiters and employer representatives. These steps also support access to the profession and nurture the development of a robust workforce by engaging newcomer professionals.

#### Webinars and Training

CPA staff participated in training on delivering a course of study to international applicants. The training focused on how to avoid or minimize bias, enabling staff to more effectively identify and address unconscious bias in reviews, recommendations and decision making.

### Certified Engineering Technicians and Technologists of Ontario (CETTO)

### **New Examination**

CETTO introduced an examination as an alternative to one-year Canadian experience requirement. Registrants are now able to complete the new test online, regardless of where they live.

### **Examination Preparation**

To assist registrants in preparing for examinations, CETTO offers an online seminar that provides tips on which information is considered most important and should be studied closely. The content review includes quizzes to test comprehension, along with and a complete practice examination.

## **Professional Engineers of Ontario (PEO)**

### **New Practice Test Site**

PEO produced an online course of study to help applicants prepare for its Professional Practice Examination. The practice test site gives the applicant detailed feedback, including demonstrating areas of strength and weakness in learning comprehension. The site also offers a preparation package, which includes two textbooks and access to a 100-question practice test, at a discounted price.

### **Diversity, Equity and Inclusion**

Professional Engineers of Ontario has struck a committee that will recommend a plan to integrate equity and diversity values and principles into general policy and business operations.

## **College of Optometrists of Ontario**

### **Alternative Pathways**

The College introduced a new evaluating examination that provides the potential for some international graduates to bypass bridging programs based on an assessment of their competencies. To qualify, the internationally educated graduates must complete the approved steps in the pre-registration process.

## **College of Audiologists and Speech-Language Pathologists (CASLPO)**

### **Harmonization of Language Proficiency Standards**

The College has adopted the national standard for language proficiency in the profession, which will bring CASLPO in line with the national standard and closer to the objective of adopting registration requirements that are harmonized across Canada.





## Royal College of Dental Surgeons

### Application of Triage System

The College introduced an application triage system to divert straightforward applications to a dedicated staff person, and more complex applications to a team of staff members. The result has been a reduced number of follow-up calls and email inquiries to the registration team from applicants. The result is that the registration team has more time to assess complex applications to better allocate resources.

## College of Physiotherapists

### Customer Service Enhancements

The College formalized a live-call answer initiative, where staffing is adjusted to accommodate peak call periods with the goal of ensuring that 80 per cent of the calls made to the college, during regular business hours, are responded to by a live person.

## College of Opticians of Ontario

### Registration Regulation

The College invited registrants and members of the profession to participate in a confidential survey to obtain feedback on their experience of the registration process. This initiative builds on a similar survey that the college distributed in 2015, the results of which were used to make several enhancements to the college's communications methods and processes.

### Fee Reduction Approved

The Board approved a \$250 reduction to the 2021 renewal fee for all registrants.

## Ontario College of Social Workers and Social Service Workers

### Diversity, Inclusion and Equity

The College has developed a "Diversity, Inclusion and Equity" webpage in order to centralize the college's various communication efforts and resources in this important sphere.

## **College of Medical Radiation and Imaging Technologists of Ontario (CMRITO)**

### **Career Map**

The College has developed a Career Map tool for Internationally Trained Medical Radiation and Imaging Technologists that provides details and explanations regarding the application and registration process.

### **Online Application Process Expanded**

In 2019, CMRITO also expanded its online application process to applicants in all five of the specialties that are regulated by the College. As a result, applicants now find the online process easier to navigate and understand. Applicants can upload documentation which saves time and costs. In addition, members of the college's Registration Committee can move to a fully electronic review process when they assess applications for registration.

## **College of Early Childhood Educators of Ontario**

### **Information for Applicants**

The Application FAQ section of the College's website has been updated to include additional guidance, clarification and information about the application process

## **College of Respiratory Therapists of Ontario (CRTO)**

### **Online Application for Registration**

Applicants to the College will no longer be required to submit paper applications and can complete their paperwork online on the CRTO's website. Individuals can also upload the supporting documentation, pay their application fees and monitor their application status online. This way, applicants can navigate the application process easily and monitor their application status anywhere and at any time.

## 5/ Our Value Proposition

Promoting fair access is critical. It helps to ensure that positions requiring skills and competence can be filled without delay and that professionals and skilled tradesperson, including those who are internationally trained, are able to contribute to their fullest potential. Population data are very clear that future growth in Ontario's job market will be fueled by newcomers and it is, therefore, critical that we systematically address and remove any barriers to practice that unnecessarily restrict this important source of talent, innovation and resourcefulness.

In expressing his vision for the future, Commissioner Glasberg stated, **"We must ensure that we bring more skilled newcomers into the province and that their skills are not discounted by restrictive registration practices. We cannot allow barriers to exist that prevent trained individuals from practicing in the trade or profession that they have spent years learning. Our work is all about this imperative."**

The OFC now oversees the licensing practices of 40 regulatory bodies, compared to 35 in 2007. These cover virtually all aspects of the province's economy. Ensuring fair access supports Ontario's economic success. As indicated previously, educated people are needed to replenish an aging workforce. Newcomers represent an important source of new entrants into the labour market. Net migration is projected to account for 73 per cent of all population growth in the province from 2016 to 2041, with in-province increases accounting for the remaining 27 per cent. Promoting fair access to regulated professions and compulsory trades helps replenish those occupations as people retire. In addition, promoting fair access:

- Will enable businesses in Ontario to be competitive in the relentless pursuit of a highly educated and trained labour force;
- Will help businesses in Ontario to innovate and continue to compete on a global scale because of a diverse and talented labour pool; and
- As we look to the future, new regulated professions and compulsory trades may arise, and Ontario can be a leader and have a competitive advantage by creating a culture of fairness in the registration process.

These remarks are borne out by the data. In 2019 alone, new applicants to Ontario's regulated professions numbered 68,194.

The Fairness Commissioner is subject to a number of statutory responsibilities. For us to be successful, however, it is necessary for us to work with government ministries, stakeholders, regulators in other jurisdictions and the public to advance our common and urgent priorities.

This important work in our office is carried out by a small and highly productive team of ten individuals, plus the commissioner. Given our modest size and scope of mandate, it is critical that we assume the mantle of a modern regulator and allocate our resources in an intelligent and-risk informed fashion. **“I have a lot of respect for the people in the office. They have deep experience and commitment. We have long-standing employees who stay not only because of the culture but because of the importance of the underlying public policy issue.”**

## **Mandated Performance Measurements**

The overarching goal of the OFC is to ensure that regulated professions and individuals applying to be licensed by them are governed by transparent, objective, impartial and fair practices. These obligations are considered to be “met” when 100 per cent of regulated professions achieve 100 per cent compliance with the fair access legislation.

To this end, the aim is two-fold: fair access to registration for applicants and increased compliance with fair access legislation. The OFC should undertake this work within reasonable timeframes and within the OFC’s budgetary and legislative frameworks. Therefore, the OFC’s performance framework will focus on outcomes and performance indicators that would measure whether the OFC is achieving the highest possible compliance rates using the most effective regulatory tools while utilizing its resources in an efficient manner. The performance measure also considers if this work is done within reasonable timelines, in accordance with applicable OPS directives and within the allocated budget.

## 6/ Regulatory Bodies Overseen by OFC

The Fairness Commissioner oversees the regulated practices of 42 regulated professions (28 health and 14 non-health) and 23 compulsory trades that are regulated by 40 regulatory bodies, which are listed below:

Chartered Professional ACCOUNTANTS of Ontario  
 Chartered Professional ACCOUNTANTS of Ontario  
 Ontario Association of ARCHITECTS  
 College of AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS of Ontario (H\*)  
 College of CHIROPODISTS of Ontario (H)  
 College of CHIROPRACTORS of Ontario (H)  
 College of DENTAL HYGIENISTS of Ontario (H)  
 Royal College of DENTAL SURGEONS of Ontario (H)  
 College of DENTAL TECHNOLOGISTS of Ontario (H)  
 College of DENTURISTS of Ontario (H)  
 College of DIETITIANS of Ontario (H)  
 College of EARLY CHILDHOOD EDUCATORS  
 Ontario Association of Certified ENGINEERING TECHNICIANS AND TECHNOLOGISTS  
 Professional ENGINEERS Ontario  
 Ontario Professional FORESTERS Association  
 Association of Professional GEOSCIENTISTS of Ontario  
 College of HOMEOPATHS of Ontario (H)  
 HUMAN RESOURCES PROFESSIONALS Association  
 College of KINESIOLOGISTS of Ontario (H)  
 Association of Ontario LAND SURVEYORS  
 LAW Society of Ontario  
 College of MASSAGE THERAPISTS of Ontario (H)  
 College of MEDICAL LABORATORY TECHNOLOGISTS of Ontario (H)  
 College of MEDICAL RADIATION TECHNOLOGISTS of Ontario (H)  
 College of MIDWIVES of Ontario (H)  
 College of NATUROPATHS of Ontario (H)  
 College of NURSES of Ontario (H)  
 College of OCCUPATIONAL THERAPISTS of Ontario (H)  
 College of OPTICIANS of Ontario (H)  
 College of OPTOMETRISTS of Ontario (H)  
 Ontario College of PHARMACISTS (H)  
 College of PHYSICIANS AND SURGEONS of Ontario (H)  
 College of PHYSIOTHERAPISTS of Ontario (H)

College of PSYCHOLOGISTS of Ontario (H)  
College of Registered PSYCHOTHERAPISTS of Ontario (H)  
College of RESPIRATORY THERAPISTS of Ontario (H)  
Ontario College of SOCIAL WORKERS AND SOCIAL SERVICE WORKERS  
Ontario College of TEACHERS  
Ontario College of TRADES  
College of TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND ACUPUNCTURISTS of  
Ontario (H)  
College of VETERINARIANS of Ontario

\*H refers to Health Colleges

## 7/ Our Future

Historically, the level of compliance with fair-access legislation varies across professions. Compliance rates depend on such factors as organizational capacity, the culture of the regulator, the complexity of the profession, the presence or absence of certain risk factors and leadership and governance acumen generally. As noted previously in this report, the OFC plans to gravitate to a risk-informed compliance framework to better focus its resources on those regulators who have fallen behind in achieving their compliance commitments.

In the coming months, the commissioner has said that it is a time **“to weigh opportunities, to take stock and continue to consult. To try new ideas.”**

As we’ve mentioned in this report, the world in which the OFC operates is dynamic. Our role is to ensure that fair-access practices stay relevant with the issues of the day. In the coming year, our agency will be working with its stakeholders to address such topics as the impact of Covid-19 on registration processes, the increasing use of third-party service providers in the provision of assessment and registration services and how regulators can better apply diversity and anti-racism thinking in their registration frameworks. We hope to leverage the experience of our stakeholders in addressing these and other complex issues.

One final point. It is noteworthy that the provinces of British Columbia and Alberta have recently added Fairness offices. The commissioner adds, **“[Fairness] is an issue that is transcending political ideology. It is just the right thing to do for so many reasons.”**



## A / Appendix

### Financial Statements

April 1, 2019 to March 31, 2020

| <b>Office of the Fairness Commissioner</b>   |                       |                            |
|--|-----------------------|----------------------------|
| Statement of Operations<br>Period from April 1, 2019 to March 31, 2020                 |                       |                            |
| Revenues: Year Ended March 31, 2020<br>Ministry of Training, Colleges and Universities |                       |                            |
|  | <b>2019-20 Budget</b> | <b>Actual Expenditures</b> |
| <u>Standard Account</u>  |                       |                            |
| Salaries and Wages   | \$796,900.00          | \$609,735.30*              |
| Employee Benefits  | \$119,500.00          | \$88,100.73                |
| ODOE   | \$887,100.00          | \$363,131.73               |
| Total  | \$1,803,500.00        | \$1,060,967.76             |

\*Appointment salaries are not accounted in the expenditures. For fiscal 2019-20, the interim Commissioner and appointed Fairness Commissioner did not receive remuneration because they were concurrently OPS employees and being compensated through their OPS positions.



**FAIRNESS COMMISSIONER**

**COMMISSAIRE À L'ÉQUITÉ**

**OFFICE OF THE FAIRNESS COMMISSIONER  
BUREAU DU COMMISSAIRE À L'ÉQUITÉ**

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