



Conducting Entry-to-Practice Reviews: Guide for Ontario's Regulatory Bodies

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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.



CONDUCTING ENTRY-TO-PRACTICE REVIEWS: GUIDE FOR ONTARIO'S REGULATORY BODIES

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MESSAGE FROM THE FAIRNESS COMMISSIONER

This guide was developed to help Ontario regulatory bodies (also called “regulators”) conduct reviews of their registration requirements and practices. Whether you embark upon a voluntary review or undertake a mandatory review at my request under the legislation, I hope you will find the guide to be a clear and helpful tool.

Ontario is a leader in fair access to regulated professions and trades. This is due in part to our groundbreaking legislation. It is also a credit to Ontario regulatory bodies that have worked individually and collectively to come up with practical and innovative solutions.

Entry-to-Practice Reviews are a vital piece of the puzzle. While other processes mandated by the legislation shine a light on registration practices, *Entry-to-Practice Reviews* are an opportunity to also look at the substance of registration requirements. These reviews will help to ensure that those who practise a profession or trade are qualified and that those who are qualified can be registered. I believe they will also contribute to a culture of thoughtful analysis and meaningful improvement.

An earlier version of this guide was published in July 2009. It has been updated in 2015 to take into account the OFC’s continuous improvement strategy and feedback received from regulators and the OFC’s Consultative Committee.

Sincerely,

Hon. Jean Augustine, PC, CM

Fairness Commissioner

1. INTRODUCTION

1.a Introduction to the guide

Entry-to-Practice Reviews provide an opportunity for regulatory bodies to examine their registration requirements and practices systematically. The main goal is to ensure that the requirements are necessary and relevant and that the practices are transparent, objective, impartial and fair. The purpose of this guide is to help Ontario regulators conduct Entry-to-Practice Reviews.

This guide uses the name *Entry-to-Practice Reviews* for what the fair-access 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 (see Section 1.c).

The guide includes:

- discussion of key concepts and terminology (see Section 2.c)
- step-by-step instructions for conducting an Entry-to-Practice Review (see Section 4)
- questions to ask when analyzing registration requirements and practices (see Section 5)
- examples of effective practices of Ontario regulatory bodies (throughout the guide)
- a checklist of topics to include in the final report (see Appendix A)
- ideas for implementing changes to registration requirements and practices after a review (see Section 6)

1.b Why conduct Entry-to-Practice Reviews?

Entry-to-Practice Reviews are fundamental because, in addition to looking at registration processes, they require regulators to look at the actual substance of their entry-to-practice requirements. These reviews are the only real opportunity to probe:

- Why do we require this particular set of requirements for entry to the profession or trade?
- Are the requirements necessary and relevant for the work to be performed?
- Are the requirements good indicators of the individual's capacity to practise the profession or trade at the entry level?
- Do the requirements have an unintended or different impact on international applicants or other population groups?
- Are there viable alternatives to the requirements or the methods of assessing whether they have been met?

Fair Registration Practices Reports and Audit Reports do not directly address these issues. Therefore, Entry-to-Practice Reviews are vitally important for improving access to professions and trades for qualified applicants while continuing to protect public safety. This is a matter of fairness for all qualified applicants, including people who got their training or experience outside of Ontario.

Reviews can validate and engender confidence in entry-to-practice requirements and practices. Reviews provide a chance to demonstrate that requirements are necessary and relevant and that practices are transparent, objective, impartial and fair, and to modify or replace those that are not.

Reviews may help regulators to assess compliance with human rights legislation by identifying requirements or practices that may unintentionally discriminate on the basis of an applicant's place of origin, race, gender, or disability. Regulatory bodies that require applicants to have experience in Canada or Ontario may wish to refer to the Ontario Human Rights Commission's *Policy on Removing the "Canadian Experience" Barrier*.

Reviews can inform and enrich ongoing planning and priority setting. The changes recommended by a review can be an important consideration as a regulator sets priorities, develops a strategic plan, and allocates resources.

Reviews can help regulators to learn from each other. Regulators can benefit from the approach others take when conducting reviews, and the findings and solutions they come up with.

1.c Relationship to other reports

Ontario's legislation on fair access to regulated professions and trades (see Section 2.b) requires three types of reports:

- Fair Registration Practices Reports
- Audit Reports (generated in a compliance audit)
- Entry-to-Practice Review Reports

It is essential to be clear on the differences among the three reports, and to ensure that they work together in an integrated way.

	REPORTS		
	Fair Registration Practices Report	Audit Report	Entry-to-Practice Review Report
Purpose of report	<ul style="list-style-type: none"> • Describe improvements in registration practices 	<ul style="list-style-type: none"> • Offer an opinion on compliance with the legislation 	<ul style="list-style-type: none"> • Review registration practices and requirements • Recommend changes
Who writes the report?	Regulator	External auditor (independent assessment)	Regulator (self-assessment)
Key issues	<ul style="list-style-type: none"> • How has the regulator demonstrated improvements in registration practices? • What do the data show about volume of applications, source countries, etc.? 	<ul style="list-style-type: none"> • Is the regulatory body doing what the fair-access legislation and regulations require? • If not, what changes must take place to comply? 	<ul style="list-style-type: none"> • Are registration practices transparent, objective, impartial and fair? • Are requirements for registration necessary and relevant? • Is decision-making timely and efficient? • Are fees reasonable? • What needs to be changed?
When	Annually (or as specified by OFC)	When ordered by the OFC	When requested by OFC (or when regulator chooses to conduct a voluntary review)
Statutory reference	Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA): s.20 Regulated Health Professions Act, 1991 (RHPA) Schedule 2: s.22.7	FARPACTA: s.13(3)(b), s.21 RHPA: Schedule 2, s.22.8	FARPACTA: s.19 RHPA: Schedule 2, s.22.6

1.d Mandatory vs. voluntary reviews

Many regulators have embraced the concept of continuous self-assessment and improvement and do reviews of various kinds as part of their regular work plans. Therefore, this guide distinguishes between “mandatory reviews” and “voluntary reviews.”

	Mandatory Review	Voluntary Review
What is it?	A review that the Fairness Commissioner requires a regulator to conduct under section 19 of FARPACTA or s.22.6 of RHPA Schedule 2.	A review that a regulator chooses to conduct without being required to do so by the Fairness Commissioner.
When is it done?	At a time specified by the Fairness Commissioner.	When a regulator decides to conduct it.
Scope	The Fairness Commissioner determines the scope of the review within the confines of FARPACTA s.19 and RHPA Schedule 2 s.22.6. The regulator may add to the scope. Note: Mandatory reviews are not expected to cover all registration requirements in depth or to examine all registration practices.	The regulator decides on the scope of the review.
Process	The regulator is expected to follow the steps in Section 4 of this guide, but has latitude in defining the process for its review.	The regulator is encouraged but not required to advise the OFC that the review is planned or underway and to follow the steps in Section 4 of this guide.
Final report	The regulator files a report on the results with the Fairness Commissioner by the due date. The report contains the information specified in the checklist in Appendix A. ¹ The regulator makes the report it has filed available to the public. ²	The regulator is encouraged but not required to file the report with the Fairness Commissioner, use the Appendix A checklist, and make the report available to the public.

Even when conducting mandatory reviews, regulators have latitude. For example, regulators can select from, adapt and add to the sample review questions listed in this guide, provided they honour the scope of review defined by the Fairness Commissioner or go beyond it. Regulators also have latitude about the review process and type of consultation they will undertake.

One of the factors the Commissioner will consider in deciding when to require a mandatory review is whether the regulator has conducted a voluntary review, the scope of that review, and whether the recommended changes are being implemented. Conducting such a review could also reduce the scope of any review the Commissioner requires for that profession or trade.

Here are two examples of Ontario regulatory bodies that conducted voluntary reviews of entry-to-practice requirements. Each had a different methodology and focus, but both were valuable exercises.

Example 1: Registration practices self-audit (Physiotherapists)

The College of Physiotherapists of Ontario is committed to ongoing evaluation of entry-to-practice standards, procedures and processes in order to ensure public confidence in the organization. As part of its self-audit strategy, the college developed registration standards and conducted a gap analysis of current practices against the standards. This process resulted in a series of recommendations for continued development and improvement.

Example 2: Fair registration practices review (Teachers)

The Ontario College of Teachers did a formal review of its registration practices with advice from an external advisory committee. In August 2007, the college issued a discussion guide to solicit feedback from members and stakeholder groups. It also hosted a series of review sessions in Hamilton, Toronto, Ottawa and Windsor.

Recommendations approved by Council, the governing body of the college, included regulatory changes to certification requirements and the development of a fair registration standards regulation.

2. FRAMEWORK FOR CONDUCTING REVIEWS

2.a Vision and guiding principles for reviews

VISION

All registered professionals and tradespeople are qualified and all qualified applicants are registered.

Each Entry-to-Practice Review should be anchored in the following principles:

- **Fair access** – Registration requirements and practices should help to ensure that qualified people are able to become registered to practise their profession or trade in Ontario.
- **Making a difference** – Entry-to-Practice Reviews acknowledge the positive and lead to a concerted effort to implement change where needed. They embody the letter and the spirit of the legislation on fair access to regulated professions and trades.
- **Adding value** – Entry-to-Practice Reviews will complement – and not duplicate – other work that Ontario regulatory bodies do, whether for the Fairness Commissioner, for the government, or on their own initiative.
- **Participation** – Entry-to-Practice Reviews will be participatory, inviting the input and reflecting the views of interested individuals and groups, including members, applicants, staff, and others who can contribute to the achievement of the review's goals.

2.b Legal framework

Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACKTA)

For non-health regulators, the requirement to conduct Entry-to-Practice Reviews appears in FARPACKTA, section 19.

Review of registration practices

19. (1) Every regulated profession shall undertake a review of its registration practices at times specified by the Fairness Commissioner to ensure that the registration practices are transparent, objective, impartial and fair and shall file a report on the results with the Fairness Commissioner by the date specified by the Fairness Commissioner.

Same

(2) The review shall include an analysis of:

- (a) the extent to which the requirements for registration are necessary for or relevant to the practice of the profession;
- (b) the efficiency and timeliness of decision-making; and
- (c) the reasonableness of the fees charged by the regulated profession in respect of registrations.

Regulated Health Professions Act, 1991 (RHPA) Schedule 2

For health professions, the requirement for Entry-to-Practice Reviews appears in the RHPA, Schedule 2, section 22.6. The difference is that health colleges must file their reports within 30 days after completing the review instead of by a date specified by the Fairness Commissioner.

Review of practices

22.6 (1) The College shall undertake reviews of its registration practices at such times as the Fairness Commissioner may specify to ensure that the registration practices are transparent, objective, impartial and fair.

Same

(2) The review shall include an analysis of:

- (a) the extent to which the requirements for registration are necessary for or relevant to the practice of the profession;
- (b) the efficiency and timeliness of decision-making; and
- (c) the reasonableness of the fees charged by the College in respect of applications.

Reports

(3) The College shall file a copy of the results of the review with the Fairness Commissioner within 30 days after the completion of the review.

Human rights legislation

“Even where employers and regulatory bodies may be acting in good faith, a candidate’s Canadian experience, or lack thereof, is not a reliable way to assess a person’s skills or abilities. And, imposing requirements of this nature may contravene the *Code*. Employers and regulatory bodies should be clear about the specific qualifications they are seeking, rather than using ‘catch-all’ terms like ‘Canadian experience.’ For example, if the ability to communicate effectively is what is required, they should state this clearly and give applicants the opportunity to show this skill.”

(Ontario Human Rights Commission, *Policy on Removing the “Canadian Experience” Barrier*, 2013, p. 11)

Requirements or practices that appear neutral can have an unintended impact on groups protected under human rights legislation or the Charter of Rights and Freedoms. For example, a requirement for Canadian experience that applies to all applicants may have a disproportionate impact on applicants trained outside of Canada, many of whom come from places other than Canada. Requirements and practices with an unintended impact on the basis of gender, disability and other grounds should also be carefully examined.

2.c Key concepts

This section briefly discusses some key concepts related to Entry-to-Practice Reviews. Nothing discussed in this section should be viewed as formal, restrictive, or static, or as legal advice.

Entry-to-Practice Review

An *Entry-to-Practice Review* is a systematic analysis by a regulator of registration requirements and practices pertaining to its profession or trade.

Registration requirements

Requirements for registration include the qualifications applicants must have, the proof they must provide to show they are met, the fees they must pay, and any other criteria they must meet to be registered. Qualifications typically include academic credentials, language proficiency, workplace or clinical experience, successful completion of registration exams, and good character.

Some requirements appear in the profession or trade’s governing statute and regulations. Other requirements are set by the regulator in its bylaws and in its formal and informal policies.

Registration practices

The specific duties listed in FARPACTA and the RHPA³ are examples of registration practices. Registration practices include providing information, assessing qualifications, and making registration decisions. They also include training of assessors and decision-makers; providing timely decisions, responses and reasons; holding internal reviews and appeals; and granting applicants access to their records. This is not an exhaustive list since both FARPACTA and RHPA⁴ contain a general duty for regulators to provide registration practices that are transparent, objective, impartial and fair. Therefore, for the purpose of this guide, a *registration practice* is broadly interpreted to mean any practice of a regulatory body that relates to its registration function.

Necessary and relevant

Entry-to-Practice Reviews must include an analysis of registration requirements to ensure that they are necessary and relevant to the practice of the profession or trade.

Necessary means essential, needed, or vitally important. A registration requirement is necessary when, without it, a regulatory body could not be satisfied that an applicant can practise the profession or trade competently and safely at an entry level. Special requirements for internationally trained applicants are necessary when they are clearly justifiable.

Relevant means logically connected to the issue at hand. A registration requirement is relevant when it helps to make a well-founded assessment or registration decision or to verify an important fact. For example, a required qualification is relevant when there is a logical connection between the qualification and a person's competence to practise the profession or trade at an entry level.

Registration "requirements" are the things required of applicants. Registration "practices" are the things that regulators and qualifications assessment agencies do.

Example 3: Necessity and relevance (Lawyers)

Due to a growing shortage of articling placements, the Law Society task force considered whether to continue or abolish the articling requirement. It concluded that articling is a core component of the licensing process (i.e., necessary and relevant) because "a competent profession requires practical training before call to the bar."

(Licensing & Accreditation Task Force of the Law Society of Upper Canada, *Report to Convocation*, September 25, 2008)

Transparent, objective, impartial and fair

Entry-to-Practice Reviews also examine registration practices to ensure that they are transparent, objective, impartial and fair.

Transparent

In a literal sense, *transparent* means "see-through" or "clear." Transparent registration practices include well-documented policies and criteria and good communication with applicants about their application.

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*

Example 4: Transparency (Engineering Technicians & Technologists)

The Ontario Association of Certified Engineering Technicians and Technologists (OACETT) implemented automatic e-mail notification to keep applicants informed about their registration status in a timely way. OACETT has a policy to e-mail its applicants approximately every two months if the applicants have documents outstanding. OACETT also enables applicants to check the status of their applications online.

Objective

Criteria are objective when they can be measured on the basis of verifiable data without requiring a subjective assessment that applies personal views or judgments. Well-crafted marking templates or multiple-choice questions can help to make the grading of exams a more objective exercise. A decision about whether a “good character” requirement has been met would be highly subjective if left open-ended. It would be more objective if fully or partially measured against concrete criteria such as the lack of a criminal record, or the completion of standard reference templates by practising professionals who have supervised the applicant.

Decision-makers need to be objective in the sense that they must apply clear, understandable criteria. They lose their objectivity when their personal viewpoints have too great an influence on their decisions. This is closely linked to the requirement for impartiality discussed below.

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*

Impartial

Impartiality is tied to objectivity in that it requires making decisions about individual applicants based on objective criteria and without bias, prejudice, or favouritism. Impartial assessments are made free from preconceived notions about any party or class of parties. To be impartial, decision-makers must have no vested interest in the outcome and must come to each case without a preconceived view about the merits of the application. They must maintain an open mind as they review the evidence to determine if the applicant meets the criteria.

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, procedures to follow if bias is identified, and using group deliberation and consensus strategies to come to decisions)*

Example 5: Impartiality (Physiotherapists)

The executive committee of the council of the College of Physiotherapists of Ontario has a needs-based training strategy for each committee. It offers four education sessions annually and provides ongoing education to members of the registration committee and staff members in areas such as: making fair decisions, human rights, differences in cultural backgrounds, and ways to identify the potential for biases in decision-writing. Each year it orients new and existing members.

(Office of the Fairness Commissioner, “Providing comprehensive training for staff and decision-makers,” *Exemplary Practices Database*)

Fair

Fairness is broad and difficult to define. It includes the concepts of transparency, objectivity and impartiality.

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

- *Substantive fairness: ensuring the 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 the 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 individuals have equal opportunity to participate in the registration process and demonstrate their ability to practise.*
- *Relational fairness: ensuring that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.*

Example 6: Fairness (Veterinarians)

The College of Veterinarians of Ontario invites all applicants from the preceding registration year to participate in an online survey posted to its website. The response rate has been high. Applicants comment on practices that helped them understand the registration process and challenges that they experienced. Staff members analyze the survey results and incorporate areas for improvement into their work planning. The survey results inform an annual review and update of registration materials.

(Office of the Fairness Commissioner, “Conducting an annual survey of applicant experiences,” *Exemplary Practices Database*)

3. ROLE OF THE FAIRNESS COMMISSIONER

3.a When will the Commissioner require a review?

A mandatory review will be required on a case-by-case basis when all of the following conditions are present:

1. The OFC has identified an issue with a registration practice or requirement that is posing unfair barriers to access to the profession. The OFC may have identified the issue in previous assessments or during regular monitoring of the regulator's registration practices.
2. The issue is persistent. The OFC has raised it with the regulator in writing on more than one occasion, and with the minister responsible for the regulator (with the regulator's knowledge).
3. The issue requires a more systematic analysis in order to consider ways to eliminate or mitigate any negative impacts on applicants.

Timing

The OFC will notify the regulator at least one year before the review report is due. A review will not be required in an assessment year because of the time required for each exercise.

3.b Determining the scope of a mandatory review

The legislation mandates that all three items below must be treated in each mandatory review:

- efficiency and timeliness of decisions
- reasonableness of fees
- necessity and relevance of one or more entry-to-practice requirements

In a mandatory review, the Commissioner indicates which topics should be analyzed in an in-depth way and which may be analyzed in a summary way.

The scope of the review must include an *in-depth* analysis of any identified issue or issues (see conditions 1 to 3 above, in Section 3.a), plus a *summary* analysis of the three mandatory items above. However, if the OFC specifically identifies any of the three mandatory items as an issue for review, then the item or items must be subjected to an in-depth analysis.

In-depth analysis of a topic means that significant time and attention will be spent on it. **Summary analysis** means that the topic is included but not examined in detail. A summary analysis is a brief look at an issue as opposed to a comprehensive examination.

Examples of in-depth and summary analyses are provided in Section 3.c.

Registration requirements

An analysis of registration requirements is a component of all mandatory reviews. This is because section 19(2) of FARPACTA and 22.6(2) of RHPA Schedule 2 require these reviews to include an analysis of “(a) *the extent to which the requirements for registration are necessary for or relevant to the practice of the profession.*”

Sections 19(2) and 22.6(2) also state that reviews must include an analysis of registration fees, which are one kind of registration requirement. Specifically, the analysis must include “(c) *the reasonableness of the fees charged by the regulated profession in respect of registrations.*”

The items listed below are all examples of registration requirements. It is unlikely that a single review would be expected to address them all.

- **Qualifications for registration**
 - education credentials
 - language proficiency
 - workplace or clinical experience or training
 - successful completion of registration exams
 - good character and/or suitability to practise
 - any special requirements for internationally trained applicants
- **Other requirements for entering practice**
 - legal status
 - professional liability insurance
- **Submitting proof that qualifications and other requirements are met**
 - documentation required and alternatives acceptable to the regulator ⁵
- **Payment of fees**
 - a particular fee related to registration
 - fees charged by qualifications assessment agencies
 - fees and waivers of fees for access to records ⁶

Registration practices

An Entry-to-Practice Review analyzes registration practices to ensure they are transparent, objective, impartial and fair. The items listed below are examples of registration practices drawn from the legislation.

Entry-to-Practice Reviews provide an opportunity to examine the substance of registration requirements.

- **Providing information about:**
 - registration practices ⁷
 - the amount of time the registration process usually takes ⁸
 - objective requirements for registration and where alternative means of satisfying them may be acceptable to the regulator ⁹
 - the fee scale related to registration ¹⁰

Example 7: Visibility of acceptable alternatives (Engineering Technicians & Technologists)

The Ontario Association of Engineering Technicians and Technologists provides information in its application form about the range of options available to applicants if their academic training does not meet the requirements for certification.

This practice contributes to "relational fairness," by anticipating questions, relieving anxiety and communicating a welcoming attitude towards applicants.

(Office of the Fairness Commissioner, "Enhancing visibility of acceptable alternatives for meeting academic requirements," *Exemplary Practices Database*)

- **Assessing qualifications, whether by the regulator or a qualifications assessment agency** ¹¹
 - implementing measures to ensure that regulators and qualifications assessment agencies make assessments in a transparent, objective, impartial and fair manner ¹²
- **Making registration decisions**

The question about whether a procedure is carried out within a "reasonable time" will depend on the circumstances, including the complexity of the matter and the amount of work that a regulator or qualifications assessment agency must do to complete the task.

- **Managing internal reviews or appeals**
 - providing the opportunity for applicants to make submissions in the internal review or appeal ¹³
 - using different decision-makers than the ones who made the original decision ¹⁴
 - informing applicants of any right they have to request further review of or appeal from the decision ¹⁵
- **Granting applicants access to records** ¹⁶
- **Training assessors and decision-makers** ¹⁷
- **Making decisions in an efficient and timely way** ¹⁸
 - making registration decisions within a reasonable time ¹⁹
 - giving applicants written responses and reasons for decisions within a reasonable time ²⁰
 - providing an internal review or appeal within a reasonable time ²¹

3.c Possible scenarios for the scope of mandatory reviews

The following are hypothetical scenarios showing how the scope of Entry-to-Practice Reviews can differ.

Scenario #1: Registration requirements

Three years ago, a mid-sized regulatory body conducted a voluntary review of its work-experience requirement. The review was extensive and participatory, and included an analysis of the justification for the requirement and its impact on both Canadian and internationally trained applicants. The review's recommendations have been implemented.

The Fairness Commissioner's research suggests that the registration-related fees for this regulatory body appear to be low. Any issues raised by the Commissioner as a result of the regulator's registration practices assessment have been dealt with. The regulator's most recent assessment resulted in recommendations to improve the timeliness of communication with applicants. The recommendations have been implemented. However, applicants and immigrant-serving organizations have indicated that a requirement for registration poses a barrier to internationally trained professionals who have applied for a licence to practise in Ontario.

In this scenario, the Commissioner could specify the following scope for a mandatory review:

A regulator may always add topics to those specified by the Commissioner for a mandatory review.

	In-depth analysis	Summary analysis
Registration requirements	<ul style="list-style-type: none"> • necessity and relevance of requirements for registration (apart from workplace experience) • requirements for proving how the qualifications are met (apart from workplace experience) 	<ul style="list-style-type: none"> • necessity and relevance of the work-experience requirement • reasonableness of fees
Registration practices		<ul style="list-style-type: none"> • efficiency and timeliness of decision-making

Scenario #2: Mandatory bridging program

Data from a large regulator's Fair Registration Practices Reports indicate a high success rate for internationally trained applicants. However, applicants and advocacy groups have expressed concern about a new mandatory bridging program for internationally trained applicants and the associated fee.

In this scenario, the Commissioner could specify the following scope for a mandatory review:

	In-depth analysis	Summary analysis
Registration requirements	<ul style="list-style-type: none"> necessity and relevance of requirements for registration, with an emphasis on the mandatory bridging program requirements for proving how the qualifications are met reasonableness of fees for the mandatory bridging program 	<ul style="list-style-type: none"> reasonableness of all other registration fees
Registration practices		<ul style="list-style-type: none"> efficiency and timeliness of decision-making

Scenario #3: Timeliness

A small regulator has a low proportion of internationally trained applicants. No particular issues have emerged from the Fair Registration Practices Reports. However, applicants have complained about the length of time to find out the results of internal appeals.

In this scenario, the Commissioner could specify the following scope for a mandatory review:

	In-depth analysis	Summary analysis
Registration requirements	<ul style="list-style-type: none"> necessity and relevance of requirements for registration and of requirements for proving they are met 	<ul style="list-style-type: none"> reasonableness of registration fees
Registration practices	<ul style="list-style-type: none"> efficiency and timeliness of internal appeal decisions 	<ul style="list-style-type: none"> efficiency and timeliness of other decisions

Scenario #4: Qualifications assessments

A mid-sized regulator has not yet conducted a review of its entry-to-practice requirements. After reviewing the Fair Registration Practices Reports and seeking clarification from the regulator, the Fairness Commissioner remains unclear about criteria used to assess the qualifications of internationally trained applicants and the accountability arrangements between the regulator and a qualifications assessment agency.

In this scenario, the Commissioner could specify the following scope for a mandatory review:

	In-depth analysis	Summary analysis
Registration requirements	<ul style="list-style-type: none"> necessity and relevance of requirements for registration and of requirements for proving they are met 	<ul style="list-style-type: none"> reasonableness of fees
Registration practices	<ul style="list-style-type: none"> assessment of qualifications for internationally trained applicants accountability arrangements to ensure transparent, objective, impartial and fair assessments by the qualifications assessment agency 	<ul style="list-style-type: none"> efficiency and timeliness of decision-making

3.d Time for conducting a review

Under the legislation, mandatory reviews must be conducted at times specified by the Fairness Commissioner. The time needed to conduct a review depends on the scope of the review. A review of a single fee or practice, for example, would be less extensive than an in-depth review of all qualifications for registration. Therefore, in discussing the scope of the review, the OFC and regulator will consider the length of time necessary to complete the review. This will help the Commissioner to determine the period within which the regulator must complete the review.

3.e Working collaboratively

The Fairness Commissioner is committed to a respectful, collaborative relationship with regulatory bodies, recognizing their distinct roles. Before requiring a mandatory Entry-to-Practice Review, the Commissioner or OFC staff meet with the regulator to discuss timing, focus and scope. During the review, regulators are encouraged to keep in touch with their contacts at the OFC to discuss how the review is progressing and to raise any questions about the process.

4. THE REVIEW PROCESS

Process overview

Entry-to-Practice Reviews consist of four key steps. The time to complete a review will vary, depending on the scope of the review and the chosen methodology.

STEP 1

Create and approve the project plan

Create a project plan that sets out:

- objectives
- scope
- review questions
- data collection plan
- project governance
- project management

STEP 2

Collect and analyze data

- What information should be collected?
- Whose input should be gathered?
- How should the data be analyzed?
- When should outside help be sought?

STEP 3

Make recommendations and an implementation plan

- Determine recommendations
- Develop an implementation plan

STEP 4

Write, approve and file report

- Write the report
- Approve the report
- File the report
- Make the report public

Step 1: Create and approve the project plan

This first step is to create and approve a project plan. In a mandatory review, the project plan should contain each of the elements listed below along with any others the regulator wishes to add.

	The Project Plan
Objectives	<ul style="list-style-type: none"> • What is the review intended to accomplish? How will the findings be used?
Scope	<ul style="list-style-type: none"> • What topics will the review cover in depth and what will be covered in a summary way?
Review questions	<ul style="list-style-type: none"> • What are the specific questions the review will be designed to answer?
Data collection plan	<ul style="list-style-type: none"> • What information will be collected, and why? From what sources? • Whose input will be sought, and why? How will it be obtained? • Will an outside facilitator or researcher be retained?
Project governance	<ul style="list-style-type: none"> • Who is accountable for the review? • Will there be an oversight or advisory committee?
Project management	<ul style="list-style-type: none"> • What are the key tasks, products, milestones, timelines and resources? • Who are the team members, and what are their individual roles?

Example 8: Project governance (Teachers)

The Ontario College of Teachers' voluntary review in 2008 was led by a staff workgroup and solicited feedback from internationally trained teachers, organizations that help immigrants, new members, and recent applicants.

An external advisory committee (led by the Registrar) was composed of government, regulatory and sector representatives. The committee's terms of reference were developed to support the review by:

- providing advice and feedback about the review principles and process
- providing advice and feedback about documents to be used in external consultations in the review
- encouraging stakeholders to participate in consultations and process-related activities
- providing feedback about recommendations developed by the college workgroup on fair registration practices
- disseminating information about the review process to the field

The following quote from the Registrar and CEO appeared prominently in the Ontario College of Teachers' *Fair Registration Practices Review – Final Report* (March 2008), indicating commitment from the top:

“We want to ensure that acquiring a licence to teach in Ontario is as clear, welcoming and straightforward as possible.”

Step 2: Collect and analyze data

What information should be collected?

Much of an Entry-to-Practice Review will be spent collecting and analyzing data. Work already done for an earlier Fair Registration Practices Report or to provide evidence for an assessment should make some of the data collection easier. The following types of data will be helpful.

TYPE OF DATA	PURPOSE
Governing statute, regulations, bylaws, standards, guidelines, policies and procedures	<ul style="list-style-type: none"> To identify registration requirements that must be analyzed for necessity and relevance To identify registration practices that must be analyzed for transparency, objectivity, impartiality and fairness
Qualitative data (through interviews, focus groups, surveys, or questionnaires)	<ul style="list-style-type: none"> To learn about positive and negative experiences and ideas for improvement. <p>Note: Be sure to include internationally trained applicants from major source countries.</p>
Statistics, appeals, applicant complaints	<ul style="list-style-type: none"> To identify trends or problems in general or for certain classes of applicants; flag issues to probe. <p>Note: Be sure to include internationally trained applicants from major source countries.</p>
Contextual information about the environment in which you operate (“environmental scan”)	<ul style="list-style-type: none"> To understand trends and emerging issues

It could also be helpful to get the following types of data, depending on the scope of the review.

TYPE OF DATA	PURPOSE
Information on other professions, trades or jurisdictions	<ul style="list-style-type: none"> To compare with and learn from comparable organizations

Whose input should be gathered?

One of the guiding principles for Entry-to-Practice Reviews is that they be participatory. In a mandatory review, input should be gathered from:

- registrar, registration committee and staff
- members and current applicants
- applicants who were unsuccessful or withdrew
- qualifications assessment agencies (including affiliated national bodies)

Reviewing the governing statute, regulations, bylaws, standards, guidelines, policies and procedures of the regulatory body is an important part of Entry-to-Practice Reviews.

Be sure to include a variety of members and applicants, including internationally trained ones from major source countries, in order to get a range of perspectives on registration requirements and practices.

Depending on the nature and scope of the review, regulators are also encouraged to ask for input from one or more of the following:

- professional immigrant networks
- professional or trade associations
- similar regulatory bodies in other jurisdictions
- other Ontario regulatory bodies in related professions
- organizations that support internationally trained applicants
- educational institutions that offer programs needed for the profession or trade
- programs that help internationally trained applicants to upgrade their qualifications
- employers that offer workplace or clinical experience required for registration
- ministries and other government bodies

How should the data be analyzed?

The purpose of analyzing the data is to determine which requirements and practices work well and which ones will be the subject of recommendations for change. Analysis is often the most difficult part of the review process. The extent of analysis depends on which topics the Commissioner specifies for in-depth or summary analysis and which topics the regulator adds.

For topics identified for in-depth review, the final report should include a thoughtful response to each review question based on what the data, consultations and analysis show. For topics identified for summary analysis, a brief paragraph in the report will suffice.

Tip 1: Analyzing the data

- Review the quantitative and qualitative data you have collected. What do they tell you?
- Look for patterns, gaps, and discrepancies, and internal or external factors that may be influencing practices. Probe unexpected results.
- Respond to each question specified for your review and make specific findings about your registration requirements and practices.
- Don't forget the positive aspect of data analysis — identify your success stories and best practices.

When should outside help be sought?

In most cases, it should be possible to complete the review without third-party help. When the collection and analysis of data will be extensive, and the regulatory body has the resources, it may wish to hire an external consultant to help in specific parts of the review. Under the regulatory body's direction, a consultant could prepare the project plan for approval, design surveys or consultation questions, conduct focus groups or facilitate meetings, and draft or edit the final report. In addition, regulators who have conducted reviews can be a source of ideas and tips on how to conduct a review, with or without the help of an external consultant.

Step 3: Make recommendations and an implementation plan

Determine recommendations

A key part of an Entry-to-Practice Review is recommending which registration requirements or practices need to be modified and the nature of the changes. In some cases, the modified requirement or practice may be more or less stringent than the one that currently exists. In other cases it will simply reflect a different approach. In all cases, the change should be clearly justified and based on an assessment of the considerations set out for Entry-to-Practice Reviews in the legislation. Regulators conducting reviews must ensure that any new or revised requirement or practice does not create unnecessary barriers for applicants.

Tip 2: Making recommendations

Recommendations should be specific, action-oriented, and based on findings the regulator has made in the review.

Develop an implementation plan

It is also essential to develop an implementation plan to include in the final report. The implementation plan should set out measurable goals for each recommended change, timelines for achieving the goals, the resource allocation, and responsibility within the organization for meeting the goals and evaluating progress.

Implementation of some changes may require action by the government or legislature. In that case, the regulatory body should take all steps possible to advocate for the change.

Tip 3: Creating an implementation plan

- Prioritize your goals, but be realistic. You may wish to start off with a few that can be easily achieved. Achieving them first will smooth the way to addressing the larger issues.
- Break down each goal into the specific actions needed to achieve it.
- Ensure there is commitment within the organization to the implementation plan and the resources necessary to carry it out.

Step 4: Write, approve and file the report

The final step in an Entry-to-Practice Review is to write, approve and file the report.

Write the report

Reports for mandatory reviews should contain the components listed below and cover the topics listed in the checklist in Appendix A.²²

CONTENTS OF REPORT

1. Executive summary
2. Objectives and scope
3. Methodology
4. Analysis and findings
5. Recommendations
6. Implementation plan
7. Statement of approval

Approve the report

FARPACTA requires that the report include a statement by a person in authority certifying that all the information required has been provided and is accurate.²³ Ideally, the report should be approved by the regulator's registration committee and board/council to ensure there is support for the recommendations and a commitment to implement the changes.

Tip 4: Getting preliminary feedback on the report

Before submitting the report for final approval from the registration committee or council, you may wish to share a draft with the OFC to get preliminary feedback.

File the report

Reports from mandatory reviews must be filed with the Fairness Commissioner. For regulators governed by the RHPA,²⁴ the filing deadline is **30 days** from completion of the review. Regulatory bodies governed by FARPACTA must file by the **date specified by the Commissioner**.²⁵ In exceptional circumstances, the Commissioner may extend a date for a regulatory body governed by FARPACTA. The Commissioner encourages regulators conducting voluntary reviews to also file their reports with the OFC.

Normally, the Commissioner will specify that a report from a regulator governed by FARPACTA must be filed within **30 days** after the time specified for completing the review. This will provide consistency in the timing for health and non-health professions and trades.

Make the report public

Non-health regulators must make the filed report available to the public.²⁶ Although there is no similar requirement for health professions, it is a good practice to make the reports publicly available in the spirit of transparency. The simplest way to make the report available to the public is by posting it on the regulator's website.

5. SAMPLE REVIEW QUESTIONS

One of the most important tasks in an Entry-to-Practice Review is defining the questions for review. This section provides a list of sample questions on a variety of topics. The purpose of the list is to stimulate ideas about potential questions rather than to prescribe any questions that must be included. Actual questions will depend on the focus of the review, the chosen methodology, and the specifics of the profession or trade.

Tip 5: Selecting review questions

- Check the list of sample questions in this section and select any that meet the needs of your review.
- Revise or add to the questions as you see fit.
- In a mandatory review, be sure to include any questions specified by the Fairness Commissioner.
- Remember that no review asks all questions on the list!

5.a Registration requirements: necessary and relevant

Qualifications: general

Registration is meant to ensure that persons who enter a profession or trade are qualified to do so safely and competently. The qualifications an individual must have are set out in governing statutes, regulations, policies and bylaws. Typically they include academic credentials, workplace or clinical experience, language proficiency, successful completion of exams, and good character. Having the required qualifications is an indicator that the applicant has the necessary knowledge, skills and abilities to practise the profession or trade.

Possible review questions:

- How does the qualification relate to competent and safe practice at the entry level of the profession or trade to ensure public safety? How well does it predict competence?
- How did the qualification emerge? Why is it there? Have there been any changes in the practice of the profession or trade or in the environment in which it is practised? Is it still relevant in the current context? Have legal requirements been taken into account?
- Does the qualification have an unintended impact on any group? Does it unfairly exclude or limit certain groups such as internationally trained applicants?
- What changes could be made to the qualifications to better predict competence or to reduce negative impact?

Example 9: Justification of registration requirements (Physiotherapists)

The voluntary self-audit of registration practices conducted by the College of Physiotherapists of Ontario in 2007 recommended that the college develop a briefing note justifying the existence of each registration requirement. In preparing the note, staff would research the history and relevance of each requirement and provide a full analysis. The review also recommended that such analysis be published in an article or posted on the college's website.

Qualifications: specific

The following are possible additional review questions pertaining to specific qualifications:

Academic credentials requirement

- How directly does the academic credential relate to competent practice?
- Are there different ways in which requirements can be met?

Language proficiency requirement

- How does the required degree of language proficiency relate to the realities of professional practice?
- Is the required degree of language proficiency clearly defined?

Workplace or clinical experience requirement

- What specific competencies does this requirement relate to?
- Is Canadian or Ontario experience the *only* way that the relevant competencies can be demonstrated?
- Are the length of time, conditions, location and nature of the required experience necessary and relevant to ensure competent practice?
- To what extent is international experience sufficient to meet the objectives of a workplace or clinical experience requirement? To what extent is Canadian or Ontario experience necessary for applicants to become familiar with the specifics of practice in Ontario?
- Are there barriers that may unfairly restrict access to workplace or clinical positions (e.g., not enough spaces, lack of supervisors, etc.)?

Registration exams requirement

- If there are multiple exams and/or evaluations, do they test the same skills, knowledge or judgement repeatedly?
- How well do registration exams administered by the regulator or a qualifications assessment agency test the knowledge and skills required to competently and safely practise the profession or trade at an entry level?

Special requirements for internationally trained applicants

- What is the rationale for any requirements that apply only to internationally trained applicants?
- Are courses or bridging programs available to fill gaps?
- If a bridging or other program is a mandatory requirement for internationally trained applicants, is it necessary in all cases? Are there ways for internationally trained applicants to get full or partial exemptions?

Other requirements for entry-to-practice

The governing statute or regulation may include other requirements that do not deal with competence.

Legal status requirement

- Is a requirement for citizenship or permanent residency status necessary to demonstrate competent safe practice? Would legal permission to work in Canada (e.g., as a temporary foreign worker or provincial nominee not yet provided permanent residence by the federal government) be sufficient?

Proving that qualifications and other requirements are met

Applicants must prove that they meet the prescribed qualifications and other registration requirements. Often this is done by submitting documentation from academic institutions, examiners, workplace or clinical supervisors, immigration authorities, etc.

Possible review questions include:

- To what extent is the required documentation a clear indicator that a qualification or other requirement is met?
- What is the greatest challenge that internationally trained applicants face in proving they meet the qualifications? Are there alternative methods of proof that would be effective?

Example 10: Proof of qualifications – unobtainable documents

Some professions offer alternative ways to prove qualifications, in cases where documentation cannot be obtained or has been destroyed (e.g., as a result of violent conflicts in the applicant's home country). These alternatives include:

- signed undertakings
- notarized declarations or sworn affidavits detailing the applicant's education and experience
- references from former instructors, colleagues or supervisors
- challenge exam, prior learning assessment, or registration committee interview

(Adapted from the Office of the Fairness Commissioner's *Ontario's Regulated Professions: Report on the 2007 Study of Registration Practices*, p.11)

Reasonableness of fees

Fees are charged by both regulators and qualifications assessment agencies. Fees vary in number and amount based on factors such as the size of the regulatory body, types of licences or certificates, and number of required exams. Considering the reasonableness of fees is a required component of mandatory reviews.

Possible review questions include:

- How were the fees originally set? What was the rationale for the amounts? Is there an objective basis for the amounts?
- Do the fees discourage potentially qualified applicants or create hardship for those who do apply? In what circumstances can fees be waived or paid in instalments?
- Are the fees higher than the cost of providing the service?
- Are the fees higher than those charged for comparable services by other regulators?
- Are there measures to ensure that fees charged by qualifications assessors are reasonable?

5.b Registration practices: transparent, objective, impartial and fair

The OFC maintains guidelines that it uses to assess regulatory bodies' registration practices. These guidelines provide detailed information about assessing registration practices against the regulators' obligations in the fair-access legislation: the *general duty* to have registration practices that are transparent, objective, impartial and fair, and the *specific duties* (such as providing information for applicants). These general and specific duties are distinct from the "necessary and relevant" topics in Section 5.a.

Regulators should refer to the relevant information in the guidelines, to help them to reflect, to approach their review in a way that is consistent with the OFC assessment guidelines, and to develop appropriate questions for their review.

6. AFTER THE REVIEW

6.a Implementing the results

The Entry-to-Practice Review is complete once the report – including recommendations and an implementation plan – is filed with the Fairness Commissioner. It is up to the regulator to make a concerted effort to implement the changes and monitor success. Demonstrating progress will be a factor in the Commissioner's decision regarding future reviews.

The progress regulators make in implementing recommended changes will also be an indicator of FARPACTA's effectiveness. The Fairness Commissioner will comment on this progress in the annual report to the minister. ²⁷

6.b Keeping policies up-to-date

In most cases, regulators will not need to conduct another mandatory review for some time, provided that the review covered the identified issues and the Commissioner knows that progress on implementing the changes is proceeding well. However, there are important steps regulators can take to ensure that policies remain up-to-date and that new barriers do not emerge.

Whenever a regulator plans to introduce a new or amended registration requirement, it is a good idea to consider the extent to which the requirement is necessary and relevant (and the reasonableness of fees). Similarly, before introducing a new registration practice, it will be helpful to consider whether the practice is transparent, objective, impartial and fair. If possible, the regulator should pretest new requirements or practices using focus groups or other methods.

In addition, regulators may wish to consider revising requirements and practices when changes occur (e.g., when applications from certain parts of the world increase) or particular issues are flagged (e.g., via complaints). In developing new initiatives, consider the needs of internationally trained individuals from the outset.

6.c Feedback

There is no requirement for the Fairness Commissioner to approve the final report. However, in the spirit of ongoing dialogue and learning, a feedback discussion would be helpful, to discuss:

- How well did the Entry-to-Practice Review fulfill its objectives?
- How can effective practices and lessons learned from this review be shared with others?
- How is implementation of any proposed changes proceeding?

Tip 6: Debriefing

After completing an Entry-to-Practice Review, hold a debrief session with the project team. What worked well in the review? How would you do it differently next time? What effective practices or lessons learned could you share with others? By sharing this with the Fairness Commissioner, the OFC can help other regulators to benefit from what you have done.

APPENDICES

Appendix A. Report checklist for the Entry-to-Practice Review

This checklist sets out points that should be covered in the final report of a mandatory review. Regulators conducting voluntary reviews are encouraged to use the checklist as well. For more information on writing, approving and filing reports, see Section 4.

1. Executive summary
 - Briefly summarize the review process, key findings, recommendations, and implementation strategies.
 2. Objectives and scope
 - State whether this was a mandatory or voluntary review and describe how it builds on previous reviews.
 - State the objectives established for the review.
 - Describe the scope of the review: what was examined in depth; what was looked at in a summary way.
 - List the review questions pertaining to this review.
 3. Methodology
 - Describe the governance structure for the review.
 - List the types and sources of data obtained.
 - State the number and categories of participants who gave input.
 - State the time period during which the review was conducted.
 - Describe the process that was used.
 4. Analysis and findings
 - Describe conclusions that can be drawn from the quantitative and qualitative data that you gathered.
 - Respond to each question specified for the review (whether by the Fairness Commissioner or the regulatory body).
 - Describe your findings about the extent to which the registration requirements under review are relevant and necessary (including reasonableness of fees).
 - Describe your findings about the extent to which the registration practices under review are transparent, objective, impartial and fair (including the efficiency and timeliness of decision-making).
 5. Recommendations
 - Make recommendations about which registration requirements and practices need to be modified and the nature of the proposed change.
 6. Implementation plan
 - Set out measurable goals and timelines for each recommended change.
 - Identify implementation challenges and strategies you will use to address them.
 - Identify who in the organization is responsible for meeting the goals and evaluating progress.
 - Describe the commitment of the organization to allocate resources and implement the changes.
 7. Statement of approval
 - Include a signed statement by a person in authority to certify that the report contains the required information and that the information is accurate.
-

Appendix B. Other resources

All Internet addresses below were last accessed on January 18, 2015.

Legislation

Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACKA). Retrieved from www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06f31_e.htm

Regulated Health Professions Act, 1991 (RHPA) Schedule 2, sections 22.1 to 22.14. Retrieved from www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_91r18_e.htm

OFC resources

Exemplary Practices Database: www.fairnesscommissioner.ca/index_en.php?page=practices

Publications: www.fairnesscommissioner.ca/index_en.php?page=publications/index

Registration practices assessment guidelines:
www.fairnesscommissioner.ca/index_en.php?page=publications/guidelines

Voluntary reviews

College of Physiotherapists of Ontario Registration Practices — Self-Audit: report.

Licensing & Accreditation Task Force of the Law Society of Upper Canada. (2008, September 25). *Report to Convocation*. Retrieved from www.lsuc.on.ca/media/convsep08_licensing.pdf

Ontario College of Teachers. (2008, March). *Fair Registration Practices Review — Final Report*. (Toronto). Retrieved from www.oct.ca/-/media/PDF/Fair%20Registration%20Practices%20Report%202008/fair_registration_practices_e.pdf

Canadian context

Reitz, Jeffrey G. (2001, Summer). "Immigrant Skill Utilization in the Canadian Labour Market: Implications of Human Capital Research," in *Journal of International Migration and Integration*, Vol. 2, Issue 3, pp. 347–378. Retrieved from <http://link.springer.com/article/10.1007%2Fs12134-001-1004-1>

Frameworks for conducting reviews

Alboim, Naomi, and The Maytree Foundation. (2002). *Fulfilling the Promise: Integrating Immigrant Skills into the Canadian Economy*. Caledon Institute of Social Policy. Retrieved from <http://www.caledoninst.org/Publications/PDF/553820134.pdf>

Chinn, Roberta, and Norman Hertz. (2000). *Job Analysis: A Guide for Regulatory Boards*. Retrieved from <http://www.clearhq.org/resources/hertz.htm>

Cornish, Mary, Elizabeth McIntyre, & Amanda Pask. (2000, January). "Strategies for Challenging Discriminatory Barriers to Foreign Credential Recognition," in *Update* (Cavalluzzo, Hayes, Shilton, McIntyre & Cornish). Paper originally presented to the National Conference, "Shaping the Future: Qualification Recognition in the 21st Century," Toronto, October 12–15, 1999. Retrieved from <http://www.cavalluzzo.com/resources/publications/details/strategies-for-challenging-discriminatory-barriers-to-foreign-credential-recognition>

Ontario Regulators for Access. (2004). *Regulators' Guide for Promoting Access to Professions by International Candidates*. Retrieved from <http://www.regulatorsforaccess.ca/docs/reguidemay04.pdf>

Thomson, George M. (2005). *Report to the Minister of Citizenship and Immigration: Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions*. (Queen's Printer for Ontario). Retrieved from <http://www.ontla.on.ca/library/repository/mon/13000/257188.pdf>

Fairness

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Manitoba Ombudsman. (n.d.). *Understanding Fairness: A Handbook on Fairness for Manitoba Municipal Leaders*. Retrieved from <http://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=18575&md=1>

Ontario Human Rights Commission. (2013, February 1). *Policy on Removing the "Canadian Experience" Barrier*. Retrieved from <http://www.ohrc.on.ca/en/policy-removing-%E2%80%9Ccanadian-experience%E2%80%9D-barrier>

Pillutla, Madan M., and J. Keith Murnighan. (2003, September). "Fairness in Bargaining," in *Social Justice Research*, Vol. 16, No. 3, pp. 241–262. Retrieved from www.springerlink.com/content/v714701403mxr511/

Assessment

Canadian Information Centre for International Credentials: <http://cicic.ca/>

Gonczi, Andrew. (1994). "Competency Based Assessment in the Professions in Australia," in *Assessment in Education: Principles, Policy & Practice*, Vol. 1, Issue 1, pp. 27–44.

Retrieved from <http://www.informaworld.com/smpp/ftinterface?content=a739133146&rt=0&format=pdf>

Walker, James. (2007, Spring). "International Approaches to Credential Assessment," in *Canadian Issues*, pp. 21–25.

Appendix C. End notes

1. The two fair-access statutes state that it is the function of the Fairness Commissioner to specify the form of all reports and certificates required under those acts and the regulations, and the information that they must contain. Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA) s.13 (3) (b); and Regulated Health Professions Act, 1991 (RHPA) Schedule 2, s.22.5 (1)(b). See also FARPACTA s.24.
2. FARPACTA only, s.23(2). Health colleges governed by the RHPA are encouraged to make their reports available to the public in the spirit of transparency.
3. FARPACTA: sections 6 to 12; RHPA Schedule 2: sections 22.2 to 22.4
4. FARPACTA: s.6; RHPA Schedule 2: s.22.2
5. FARPACTA: s.10(1); RHPA Schedule 2: s.22.4(1)
6. FARPACTA: s.12(5),(6),(7)
7. FARPACTA: s.7(a); RHPA Schedule 2: s.22.3
8. FARPACTA: s.7(b); RHPA Schedule 2: s.22.3
9. FARPACTA: s.7(c); RHPA Schedule 2: s.22.3
10. FARPACTA: s.7(d)
11. FARPACTA: s.10(2); RHPA Schedule 2: s.22.4(2)
12. FARPACTA: s.10(2); RHPA Schedule 2: s.22.4(2)
13. FARPACTA: s.9(2), (3); RHPA Schedule 2: s.15(3), s.18(1)
14. FARPACTA: s.9(5); RHPA Schedule 2: s.15(2)
15. FARPACTA: s.9(4); RHPA Schedule 2: s.20
16. FARPACTA: s.12; RHPA Schedule 2: s.16
17. FARPACTA: s.11; RHPA Schedule 2: s.22.4(3)
18. FARPACTA: s.19(2)(b); RHPA Schedule 2: s.22.6(2)
19. FARPACTA: s.8(a)
20. FARPACTA: s.8(b) and (c)
21. FARPACTA: s.9(1)
22. FARPACTA and RHPA state that it is the function of the Fairness Commissioner to specify the form of all reports and certificates required under those acts and the regulations, and the information that they must contain. FARPACTA: s.13(3)(b); RHPA Schedule 2: s.22.5(1)(b). See also FARPACTA: s.24.
23. FARPACTA s.25. Health colleges governed under the RHPA are encouraged to include such statements in their final reports.
24. RHPA Schedule 2: s.22.6(3)
25. FARPACTA: s.19(1)
26. FARPACTA: s.23(2)
27. FARPACTA: s.15