



FAIR ACCESS TO ONTARIO'S **REGULATED PROFESSIONS AND COMPULSORY TRADES**

Office of the Fairness Commissioner
Annual Report 2017-2018



FAIRNESS COMMISSIONER
COMMISSAIRE À L'ÉQUITÉ

An agency of the Government of Ontario



Committed to Fair Access for all Ontarians.

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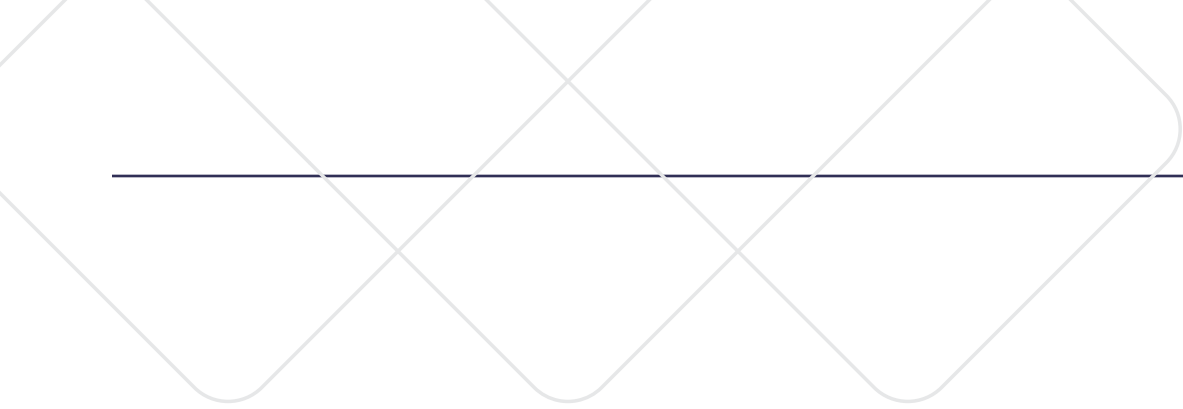
MESSAGE FROM THE FAIRNESS COMMISSIONER

It's a day that a person, and their family, never forget – when a new chapter in life opened because they had succeeded in becoming a member of a regulated occupation in Ontario.



It's an important day for all Ontarians. A profession or trade is being renewed with a new entrant who brings their unique background and perspectives to a skilled occupation. As Fairness Commissioner of Ontario, I'm committed to working with regulatory bodies to ensure that any Ontarian, from any background, has an equal opportunity to reach that day when their education, work and preparation results in successful qualification for the career of their choice.

There is a fundamental issue of fairness in providing equality of opportunity. It speaks to our values as Ontarians. Fairness is also a strategic advantage, one that's never been more important than it is today. Ontario welcomes newcomers from around the world because diversity has enriched our province both culturally and economically. It's equally true that the work done by people in Ontario's regulated professions and trades is essential to our economic strength, social progress and quality of life. So, building on those two



strengths – Ontario’s diversity and its skilled, highly educated workforce – helps prepare the province for the future and contributes to Ontario’s long-term prosperity.

That’s why we need to continue the progress that has been made by the Office of the Fairness Commissioner (OFC) since it was created through the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*. Ontario’s fair access legislation was the first of its kind in Canada. Today, we have a more informed and nuanced understanding of the challenge of ensuring fairness – and a realization that this will not be a simple project with a beginning and an

end. A province as dynamic as Ontario will continue attracting newcomers. Ontarians will continue pursuing economic opportunities that require skilled and highly educated people. Ontario will continue to have a growing need for the skills that professionals and tradespeople can bring. This calls for continuous improvement in promoting transparent, objective, impartial and fair registration practices in Ontario’s regulated professions and compulsory trades.

The ongoing importance of this work was confirmed in 2017-18 with a new governance structure for the OFC. The Fairness Commissioner will remain an independent regulator but with access to

staffing and resources through the Ontario Public Service (OPS), consistent with similarly structured agencies. This transition will improve agency accountability and allow our dedicated and talented staff to build on the valuable progress that’s been made. I’m confident that we’ve built a team with the skills and experience to modernize the OFC’s approach to compliance oversight while reducing the burden on those regulators who are taking concrete actions to ensure that their registration process is fair to all.

When qualified people reach that day when they become licensed in the occupation they’ve prepared for, with the opportunity to build a better life, the province has taken

another incremental step in preparing for its collective future. That is why the people of the Office of the Fairness Commissioner remain as committed as ever to ensuring that Ontario has the skilled people it needs to build even greater economic success and a higher quality of life in the province.



Grant Jameson

Fairness Commissioner



Ontario's fair access legislation was the first of its kind in Canada. Today, we have a more informed and nuanced understanding of the challenge of ensuring fairness – and a realization that this will not be a simple project with a beginning and an end.

ACCESS IS ESSENTIAL TO SUCCESS:

THE GROWING IMPACT OF THE FAIRNESS COMMISSIONER'S WORK

Continuously improving access to regulated professions and compulsory trades makes a difference to all Ontarians. There is hardly a day that goes by where Ontarians are not impacted by the work of someone in a regulated profession or compulsory trade. It could be the member of a skilled trade who fixes their car or the qualified engineer who helped ensure the roads and bridges they drive on are safe. When Ontarians seek care, skilled and compassionate people in regulated occupations support their health and wellness. The places where we work are supported by employees in regulated professions and compulsory trades who

support business operations in technology, finance and other activities.

Promoting fair access helps ensure that Ontarians benefit from the significant investments foreign-trained professionals have made in skills and learning. Ontario will need everyone in its workforce contributing to their fullest as the province keeps pace with changes in its population, economy and the nature of work.

The number of people in regulated professions and compulsory trades is increasing. The number of people in regulated professions has nearly doubled in ten years. In 2007, the province counted 679,569 licensed professionals.

Ten years later, there were 1,182,826, which now includes individuals in 23 compulsory trades regulated by the Ontario College of Trades. The OFC now oversees the licensing practices of 40 regulatory bodies, compared to 35 in 2007. Ensuring fair access supports Ontario's economic success.

Skilled, educated people are needed to replenish an aging workforce. With Ontario's working age population declining, and with those in the workforce supporting a growing number of seniors, newcomers represent an important source of new entrants into the labour market. Net migration is projected to account for 73 per cent of all population growth in the province from 2016 to 2041,

with natural increase accounting for the remaining 27 per cent. Promoting fair access to regulated professions and compulsory trades helps replenish those occupations as people retire. More than that, Ontarians will need new entrants to the labour force who will provide care and other services to a growing population of seniors. The number of seniors aged 65 and over is projected to almost double – from 2.3 million, or 16.4 per cent of population in 2016, to 4.6 million, or 25 per cent by 2041.

Ontario is competing with other places to attract highly educated newcomers. When newcomers face unfair barriers to entering their chosen field, their story of frustration does not stay within Ontario's borders. The province's reputation as a destination of choice for highly educated newcomers is



Promoting fair access helps ensure that Ontarians benefit from the significant investments foreign-trained professionals have made in skills and learning.

40

The OFC now oversees the licensing practices of 40 regulatory bodies, compared to 35 in 2007.

622,000

Ontario is home to over 622,000 Francophones, the largest population in Canada outside of Québec.

impacted when licensing requirements are seen to be biased against foreign-trained professionals. As the first province in Canada to pass legislation addressing fair access to professions and compulsory trades, Ontario has shown leadership on the issue. Sustaining progress and ensuring fair access adds to Ontario's reputation as a dynamic and welcoming destination.

Employers face pressure in dealing with an accelerated pace of change.

An innovation-driven economy benefits from diversity in the workforce. Different experiences and backgrounds unlock ideas and perspectives in solving longstanding challenges in the public sector, and in developing new products and solutions for the private sector.

As technology and the economy change, new regulated professions and compulsory trades may arise in the future. Ontario can establish a competitive advantage by creating a culture of fairness. As changes occur or new bodies emerge, new licensing requirements can be created with fair access embedded from the outset. This is exactly what happened in 2017, when the Fairness Commissioner was consulted on new legislation that merged Ontario's three accounting bodies.

Strengthening Ontario's Francophone dimension enriches quality of life.

Ontario is home to over 622,000 Francophones, the largest population in Canada outside of Québec. In addition, Ontario expects to be welcoming an increased number of Francophone newcomers, who have been

educated and qualified in their professions and trades in French. Promoting bilingual services in Ontario's registration practices has far reaching impacts. It makes it is easier for Francophones in the province to access goods and services using the official language of their choice. Public institutions can have improved access to Francophone professionals and trades persons to help improve the delivery of public services. Investing in the vitality and sustainability of Francophone communities enriches Ontario socially, economically and culturally. That is why the Fairness Commissioner has surveyed regulatory bodies to determine the level and extent of French-language services in their registration process.

Acting on values reduces inequality and strengthens communities. When any Ontarian is unfairly prevented from meeting their full potential, all Ontarians bear the cost. At the same time, when people succeed in building a good life for themselves in a rewarding occupation, the benefits reverberate throughout society. There are more taxpayers supporting strong public services. There are more mentors and community leaders supporting the next generation to find their own pathways to success. There is more volunteerism as people give back to the province and community that gave them opportunity. Fairness strengthens social cohesion and contributes to the inclusive growth that is the foundation for true prosperity.



Investing in the vitality and sustainability of Francophone communities enriches Ontario socially, economically and culturally.

MISSION, MANDATE AND PRINCIPLES



So, while the OFC does not intervene in registration decisions, it will examine all aspects of the registration process. The OFC does not assess credentials or competencies but examines how credentials and competencies are assessed to ensure the process is fair.

WHAT WE DO

The Fairness Commissioner assesses the registration practices of certain regulated professions and compulsory trades to ensure they are transparent, objective, impartial and fair. The OFC supports the Fairness Commissioner in acting on the mandate set out in the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA), and the *Regulated Health Professions Act, 1991* (RHPA). In doing so, the OFC assesses every element of the registration process. So, while the OFC does not intervene in registration decisions, it will examine all aspects of the registration process. As such the OFC does not assess credentials or competencies but examines how credentials and competencies are assessed to ensure the process is fair.

Bodies that regulate the professions and trades submit reports and implement the Fairness Commissioner's recommendations for improvement.

The Fairness Commissioner's functions include:

- Assessing the regulated professions' and compulsory trades' registration process
- Initiating audits of registration processes
- Advising regulatory bodies about their registration process and other issues
- Setting guidelines for the regulatory bodies' reports to be provided to the Fairness Commissioner
- Advising provincial government ministries about issues relating to the professions and trades in their portfolio
- Issuing compliance orders to the non-health professions and to the trades, if necessary

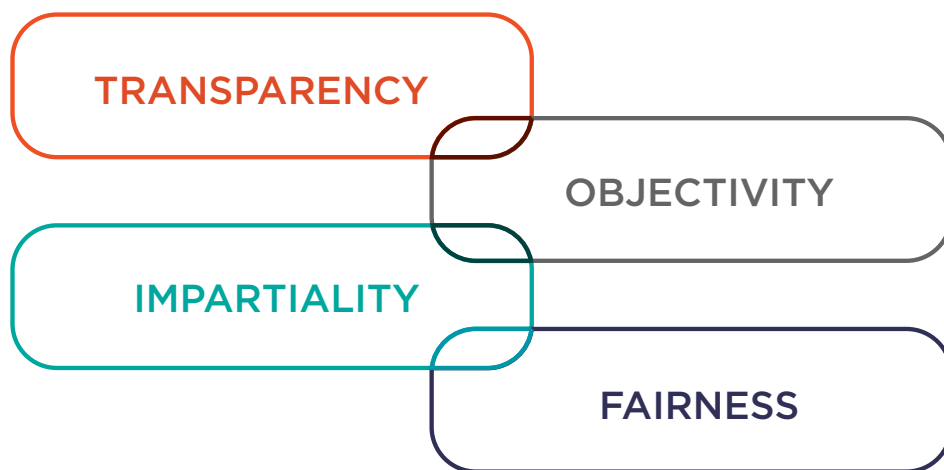
- Advising the Minister of Health and Long-Term Care about a health profession's non-compliance, if necessary
- Reporting to the public and to the Minister of Citizenship and Immigration about its work
- Conducting research to explore issues relating to fairness and identify solutions to those issues.

OUR MISSION STATEMENT

Committed to regulatory excellence, the OFC applies risk-informed and evidence-based compliance tools to hold regulated professions and compulsory trades accountable for transparent, objective, impartial and fair practices. It engages in partnerships to foster diversity and inclusion at large.

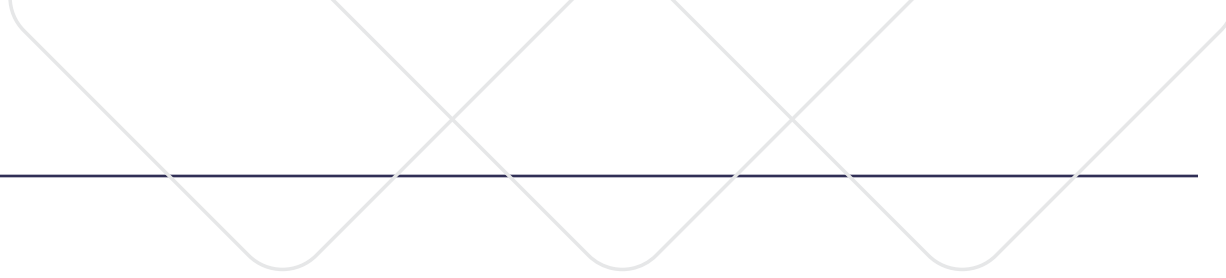
FOUR PRINCIPLES FOR MONITORING COMPLIANCE

There are four principles set out in fair registration practices legislation which form the basis of the approach to monitoring compliance employed by the Fairness Commissioner.



Transparency: Applicants understand the actions they need to take and see a clear path to the outcome they seek. Measures and structures are in place that make it easy to see how the registration process operates. There is easy access to information, and that information is clear, complete and accurate.

Objectivity: Criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when it is made and the context it is made within. Formal systems, such as criteria, tools and procedures, have been repeatedly tested during their development, administration and review to ensure they are valid, reliable and relevant in measuring applicant qualifications.



Impartiality: Decisions are undertaken from a neutral position. Neutrality is achieved by mitigating actions or behaviours that result in subjective assessments or decisions. All sources of bias are identified and steps are taken to address those biases. Sources of bias in the assessment or decision-making process might include conflict of interest, preconceived notions or limited understanding of issues related to diversity. There should be active strategies to ensure impartiality. These might include training policies that address conflict of interest, procedures to follow if bias is identified or a group deliberation and consensus process for making decisions.

Fairness: A process or decision is considered fair in the regulatory context when it demonstrates substantive fairness, procedural fairness and relational fairness. Substantive fairness means the decision meets 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 means 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. Relational fairness ensures that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.



Procedural fairness means 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.

OUR PEOPLE

The OFC team includes people with a diverse range of experiences, backgrounds and expertise in registration processes, policy development and organizational effectiveness. There are those who have worked for community-based employment services that help newcomers, for regulatory bodies, for agencies that assess foreign credentials, as well as those who have previously worked in the private sector and broader public sector.

COMPLIANCE ANALYST

The OFC's three compliance analysts each work with a portfolio of regulatory bodies to ensure that the registration practices of regulatory bodies are consistent with obligations under FARPACTA and the RHPA and thereby contribute to continuous improvement in their registration practices. Every three years, compliance analysts assess the registration process for regulatory bodies in their portfolio to identify gaps and barriers that could impact fairness. They examine whether registration

practices, including registration requirements, meet the applicable standards for fair registration practices. They determine whether the process adheres to the principles of transparency, objectivity, impartiality and fairness. Once assessment is complete, an assessment report is prepared, which is provided to the regulator and, where appropriate, to the Minister of Health and Long-Term Care. Reports are available on the OFC's website. The regulatory body develops an action plan in consultation with the compliance

analyst. Compliance analysts remain engaged with regulatory bodies outside the assessment process, verifying compliance measures and providing guidance on implementing action plans.

"People need and want to work in the field they prepared for. They make significant investments in time, money and testing to become certified in Ontario. My role as a compliance analyst is to work with regulators to ensure that registration practices do not unjustifiably exclude or

limit certain groups of applicants, including those that are internationally trained, and that all qualified applicants have fair access to their professions.”

“When it comes to working with the regulatory bodies, they learn from us and we learn from them. It’s meaningful work because I know that reducing barriers will make a real difference to peoples’ lives today, to their families and even to a future generation.”

“We recognize that registration is one of many priorities for regulatory bodies – most of their work focuses on activities occurring after a person has become a member. Knowledge has reached a point where the OFC can help regulators find new ways of addressing risks to compliance.”



“It’s meaningful work because I know that reducing barriers will make a real difference to peoples’ lives today, to their families and even to a future generation.”

SENIOR PROGRAM ADVISOR

Program advisors provide project leadership and subject matter expertise in planning, developing, implementing and evaluating the OFC’s compliance efforts. They also lead the development of strategies that promote and support the Fairness Commissioner’s mandate. For

example, they explore sources of data and evidence that could help inform policy. Program advisors lead efforts to focus on specific and emerging issues, such as conducting a survey of French-language services available to potential registrants or by studying known barriers such as “Canadian experience” requirements. They contribute to accountability by



“Evidence is essential to measuring progress towards our principles. I look forward to working on new compliance standards that will establish clear criteria for achieving transparency, objectivity, impartiality and fairness. The fair access legislation is important and benefits society. It’s good for everyone when people can realize themselves.”

developing measurements of progress and consult with compliance analysts on difficulties experienced by regulatory bodies in implementing action plans. They compare recent assessments with previous assessments to examine whether problems identified in the past have carried forward.

“Evidence is essential to measuring progress towards our principles. I look forward to working on new compliance standards that will establish clear criteria for achieving transparency, objectivity, impartiality and fairness. The fair access legislation is important and benefits society. It’s good for everyone when people can realize themselves.”

“We’re looking to create a systemic way of using information – numbers and other data – to arrive at a conclusion and measure overall progress and point to the issues where more work is needed. We’re just at the beginning of doing this work and it’s exciting to be part of it.”

BUSINESS OPERATIONS ADVISOR

This role serves as the backbone of the small organization, doing work that crosses over various functions such as finance, human resources, logistics and communications. The Business Operations Advisor is at the forefront of aligning the OFC’s financial accountabilities with the requirements of a public body that is staffed and operationally supported by the Ontario public service.

“I’ve been able to see the organization grow and implement fairness. It is important work. The barriers will not just go away, there needs to be systemic change and it will take time. I know what it’s like to be starting out in a new country. So, it’s satisfying work when you know it is ultimately helping people.”



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HIGHLIGHTS OF THE FISCAL YEAR

A YEAR OF TRANSITION: Enhanced capacity and accountability

The Office of the Fairness Commissioner was originally established as an operationally independent agency which relied on an annual transfer payment from the Government of Ontario. This year, the OFC completed a transition to becoming an agency that is supported operationally by the Ontario government. Notwithstanding this transition, the Fairness Commissioner retains his independence in assessing and advising on registration practices. Upon completing this transition, the OFC is now staffed with Ontario Public Service employees. The OFC continues to follow Ontario government protocols in managing and reporting on its finances.

This transition supports the Fairness Commissioner's shift towards becoming a more effective, modern regulator with greater access to expertise, data and administrative support in fulfilling its mission.

As part of this transition, the OFC updated its visual identity to reflect the Fairness Commissioner's focus on compliance, transparency, accountability and innovation as an agency of the government of Ontario. The cleaner, simpler look reflects a more modern, progressive and pro-active approach to regulating fair access to regulated professions and compulsory trades.

As part of the OFC's commitment to finding new models that enable more precision in ensuring compliance with the fair access legislation, the OFC has begun to explore a risk-informed model in its compliance approach. To support the development of this model, program advisors began work on a data framework that would assist the OFC in its future compliance efforts. Data from the OFC's historical collection, combined with sources within ministries, regulatory bodies and other stakeholders, will inform the development of a risk-response framework.

CONTINUING IMPROVEMENT:

Progress in compliance with fair access legislation

Continued engagement with regulatory bodies is producing results. As the OFC's compliance analysts continued with the third cycle of assessment of registration practices, there is evidence that professions have achieved substantive improvements in complying with fair access legislation since 2007.

Eighteen professions have completed their third assessment. In the first cycle of assessments in 2011-2012, these same 18 professions had only 6 per cent compliance rate. In the second assessment cycle in 2013-2014, the compliance rate was 22 per cent. Of the 18 professions, 50 per cent are now compliant meaning that no recommendations needed to be made to them by the OFC.

MAXIMIZING ONTARIO'S FRANCOPHONE ADVANTAGE: Survey identifies areas for improvement

In February 2018, the OFC sent a 17-question survey to the bodies regulating professions and compulsory trades to determine the level of French-language services in the registration process. Based on this preliminary survey, it would appear there are large variations in how French-language services are being provided in registration activities, and that more can be done to improve the service for applicants. The mandate to provide French-language service varies between the professions and trades. The survey found that professions with no legislative mandate, except for the Law Society of Ontario, provide little to no French-language services in their registration process.

Regulators with a legislative mandate include all regulated health professions, early childhood educators, teachers, compulsory trades, social and social service workers, and to a limited extent, accountants. All the non-health regulators with a French-language services mandate, responded, "yes" to all 17 survey questions which covered broad areas about the registration processes. However, among health regulators, only 11.5 per cent, or three out of 26, answered "yes" to all questions. On average, health regulators indicated they provide 74.8 per cent of their registration services in French. However, many of these responses also indicate these French-language services in the registration process are provided only when requested, and information regarding the availability of French-language services is not always communicated in a manner that is obvious to the public.

The OFC will share these findings with relevant ministries and the French Language Services Commissioner. The OFC will continue working with the appropriate regulatory bodies to evaluate the sufficiency of French-language services available to applicants.

PERSISTENCE AND PROGRESS: Continued attention to Canadian experience barriers

When fair access legislation was enacted in 2006, it was common for regulatory bodies to have a “Canadian experience” requirement without providing an acceptable alternative for meeting the requirement, which was a significant challenge for many newcomers. For over 10 years, the OFC has been identifying and addressing issues posed by the requirement.

The value and importance of eliminating Canadian experience requirements was confirmed in February 2013 by the Ontario Human Rights Commission. As the Human Rights Commission stated: “if they [highly-skilled immigrants] have to meet a requirement for Canadian experience, they are in a very difficult position – they can’t get a job without Canadian experience and they can’t get experience without a job. In most cases, that is prima face discrimination under Ontario’s Human Rights Code.”

The OFC has worked with relevant regulatory bodies to propel them to find alternatives to Canadian experience requirements and will continue to do so. A review conducted by the OFC in 2017-18 indicates that, there is evidence that progress is being achieved. Most professions now offer some acceptable way of allowing applicants to meet the

requirement for Canadian experience. However, Canadian experience requirements still represent a significant challenge to applicants in four professions – architecture, engineering, medicine and psychology. The OFC will continue to work with regulatory bodies to develop action plans for addressing this barrier.

INTEGRATING FAIRNESS FROM THE OUTSET: OFC contributes to legislative amendments

From 2014 through to 2017, the legacy accounting professions of Ontario worked with the government to develop legislation that formally merges those three professions. The OFC helped ensure that fair registration practices would be incorporated into the legislation for a unified accounting profession from the outset. In writing the legislation, the Ministry of the Attorney General, consulted

with the Fairness Commissioner as a source of expertise on building fairness access principles into the governing legislation of the merged regulatory body, the Chartered Professional Accountants of Ontario (CPA Ontario).

The OFC was especially concerned with ensuring that the new legislation contain adequate provisions for public accountability and the inclusion of a public voice. The OFC made recommendations to CPA Ontario and the Ministry of the Attorney General on strengthening the legislation. In May 2017, the Chartered Professional Accountants of Ontario Act, 2017 was passed, and addressed most of the OFC's recommendations. Most notably, it clarified that the principle objective of CPA Ontario's council is to protect the public interest. Furthermore, the CPA Ontario's Council must submit their by-laws related

to membership requirements and students to the Minister for approval.

In 2018, the *Regulated Health Professions Act, 1991* (RHPA) was amended to be better aligned with the FARPACTA. These amendments came into effect in response to recommendations made earlier by the OFC.

As these examples show, the OFC has matured as an organization and is now perceived by many stakeholders in Ontario, and across the country, as a source of expertise on issues related to fair access.

Eighteen

professions have completed their third assessment. In the first cycle of assessments in 2011-2012, **these same 18 professions had only 6 per cent compliance rate.**



Of these 18 professions, **50 per cent are now compliant.**

FAIRER ACCESS

SUCCESS STORIES

Regulated professions continue to improve registration practices by finding alternative ways for demonstrating competency, reducing registration time for applicants, and improving validity and reliability of assessment methods. In the past year, there were several examples.

FINDING ALTERNATIVE WAYS OF DEMONSTRATING COMPETENCY

The College of Physiotherapists of Ontario

The College previously required applicants to obtain a “letter of professional/good standing” from a regulator in another country. However, some applicants find it difficult, and sometimes impossible, to obtain such a letter due to prevailing circumstances in that country.

Today, applicants who have waited for more than a month for the letter of professional standing can complete a statutory declaration in relation to their standing with the regulator in another jurisdiction. In this way, applicants have an alternative way to demonstrate how they meet the good character requirements when a timely confirmation from another jurisdiction is not available.

The College of Dietitians of Ontario

The College has been using a credential assessment which relied on a paper review of the content of the applicant’s courses. They are now using a Prior Learning Assessment and Recognition (PLAR) process for internationally educated applicants. The PLAR directly assesses an applicant’s current knowledge, skills and judgment, which allows the College to appropriately direct applicants to the appropriate pathways to registration.

The Ontario Association of Architects

The Association required interns to complete the admission course, a requirement for registration, only during their annual conference. Understanding that not all interns can take time away from work and family for the period of the annual conference, the association now offers the admission course over four consecutive Saturdays. In addition to this alternative, they are launching an online admission course in conjunction with the University of Toronto School of Continuing Studies.

REDUCING REGISTRATION TIME FOR APPLICANTS

The Law Society of Ontario

streamlined telephone queues to effectively route applicant calls about admission issues. They also improved their online messaging system so that applicants can view their status in real time, including examination selections and documents submitted.

The Ontario Association of Architects

implemented an online Experience Record Book for applicants to record their mandatory experience hours. This facilitates data entry, makes it easier to obtain the necessary signatures from an experience supervisor and mentor and eliminates the need to send hard copies via the postal system.

The College of Physiotherapists of Ontario

has streamlined its intake process and published timelines for processing – five days to review applications and ten days to process complete applications. All applicants go through the same review and processing phases.

To further speed up the process, applicants will be advised by email if their application is incomplete or if additional information is required. The streamlined process allows the College to manage the expectations of applicants, improve client service and measure staff performance.

The College of Opticians of Ontario

reduced overall application timelines for applicants undergoing its PLAR process by scheduling in-person interviews on an as-needed basis. These interviews were previously offered three times per year only.

IMPROVING VALIDITY AND RELIABILITY OF ASSESSMENT METHODS

The College of Veterinarians of Ontario updated its jurisprudence examination with a change to multiple choice questions, from four-options to three-options. They also increased the number of scored items and extended the time length for completing the exam. Refreshing the exam ensures a more accurate way to assess applicants' current knowledge of Ontario legislation and regulations.

The Ontario College of Pharmacists launched the Practice Assessment of Competence at Entry (PACE) for registered pharmacy students to replace a previous training requirement. PACE results strengthen the objective evidence available to panels determining whether additional education or training is required in meeting entry-to-practice competencies. This approach further strengthens and supports transparent, objective, impartial and fair decisions.

CONTINUED EVOLUTION IN THE ROLE OF FAIRNESS COMMISSIONER

Since 2006, most regulated professions have made improvements in the ways they license individuals. At the same time, fair access issues persist despite efforts to address them. In 2011, the OFC adopted its current Strategy for Continuous Improvement. In the past five years, new regulated professions have come under the purview of the OFC, including the Ontario College of Trades, which regulates 23 compulsory trades. With these and other changes in mind, the Fairness Commissioner is committed to implementing a modernized approach to monitoring and assessing compliance of regulatory bodies with fair access legislation. The goal is to create faster, smarter, streamlined practices while ensuring transparency, objectivity,

impartiality and fairness in registration practices. There are several areas where the OFC will work to develop its approach to risk-informed oversight.

1. AN ONGOING CONVERSATION ON FAIRNESS: Bringing different voices to one table

Promoting fairness and equitable access to opportunity means creating a culture of continually sharing experiences. When people with diverse backgrounds get together around one table, it creates the kind of exchanges that can promote collaboration and accelerate progress. This year, the OFC established a stakeholder engagement committee made up of over 16 members representing various

organizations that have a stake in fair access. It includes representatives of regulated professions and compulsory trades, educational institutions, immigrant serving organizations, employer organizations, ministries and federal government departments.

As the OFC establishes new standards and develops principles around risk-informed oversight, it will need a diverse range of perspectives. The stakeholder engagement committee will act as a sounding board on potential new initiatives. Where needed, working groups will work on specific issues and challenges.



The Fairness Commissioner is committed to ensuring that assessment of qualifications is conducted in a way that reflects the requirements and spirit of fair access legislation.

2. MONITORING EVERY STEP OF REGISTRATION:

Engaging third-party assessment agencies

Third-party assessment agencies make important contributions to helping people become established in Ontario. For example, third parties often assess educational qualifications and administer

professional competency examinations. Most of the professional regulatory bodies in Ontario use these types of services to determine the qualifications of foreign-trained applicants. As a result, third-party assessment agencies can have a significant impact on the outcomes experienced by foreign-trained individuals seeking to join a regulated profession. However,

the full scope of activities of third-party agencies have not yet been monitored by the Fairness Commissioner to better understand their assessment practices and what impact those practices have on fair access to regulated professions and trades in Ontario.

In cases where no formal agreement exists, the OFC will encourage and advise regulatory bodies in developing a memorandum of understanding with their third-party assessors.

The Fairness Commissioner is committed to ensuring that assessment of qualifications is conducted in a way that reflects the requirements and spirit of fair access legislation.

3. KEEPING PACE WITH CHANGE: Setting clear and easily understandable standards

The OFC assesses registration practices against a set of standards that were developed in 2011. Because Ontario was a leader in legislating fair access to professions, there were not existing models in other jurisdictions from which to draw lessons and potential frameworks. So, Ontario developed standards independent of any existing roadmap. To engage in a modern, risk-informed model of regulation, these standards will need to be refined and updated. Current standards are focused on outputs, rather than outcomes. Standards need to be more closely aligned with the stated goals of fair access legislation and function well in the evolving environment in Ontario. Standards should be understandable and communicate to regulatory bodies the steps needed to be compliant with fair access legislation.

4. DETERMINING RISK: Delivering better results with a lower regulatory burden

With its renewed mandate, and with progress made by regulatory bodies in improving fairness of their registration practices, the Fairness Commissioner will put an increased focus on risks to fairness. Doing so would reduce the regulatory burden on bodies that are succeeding in removing barriers to fair access to professions. It would also focus compliance efforts on factors that are having the greatest impact on applicants. The OFC's stakeholder engagement committee, other outreach efforts and continuing research will help shed light on how to best identify risks, respond to them and measure the impact of those response measures.



Standards need to be more closely aligned with the stated goals of fair access legislation and function well in the evolving environment in Ontario.

APPOINTMENT

Fairness Commissioner: Grant A. Jameson

Appointed: April 5, 2017

Appointment term expires: April 4, 2019

PERFORMANCE MEASUREMENT FRAMEWORK

The OFC is transitioning to a risk-response approach for compliance assessments of regulatory bodies to ensure that regulatory bodies have registration practices that are transparent, objective, impartial and fair. Performance targets will be developed in 2018-19, reflecting this new approach.

FINANCIALS

In the 2017-18 fiscal year, the OFC's governance model changed. While the Fairness Commissioner retains independence in its regulatory function, the OFC staffing and financial resources are governed by the appropriate public service legislation and reporting requirements. As a result, the OFC is reporting its financial performance in two sets of data.

1. Audited financial statement covering April 1, 2017 to August 31, 2017* representing the OFC as a Public Body
2. Statement of Operations covering September 1, 2017 to March 31, 2018 representing the OFC as a commissioned public body in the form of the public reporting requirements for Ontario government agencies.

*Full audited financial statements for the period of April 1, 2017 to August 31, 2017 are available on the OFC website.

Statement of Operations**Period Ended August 31, 2018**

	August 31, 2017	Year Ended March 31, 2017
Revenues		
Ministry of Citizenship and Immigration	\$ 904,073	\$ 1,372,500
Interest income	2,103	3,637
	906,176	1,376,137
Expenses		
Salaries, wages and benefits (Note 5)	648,060	854,178
Services	118,111	273,698
Office administration	87,250	131,688
Transportation and communications	30,136	17,532
	883,557	1,277,096
Excess of revenues over expenses before amortization	22,619	99,041
Amortization of capital assets	65,501	16,621
(Deficiency) excess of revenues over expenses from operations	(42,882)	82,420
Repayment of accumulated surplus to Ministry Of Citizenship and Immigration (Note 5)	(402,543)	-
(Deficiency) excess of revenues over expenses for the year	\$ (445,425)	\$ 82,420

See accompanying notes to financial statement

Notes to Financial Statements

August 31, 2017

1. PURPOSE OF THE OFFICE

The Office of the Fairness Commissioner is responsible for assessing the registration practices of certain regulated professions. Its purpose is to make sure these practices are transparent, objective, impartial and fair for anyone applying to practice his or her profession in Ontario.

2. SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations and are in accordance with Canadian generally accepted accounting principles. Significant accounting policies followed in the preparation of these financial statements are:

a) Cash and short term investments

Cash and short term investments consist of cash on hand, current bank accounts, and short-term investments, with redemptions within one year of the year end.

b) Capital assets

Capital assets are recorded at cost less accumulated amortization. Amortization is calculated on a straight-line basis over the estimated useful lives of the assets, as follows:

Furniture and fixtures	5 years
Computer equipment	3 years
Leasehold improvements	10 years

Notes to Financial Statements

August 31, 2017

2. SIGNIFICANT ACCOUNTING POLICIES (CONT'D)

c) Revenues

Funds provided by the Ministry of Citizenship and Immigration are recognized in the year in which they are earned.

d) Measurement uncertainty

The presentation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reported period. Actual amounts could differ from these estimates.

e) Measurement of financial instruments

The Office initially measures its financial assets and liabilities at fair value. The Office subsequently measures all its financial assets and financial liabilities at amortized cost. Financial assets measured at amortized cost include sales tax rebate receivable. Financial liabilities measured at amortized cost include accounts payable and accrued liabilities. The entity has not designated any financial assets or financial liabilities to be measured at fair value.

Notes to Financial Statements

August 31, 2017

3. CAPITAL ASSETS

Capital assets consists of the following

			August 31, 2017	March 31, 2017
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Furniture and fixtures	\$ 132,844	\$ 132,844	\$	\$
Computer equipment	16,812	16,812		
Leasehold improvements	176,140	176,140		65,501
	\$ 325,796	\$ 325,796	\$	\$ 65,501

As a result of the Transition of the Office of the Fairness Commissioner as described in Note 5, the Office of the Fairness Commissioner fully amortized the remaining capital assets in the current period.

Notes to Financial Statements

August 31, 2017

4. FINANCIAL INSTRUMENTS

Interest rate risk

Interest rate risk is the risk that the fair value of a financial instrument will fluctuate due to changes in market interest rates. The Office does not currently have a significant exposure to interest rate risk.

Liquidity risk

Liquidity risk is the risk that the Office will not be able to meet its obligations associated with financial liabilities. Cash flows from operations provides a substantial portion of the Office's cash requirement.

5. TRANSITION OF THE OFFICE OF THE FAIRNESS COMMISSIONER

On March 22, 2017, Bill 27, the Burden Reduction Act, 2016 received Royal Assent. This legislation changed the Office's governance and reporting structure from one of a Public Body to that of a Commission Public Body. The mandate of the Fairness Commissioner will remain unchanged. The Office of the Fairness Commissioner became a Commission Public Body on September 1, 2017.

As a result of the Transition, included in salaries, wages and benefits are termination benefits amounting to \$223,804.

The Ministry of Citizenship and Immigration required a repayment of the balance of the Unrestricted Fund of the Net Assets which amounted to \$402,543.

Statement of Operations

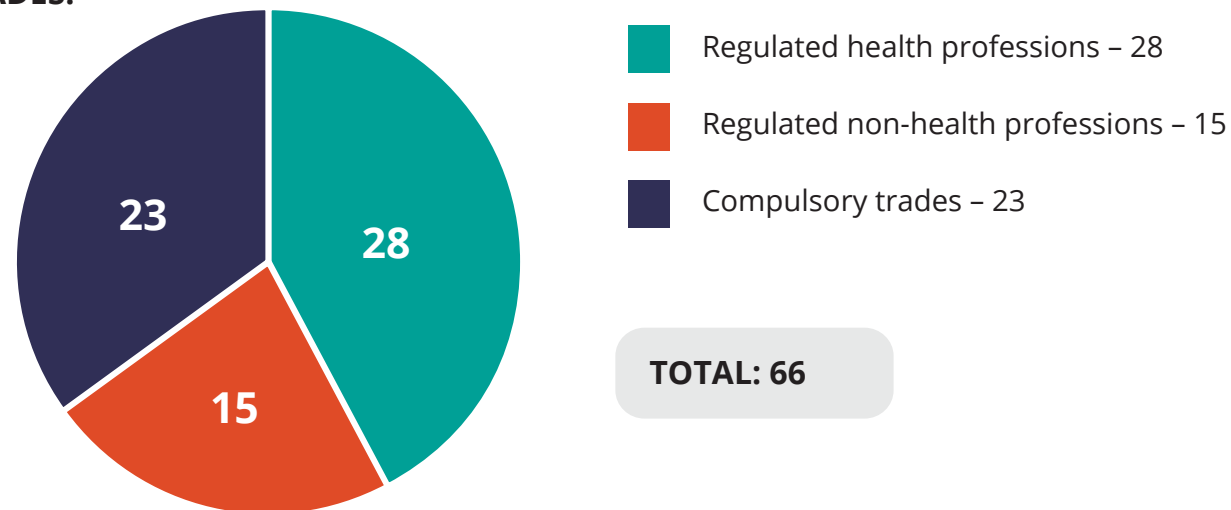
Period from September 1, 2017 to March 31, 2018

	2017-18 Budget	Actual Expenditures
Standard Account		
Salaries and Wages	396,000	454,608
Employee Benefit	41,600	56,169
Transportation and Communication	12,000	31,734
Services	409,400	229,306
Supplies and Equipment	6,000	6,995
Total	\$ 865,000	\$ 778,812

ANNUAL REPORT DATA

PROFILES OF REGULATORS, REGULATED PROFESSIONS AND TRADES IN ONTARIO, 2017

REGULATED PROFESSIONS AND TRADES:



REGULATORS:

26

Health regulators

13

Non-health regulators

1

Trades regulator

2017 SNAPSHOT

Ontario's Regulated Professions and Trades	Licensed Professionals	Licensed Internationally Trained Professionals	New Applications Received for Professional Licensure	New Applications from Internationally Trained Professionals
2008	707,027	96,273	50,105	13,338
2016	1,153,273	128,431	81,857	12,973
2017	1,182,826	132,880	85,436	13,416
Increase from 2008	67.3%	38.0%	70.5%	0.6%
Increase from 2016	2.6%	3.5%	4.4%	3.4%

Each profession files a Fair Registration Practices Report annually with the OFC. Raw data has been extracted and aggregated from each profession's Fair Registration Practices Report.

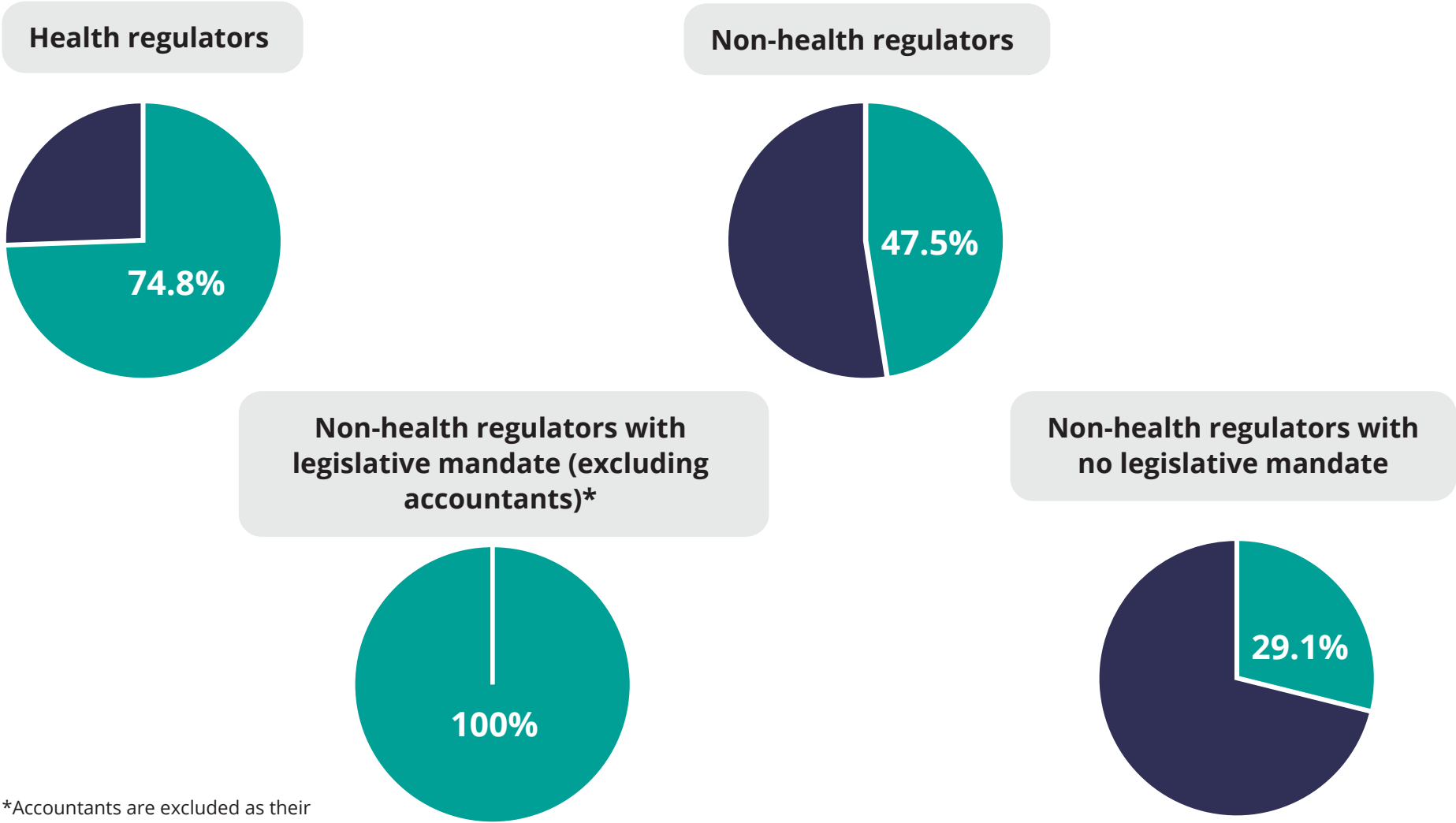
Professions/trades with highest percentage (%) of internationally trained members, 2017	Percentage
Pharmacists	46.1%
Dental Surgeons	37.4%
Optometrists	35.3%
Audiologists and Speech-Language Pathologists	34.5%
Homeopaths	32.2%
Architects	30.9%
Physicians and Surgeons	30.4%
Engineers	27.6%
Chiropractors	26.8%
Physiotherapists	25.8%

Professions/trades with highest percentage (%) of increase in internationally trained members, 2012-2017	Percentage
Lawyers	182.7%
Early Childhood Educators	118.6%
Physiotherapists	62.4%
Dental Surgeons	47.9%
Opticians	38.7%
Optometrists	36.3%
Pharmacists	34.3%
Dietitians	28.8%
Architects	27.6%
Veterinarians	23.9%

Each profession files a Fair Registration Practices Report annually with the OFC. Raw data has been extracted and aggregated from each profession's Fair Registration Practices Report.

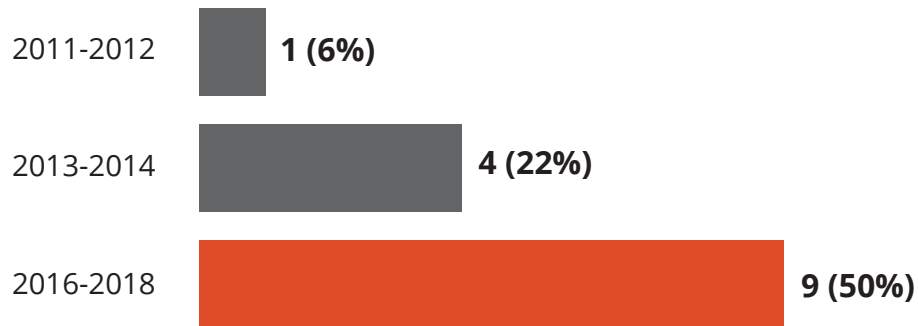
AVERAGE RATE OF FRENCH LANGUAGE SERVICES REPORTED

 Average Rate of French Language Services Reported



*Accountants are excluded as their legislative mandate relates to discipline and appeals committee proceedings.

NUMBER OF PROFESSIONS FOUND IN COMPLIANCE WITH THE FAIR ACCESS LEGISLATION BY ASSESSMENT CYCLE



In addition, there was a 55 per cent decrease in recommendations made to these 18 professions in the 2016-2018 cycle as compared to the 2013-2014 cycle.

NUMBER OF RECOMMENDATIONS



NUMBER OF RECOMMENDATIONS MADE TO INDIVIDUAL PROFESSIONS IS DECREASING AS COMPARED TO THE PREVIOUS ASSESSMENT CYCLES

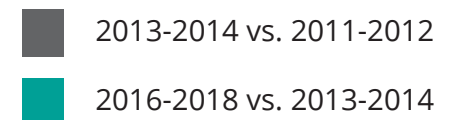
Number of professions that received fewer recommendations or similar number of recommendations as compared to previous assessment cycle



Number of professions that received a similar number of recommendations as compared to previous assessment cycle



Number of professions that received a higher number of recommendations as compared to previous assessment cycle



COMPLIANCE*

1. Compliance rates by fair access duties.**

Fair access duties	Per cent of professions not in compliance	Per cent of professions in compliance
Assessment of Qualifications	39%	61%
Training	28%	72%
Fairness	28%	72%
Transparency	17%	83%
Objectivity	17%	83%
Impartiality	17%	83%
Internal Review or Appeal	11%	89%
Timely Decisions, Responses and Reasons	6%	94%
Access to Records	100%	100%

2. Changes in compliance rates by cycles.**

Fair access duties	Compliance Rates		
	2011-2012	2013-2014	2016-2018
Access to Records	89%	94%	100%
Timely Decisions, Responses and Reasons	94%	100%	94%
Internal Review or Appeals	94%	94%	89%
Training	56%	72%	72%
Fairness	56%	39%	72%
Transparency	22%	44%	83%
Objectivity	100%	94%	83%
Impartiality	94%	94%	83%
Assessment of Qualifications	28%	22%	61%

*Based on 18 assessments completed before the end of this fiscal year

**Calculated based on the number of professions not receiving recommendations during 2016-2018 assessment cycle

3. Most improved areas in 2016-2018 vs. 2013-2014 (areas where compliance rates have increased).^{*} While substantive improvements have been achieved in these areas, compliance rates remain challenging. Further improvements are necessary.

Fair access duties	Compliance rate in 2013-2014	Compliance rate in 2016-2018
Transparency	44%	83%
Assessment of Qualifications	22%	61%
Fairness	39%	72%
Access to Records	94%	100%

4. Areas of emerging or persistent issues where compliance rates have decreased in 2016-2018 vs 2013-2014.^{*}

Fair access duties	Compliance rate in 2013-2014	Compliance rate in 2016-2018
Objectivity	94%	83%
Impartiality	94%	83%
Internal Reviews and Appeals	94%	89%

5. Areas where compliance rates have not changed in 2016-2018 vs 2013-2014.

Areas of fair access duties	Compliance rate in 2013-2014	Compliance rate in 2016-2018	Change
Training	72%	72%	0%

6. Fair access duty areas where the highest number of recommendations have been made. During 2016-2018 assessments cycle for 18 completed assessments.

1. Assessment of Qualifications	23 (32%)
2. Fairness	16 (23%)
3. Transparency	13 (18%)
4. Impartiality	6 (8%)
5. Objectivity	4 (6%)

^{*}Based on the number of professions receiving recommendations during 2016-2018 assessment cycle for 18 professions

OFFICE OF THE FAIRNESS COMMISSIONER

595 Bay Street, Suite 1201,
Toronto, ON
M7A 2B4, Canada

phone: 416.325.9380
toll-free: 1.877.727.5365
tty: 416.326.6080

ofc@ontario.ca

www.fairnesscommissioner.ca



FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ