



Registration Practices Assessment Guide: For Regulated Professions and Health Regulatory Colleges

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



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INTRODUCTION

Purpose

This guide presents the Office of the Fairness Commissioner's (OFC) expectations of regulators in meeting the specific-duty and general-duty obligations under:

- the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA), which applies to non-health regulators
- Schedule 2 to the Regulated Health Professions Act, 1991 (RHPA), which applies to the health regulators

These statutes are collectively referred to as “fair-access legislation.”

This guide helps regulators to better understand the OFC's expectations about how regulators are to meet their obligations in the OFC's assessment of their registration practices.

Background

The ultimate objective of the OFC assessment process is to help regulatory bodies to meet their fair-access obligations by:

- identifying regulators' strengths and weaknesses in fulfilling their duties set out in the fair-access legislation
- making recommendations to address any weaknesses
- requiring regulatory bodies to commit to actions to enhance the fairness of their practices

To guide regulators during the assessments, the OFC developed the following tools and guidelines:

- *Registration Practices Assessment Guide* (this guide)
- [“Preparing for the Assessment Meeting: A Checklist for Regulators”](#)

This revised guide reflects:

- the OFC's broadened fair-access and assessment expertise following the two assessment cycles in 2011–2012 and 2013–2014
- feedback received from regulators during their evaluations of the assessment program
- recent amendments to Schedule 2 to the RHPA

Using this guide

OVERVIEW

The OFC's assessments look objectively at the state of professional registration practices in Ontario at a point in time, measuring those practices against regulatory bodies' specific-duty and general-duty obligations.

This guide translates the legislative obligations into 69 practice-based expectations. Each practice describes a particular action or a series of actions that regulators must take to fulfil the expectation. Together, these practices establish what constitutes a transparent, objective, impartial and fair registration process and form the basis for assessment.

Regulators must provide evidence that they are fulfilling each practice.

The guide applies to both health and non-health regulators. Where the requirements in FARPACTA differ from those in the RHPA, the differences are noted.

ORGANIZATION OF THIS GUIDE

This guide is organized according to the specific and general duties of the fair-access legislation. Each duty is broken down into discrete, numbered practices.

Specific duties

Practices listed in the specific-duty sections (sections 1–8) correspond to the regulatory body’s specific duties identified in the legislation. The regulatory body must demonstrate these practices in order to fulfil the specific duties identified in the legislation.

Note that each specific-duty practice corresponds to one or more general-duty principles. The appropriate general-duty principle or principles are indicated in brackets after each specific-duty practice.

General duty

The general duty is in a distinct section in the fair-access legislation and is much broader than the specific duties. The fair-access legislation states that the regulatory body must provide registration practices that are transparent, objective, impartial and fair.

Practices related to these principles appear in sections 9 to 12.

OFC’s interpretation of transparency, objectivity, impartiality and fairness

The legislation’s general duty requires that regulators’ registration practices be transparent, objective, impartial and fair. The OFC has developed interpretations of these principles, and they are provided in the appropriate general-duty sections as a reference.

These interpretations are the practical mechanisms that regulatory bodies can use to demonstrate that they are applying the principles.

For more information...

For more information about the OFC’s assessment process, refer to the OFC’s document about the [assessment of regulatory bodies’ registration practices](#).

SPECIFIC DUTY

1. Information for Applicants

FARPACTA, s. 7

A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,

- (a) information about its registration practices;
- (b) information about the amount of time that the registration process usually takes;
- (c) objective requirements for registration by the regulated profession together with a statement of which requirements may be satisfied through alternatives that are acceptable to the regulated profession; and
- (d) a fee scale related to registrations.

RHPA, Schedule 2, s. 22.3

The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes.

THE REGULATOR MUST MEET THE FOLLOWING PRACTICES:

1. The regulator describes requirements for registration on its website. [Transparency]
2. The regulator describes all the steps in the registration process on its website, including any processes for assessing qualifications. [Transparency]
3. The regulator provides information on its website about how long the registration process usually takes, including the time required for assessing qualifications. [Transparency]
4. The regulator publishes a fee scale on its website, showing all registration fees that are under the regulator's control, including the fees required for assessing qualifications. [Transparency]
5. The regulator ensures that the information required by practices 1–4 in this section is clear, accurate, complete and easy to find. [Transparency]

2. Timely Decisions, Responses and Reasons

FARPACTA, s. 8 and s. 9 (1)

8. A regulated profession shall,

- (a) ensure that it makes registration decisions within a reasonable time;
- (b) provide written responses to applicants within a reasonable time; and
- (c) provide written reasons to applicants within a reasonable time in respect of all registration decisions and internal review or appeal decisions.

9 (1) A regulated profession shall provide an internal review of or appeal from its registration decisions within a reasonable time.

RHPA, Schedule 2, s. 20 (1)

20. (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration.

THE REGULATOR MUST MEET THE FOLLOWING PRACTICE:

1. If a regulator rejects an application, it gives written reasons to the applicant. [Fairness, Transparency]

REGULATORY BODIES GOVERNED BY FARPACTA MUST ALSO MEET THE FOLLOWING PRACTICES:

2. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay. [Fairness]
3. The regulator responds to applicants' inquiries or requests without undue delay. [Fairness]
4. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay. [Fairness]
5. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay. [Fairness]

3. Internal Review or Appeal¹

FARPACTA, s. 7 (a)

A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,

- (a) information about its registration practices

FARPACTA, s. 9 (2–3, 5)

- (2) A regulated profession shall provide an applicant for registration an opportunity to make submissions with respect to any internal review or appeal.
- (3) A regulated profession may specify whether submissions in respect of an internal review or appeal are to be submitted orally, in writing or by electronic means.
- (5) No one who acted as a decision-maker in respect of a registration decision shall act as a decision-maker in an internal review or appeal in respect of that registration

RHPA, Schedule 2, s. 22.3

The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes.

RHPA, Schedule 2, s.15 (Registration), s. 17 (Panels), s. 19 (Application for variation), s. 20 (Notice of orders)

(Due to its length, the text for these sections is in Appendix A.)

¹ In an internal “review,” the Registrar has not made a decision but has made a proposal that results in the matter being reviewed and determined by the Registration Committee (or another committee that fulfils that role). An internal “appeal” involves reconsideration of the Registrar’s first-level decision (or the first-level decision of another party that fulfils that role). (George M. Thomson, “Review of Appeal Processes from Registration Decisions in Ontario’s Regulated Professions,” November, 2005.)

THE REGULATOR MUST MEET THE FOLLOWING PRACTICES:

1. The regulator provides applicants with an internal review of, or appeal from, registration decisions.² [Fairness]
2. The regulator implements rules and procedures that prevent anyone who acted as a decision-maker in a registration decision from acting as a decision-maker in an internal review or appeal of that same registration decision. [Impartiality]
3. The regulator provides information on its website that informs applicants about opportunities for an internal review or appeal. [Transparency]

REGULATORY BODIES GOVERNED BY FARPACTA MUST ALSO MEET THE FOLLOWING PRACTICE:

4. The regulator provides information on its website about any limits or conditions on an internal review or appeal. [Transparency]

2 For regulators governed by the RHPA, the OFC will review processes: i) that deal with circumstances in which the Registrar proposes to deny registration or to impose terms, conditions, or limitations on a certificate of registration and refers the application to the Registration Committee; and ii) that address or govern work of the Registration Committee (or another committee that fulfils that role).
For regulators governed by FARPACTA, the OFC will review processes that address opportunities for an internal review or appeal of decisions that are different from assessment decisions. For example, this may include decisions about or related to the following: rejecting an application; exempting an applicant from a registration requirement; granting special considerations; or issuing a licence with or without limitations or conditions.

4. Information on Appeal Rights³

FARPACTA, s. 9 (4)

A regulated profession shall inform an applicant of any rights the applicant may have to request a further review of, or appeal from, the decision.

RHPA, Schedule 2, s. 20 (Notice of orders), s. 21 (Appeal to Board), s. 22 (Registration hearings or reviews)

(Due to its length, the text for these sections is in the Appendix A.)

THE REGULATOR MUST MEET THE FOLLOWING PRACTICES:

1. On its website, the regulator informs applicants of their right to request further review of, or appeal from, the review or appeal⁴ decision. [Transparency]

³ This further review or appeal is beyond the initial internal review or appeal referred to in FARPACTA, s. 9 (1–3, 5).

⁴ Non-health regulators inform applicants of their right to appeal within the regulatory body, and as a last recourse, to the Divisional Court. Health regulators inform applicants of their right to appeal to the Health Professions Appeal and Review Board (HPARB).

5. Documentation of Qualifications

FARPACTA, s. 10 (1)

A regulated profession shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives to the documentation may be acceptable to the regulated profession if an applicant cannot obtain the required documentation for reasons beyond his or her control.

RHPA, Schedule 2, s. 22.4 (1)

The College shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives may be acceptable to the College if an applicant cannot obtain the required documentation for reasons beyond his or her control.

THE REGULATOR MUST MEET THE FOLLOWING PRACTICE:

1. The regulator provides information on its website about the documents that must accompany an application to demonstrate qualifications. [Transparency]

6. Assessment of Qualifications

FARPACTA, s. 10 (2)

If a regulated profession makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair, and if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.4 (2)

If the College makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair and, if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.

Practices 1–14 refer to qualifications assessments that are conducted by the regulator itself. Only practice 15 refers to assessments conducted by third parties.

THE REGULATOR MUST, FOR EACH ASSESSMENT METHOD, MEET THE FOLLOWING PRACTICES:

1. On its website, the regulator informs applicants about the process, criteria, and policies for the assessment of qualifications. [Transparency]
2. The regulator communicates the results of qualifications assessment to each applicant in writing. [Transparency]
3. The regulator gives its assessors⁵ access to assessment criteria, policies and procedures. [Transparency]

Practice 4 applies only to regulatory bodies that develop and administer their own exams.

4. The regulator shows that its tests and exams measure what they intend to measure.⁶ [Objectivity]
5. The regulator states its assessment criteria in ways that enable assessors to interpret them consistently. [Objectivity]
6. The regulator ensures that the information about educational programs that is used to develop or update assessment criteria is kept current and accurate.⁷ [Objectivity]

⁵ Assessors include staff and volunteers.

⁶ If a regulator does not develop or administer its own exams, it is not assessed for this practice.

⁷ This practice applies only to those regulators that conduct their own assessment of academic credentials and/or their own review of academic programs for equivalency. It does not apply to regulators that rely on a third party for these activities.

7. The regulator links its assessment methods to the requirements/standards for entry to the profession or trade. [Objectivity]
8. The regulator requires that assessors consistently apply qualifications assessment criteria, policies and procedures to all applicants. [Objectivity]
9. The regulator uses only qualified assessors to conduct the assessments. [Objectivity]
10. The regulator monitors the consistency and accuracy of decisions, and takes corrective actions as necessary, to safeguard the objectivity of its assessment decisions. [Objectivity]
11. The regulator prohibits discrimination and informs assessors about the need to avoid bias in the assessment. [Impartiality]
12. The regulator implements procedures to safeguard the impartiality of its assessment methods and procedures. [Impartiality]
13. The regulator gives applicants an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]
14. The regulator assesses qualifications, communicates results to applicants, and provides written reasons for unsuccessful applicants, without undue delay. [Fairness]
15. Regulators that rely on third-party assessments establish policies and procedures to hold third-party assessors accountable for ensuring that assessments are transparent, objective, impartial and fair. [Transparency, Objectivity, Impartiality, Fairness]

7. Training

FARPACTA, s. 11

A regulated profession shall ensure that individuals assessing qualifications and making registration decisions or internal review or appeal decisions have received training that includes, where appropriate,

- (a) training on how to hold hearings; and
- (b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations.

RHPA, Schedule 2, s. 22.4 (3)

The College shall ensure that individuals assessing qualifications and making registration decisions or reviewing decisions have received training that includes, where appropriate,

- (a) training on how to assess such qualifications and make such decisions;
- (b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations.

THE REGULATOR MUST MEET THE FOLLOWING PRACTICES:

1. The regulator provides training for staff and volunteers who assess qualifications or make registration, internal review or appeal decisions. [Objectivity, Impartiality, Fairness]
2. The regulator addresses topics of objectivity and impartiality in the training it provides to assessors and decision-makers. [Objectivity, Impartiality]
3. The regulator identifies when new and incumbent staff and volunteers require training and provides the training accordingly. [Objectivity, Impartiality, Fairness]

8. Access to Records

FARPACTA, s. 12

- (1) Upon the written request of an applicant for registration by a regulated profession, the regulated profession shall provide the applicant with access to records held by it that are related to the application.
- (2) Despite subsection (1), a regulated profession may refuse access to a record if,
 - (a) the record or any information in the record is subject to a legal privilege that restricts disclosure of the record or the information, as the case may be;
 - (b) another Act, an Act of Canada or a court order prohibits disclosure of the record or any information in the record in the circumstances;
 - (c) granting the access could reasonably be expected to lead to the identification of a person who provided information in the record to the regulated profession explicitly or implicitly in confidence, and the regulated profession considers it appropriate in the circumstances that the identity of the person be kept confidential; or
 - (d) granting the access could negatively affect public safety or could undermine the integrity of the registration process.
- (3) Despite subsection (2), an applicant has a right of access to that part of a record that can reasonably be severed from the part to which the applicant does not have a right of access by reason of that subsection.
- (4) A regulated profession shall establish a process under which requests for access to records will be considered.
- (5) A regulated profession may charge the applicant a fee for making records available if it first gives the applicant an estimate of the fee.
- (6) The amount of the fee shall not exceed the amount prescribed by the regulations or the amount of reasonable cost recovery, if no amount is prescribed.
- (7) A regulated profession may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (5) if, in its opinion, it is fair and equitable to do so.

RHPA, Schedule 2, s. 16

- (1) The Registrar shall give an applicant for registration, at his or her request, all the information and a copy of each document the College has that is relevant to the application.
- (2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 16 of Schedule 2 to the Act is amended by adding the following subsections

- (3) The Registrar shall establish a process for the purposes of dealing with an applicant's request under subsection (1).
- (4) The Registrar may require an applicant to pay a fee for making information and documents available to the applicant if the Registrar first gives the applicant an estimate of the fee.
- (5) The amount of the fee shall not exceed the amount of reasonable cost recovery.
- (6) The Registrar may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (4) if, in the Registrar's opinion, it is fair and equitable to do so.

THE REGULATOR MUST MEET THE FOLLOWING PRACTICES:

1. The regulator provides each applicant with access to his or her application records.⁸ [Fairness]
2. If there is a fee for making records available, the regulator gives applicants an estimate of this fee. [Transparency]
3. If there is a fee for making records available, the regulator reviews the fee to ensure that it does not exceed the amount of reasonable cost recovery. [Fairness]

⁸ Records may include: documents provided by the applicant; documents that describe the regulator's rationale for its decision; documents related to assessment of qualifications, such as exam results or credential assessment results; and documents related to accommodation requests, review requests, and appeals.

GENERAL DUTY

9. Transparency

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are **transparent**, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are **transparent**, objective, impartial and fair.

OFC'S INTERPRETATION

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

Maintaining openness

1. The regulator enables interested stakeholders, including the public and applicants, to understand how the registration process operates.
2. The regulator includes public input in decisions about significant registration changes.
3. The regulator records all procedures that govern the registration process in policy documents, and makes registration decisions on the basis of written criteria and policy.

Providing access to, monitoring, and updating registration information

4. The regulator identifies all registration requirements that are subject to exemptions and provides information on its website about how applicants can request the exemptions.

5. The regulator provides information on its website about costs that are associated with the registration process but that are not under the regulator's control, including third-party assessments.
6. The regulator provides information on its website about the steps in the registration process that applicants can start and/or complete outside of Canada.
7. The regulator provides information on its website about any third-party organizations that applicants may come in contact with during the registration process.
8. The regulator provides information on its website about resources and supports that are available to applicants during the registration and assessment process.
9. The regulator provides information on its website about the estimated time for each step of the registration process that is under its control.
10. The regulator provides information on its website about the process for obtaining records related to applicants' registration files.
11. The regulator ensures that the information required by practices 4–10 in this section is clear, accurate, complete and easy to find.

Communicating clearly with applicants about their status

12. Throughout the registration process, the regulator informs applicants about the status of their application and provides them with relevant information.
13. The regulator provides clear registration information, including decisions and reasons, when communicating with applicants.

10. Objectivity

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and fair.

OFC'S INTERPRETATION

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

Designing criteria and procedures that are reliable and valid

1. The regulator designs and states its registration requirements and the criteria for meeting them in ways that enable its decision-makers to make consistent registration decisions.
2. The regulator gives its decision-makers access to the information and tools they need to do their job.
3. The regulator uses appropriate evidence for determining whether applicants meet the registration requirements.
4. The regulator takes actions to ensure that decision-makers consistently apply registration-requirement criteria, policies and procedures to all applicants.

Monitoring and following up threats to validity and reliability

5. The regulator monitors the objectivity of its registration decisions and takes corrective actions as necessary.⁹

⁹ The OFC will review this practice in conjunction with practice 4 in Section 11 ("Impartiality"), because requirements set out by both practices may require the same set of actions by the regulator.

11. Impartiality

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, **impartial** and fair.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and fair.

OFC'S INTERPRETATION

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, and procedures to follow if bias is identified)

Identifying bias, monitoring, and taking corrective action

1. The regulator documents, and informs its decision-makers about, the need to avoid bias in registration decisions.
2. The regulator documents, and informs its decision-makers about, what constitutes a conflict of interest and what decision-makers should do when they find themselves in a conflict of interest.¹⁰

10 A conflict of interest includes, for example, any situation or circumstance in which the person's other commitments, relationships, or financial interests:

- could improperly influence the person's objective, unbiased and impartial exercise of his or her independent judgement, or could be perceived as doing so
- could compromise, impair, or be incompatible with the person's effective performance of his or her contractual obligations, or could be perceived as doing so

3. The regulator monitors its decision-making process, to ensure that the decisions¹¹ are made in the public interest, and are not compromised by external or internal interests and/or competing functions.

IMPLEMENTING STRATEGIES

4. The regulator implements procedures to safeguard the impartiality of its decisions, and takes corrective actions as necessary.¹²
5. The regulator demonstrates a commitment to being free of discrimination and bias.

11 This may include decisions about registration policies or about individual registration cases.

12 The OFC will review this practice in conjunction with practice 5 in Section 10 (“Objectivity”), because requirements set out by both practices may require the same set of actions by the regulator.

12. Fairness

FARPACTA, Part II, s. 6

A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and **fair**.

RHPA, Schedule 2, s. 22.2

The College has a duty to provide registration practices that are transparent, objective, impartial and **fair**.

OFC'S INTERPRETATION

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

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

Ensuring substantive fairness

1. The regulator can show that all of its registration requirements are necessary and relevant to the practice of the profession or trade.
2. The regulator reviews its registration requirements for relevance and necessity at regular intervals.
3. Where Canadian work experience is required for licensing, the regulator can clearly justify this requirement.
4. The regulatory body conducts reviews of its fees at regular intervals.

Ensuring procedural fairness

5. The regulator takes measures to ensure that its registration decisions adhere to registration criteria, policies, and procedures.
6. The regulator takes actions to review its registration practices, to identify opportunities for improvement and streamlining.
7. The regulator can show that its registration procedures do not unjustifiably exclude or limit certain groups, such as internationally trained applicants.

Practices 8–11 apply only to regulatory bodies governed by the RHPA.

8. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay.
9. The regulator responds to applicants' inquiries or requests without undue delay.
10. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay.
11. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay.

Ensuring relational fairness

12. The regulator treats applicants in a way that takes their circumstances into consideration (reasonable accommodation), to ensure that everyone has equal opportunities to participate in the registration process.
13. The regulator has a process for considering and providing accommodations in cases where an applicant indicates that he or she cannot get the required documentation for reasons beyond his or her control.

APPENDIX A: Provisions of Schedule 2 of the RHPA Relating to Specific Duties 3 and 4

The following are provisions of Schedule 2 of the Regulated Health Professions Act (RHPA) relating to specific duties 3 (Internal Review or Appeal) and 4 (Information on Appeal Rights).

RHPA, Schedule 2, s.15

Registration

15. (1) If a person applies to the Registrar for registration, the Registrar shall,
- (a) register the applicant; or
 - (b) refer the application to the Registration Committee.

Referrals to Registration Committee

- (2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar,
- (a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements;
 - (a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1);
 - (b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or
 - (c) proposes to refuse the application.

Notice to applicant

- (3) If the Registrar refers an application to the Registration Committee, he or she shall give the applicant notice of the statutory grounds for the referral and of the applicant's right to make written submissions under subsection 18 (1).

Terms, etc., attached on consent

- (4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so with the approval of a panel of the Registration Committee selected by the chair for the purpose.

Panels for consent

- (5) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (4).

RHPA, Schedule 2, s.17

Panels

17. (1) An application for registration referred to the Registration Committee or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee.

Composition of panels

(2) A panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(3) Three members of a panel constitute a quorum.

RHPA, Schedule 2, s.18

Consideration by panel

18. (1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 15 (3) or within any longer period the Registrar may specify in the notice.

Orders by panel

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

Idem

(3) A panel, in making an order under subsection (2), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

Order on consent

(4) The panel may, with the consent of the applicant, direct the Registrar to issue a certificate of registration with the terms, conditions and limitations specified by the panel imposed. 1991, c. 18, Sched. 2, s. 18.

RHPA, Schedule 2, s.19**Application for variation**

19. (1) A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of a registration proceeding.

Limitations

(2) The right to apply under subsection (1) is subject to any limitation in the order imposing the term, condition or limitation or to which the member consented and to any limitation made under subsection (7) in the disposition of a previous application under this section.

Panels

(3) An application to the Registration Committee under subsection (1) or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee.

Idem

(4) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (3).

Submissions

(5) An applicant may make written submissions to the panel.

Orders

(6) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to modify terms, conditions or limitations on the certificate of registration.

Limitations on applications

(7) When an application has been disposed of under this section, the applicant may not make a new application under subsection (1) within six months of the disposition without leave of the Registrar.

Registrar's leave

(8) The Registrar may only give leave for a new application to be made under subsection (7) if the Registrar is satisfied that there has been a material change in circumstances that justifies the giving of the leave.

RHPA, Schedule 2, s.20**Notice of orders**

20. (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration.

Contents of notice

(2) A notice under subsection (1) shall inform the applicant of the order and of the provisions of section 19 and of subsections 21 (1) and (2). .

RHPA, Schedule 2, s.21**Appeal to Board**

21. (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

Requirements of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

Order, etc., to Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

When order may be carried out

(4) An order of a panel, notice of which is required under subsection 20 (1), may be carried out only when,

- (a) the applicant has given the Registrar notice that the applicant will not be requiring a review or hearing;
- (b) thirty-five days have passed since the notice of the order was given under subsection 20 (1) without the applicant requiring a review or hearing; or
- (c) the Board has confirmed the order.

RHPA, Schedule 2, s.22**Registration hearings or reviews**

22. (1) This section applies to a hearing or review by the Board required by an applicant under subsection 21 (1).

Procedural provisions

(2) The following provisions apply with necessary modifications to a hearing or review:

1. Subsection 38 (4) (exclusion from panel).
2. Section 42 (disclosure of evidence).
3. Section 43 (no communication by panel members).
4. Section 50 (members of panel who participate).
5. Section 55 (release of evidence).

Idem

(3) The following provisions also apply with necessary modifications to a hearing:

1. Section 45 (hearings open).
2. Section 47 (sexual misconduct witnesses).
3. Section 48 (transcript of hearings).

Same

(3.1) The following provisions of the *Statutory Powers Procedure Act* also apply with necessary modifications to a review by the Board:

1. Section 21.1 (correction of errors).
2. Section 25.1 (rules).

Findings of fact

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

Idem

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

Disposal by Board

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate.

Idem

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly.

Limitation on order

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement.

Parties

(9) The College and the applicant are parties to a hearing or review.