



Annual Report of the Office of the Fairness Commissioner 2022–2023

A Tipping Point for Fair Registration Practices



FAIRNESS COMMISSIONER

COMMISSAIRE À **L'ÉQUITÉ**

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

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

Table of Contents

Commissioner's Message.....	2
Mission, Mandate, Principles and Regulator Compliance Obligations	5
1. Introduction	5
2. The Four Foundational Principles and General Duty	5
3. Specific Duties	6
4. Functions of the Fairness Commissioner	7
5. The Applicant Registration Ecosystem.....	8
6. Fair Registration Practices Report (FRP) Statistics.....	9
I. New Applicants to Ontario's Regulated Professions in 2021.....	9
II. Top 10 Source Countries with the Largest Number of Internationally Trained Applicants in Ontario's Professions.	10
III. Top Five Source Countries for Internationally Trained Applicants for the Five Professions that Received the Greatest Number of Applicants.	10
The OFC's Accomplishments:	11
1. Operationalizing our Risk-Informed Compliance Framework	11
2. Legislative Amendments to FARPACTA and the RHPA	16
3. Applying Diversity, Inclusion and Anti-Racism Principles to Improve Fair Registration Practices	17
4. OFC Outreach Initiatives	18
Some Issues that the OFC is Pursuing with Regulators	18
1. The Registration of Internationally Trained Health Professionals:.....	18
Internationally Trained Medical Graduates	18
Internationally Trained Nurses	19
Internationally Trained Dentists	20
2. Meeting the Needs of Ontario's Labour Market.....	21
Performance Measurement Framework and the OFC's Client Satisfaction Survey.....	22
Appendix A: The Applicant Registration Ecosystem.....	24
Appendix B: Risk-Based Continuum Categories with Associated OFC Compliance Tools	25
Appendix C: Performance Updates for Regulators with Elevated Risk Ratings.....	26
Appendix D: Financial Statements.....	30
Appendix E: Organization Chart	31

Commissioner's Message

The Office of the Fairness Commissioner (OFC) is a Government of Ontario agency which performs an important oversight role across the province's regulated professions, regulated health colleges and Skilled Trades Ontario. Its mandate is to help ensure that the registration practices of these organizations are transparent, objective, impartial and fair.

The work of the OFC is designed to provide better outcomes for applicants who wish to join the professions and skilled trades, whether they are educated in Ontario, other Canadian jurisdictions, or internationally.

I was initially appointed as Fairness Commissioner in January 2020 and have, thus, now occupied this role for just over three years. In previous [annual reports](#), I have provided some information on my personal background and motivations for seeking this role, which you are welcome to review in our [2020-2021 Annual Report](#).

This annual report covers the period from April 1, 2022 to March 31, 2023. During this time frame, the OFC embarked on, or continued, numerous important initiatives designed to achieve better outcomes for applicants and to solidify its role as a modern regulator.

These efforts were achieved during a time of significant change as professional regulators and applicants alike continued to recover from the challenges associated with the COVID-19 pandemic. In addition, there was a renewed focus on labour supply shortages that a number of professions and skilled trades were required to address.

Following the passage of several important legislative and regulatory reforms to fair registration practices in the province, regulators also worked hard to implement these new provisions. These involve mandatory registration time limits, reducing duplicative language proficiency testing requirements, addressing registration bottlenecks during emergencies and placing parameters around the use of Canadian experience requirements.

Our office has been active in providing the government with insights on these topics and developing the necessary guidelines and educational materials to support regulators to meet their new legal obligations.

In March 2023, the Minister of Labour, Immigration, Training and Skills Development built upon these reforms by introducing a new round of proposed legislative amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA). One of these would, if passed, impose a duty on each regulated profession "to work in consultation with its responsible Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated professionals".

This proposed amendment, which replicates a provision already contained in section 2.1 of Schedule 2 of the *Regulated Health Professions Act, 1991* (the RHPA), underscores the increasing need for regulators to integrate labour market considerations into their adoption of fair registration practices.

I would like to thank Minister McNaughton, staff from his office and officials from the Ministry of Labour, Immigration, Training and Skilled Development (MLITSD), including Assistant Deputy

Minister Ken Nakahara, for giving us the opportunity to provide input and advice on the various legislative changes that have been considered.

With respect to the health regulatory colleges, earlier in 2022, the Minister of Health issued an important directive to both the nursing and medical health colleges to recommend ways to make the registration of internationally trained health professionals more efficient. The responses provided by the health colleges were creative and have already yielded important enhancements to existing regulatory frameworks and available programming.

Owing to these legislative and program initiatives, and a growing public consensus that the province needs to take full advantage of its available human resources, I have thematically characterized the last 12 months as “a tipping point for fair registration practices”. The pillars for this consensus rest on labour market shortages in several critical professions and skilled trades, and the reality that Canada’s immigration goals will be frustrated if newcomers cannot practice the occupations for which they have been trained.

“The mechanics for registering professionals and skilled tradespersons are becoming a crucible for achieving positive immigration outcomes, meeting the evolving economic needs of the province, furthering the public interest and helping to ensure that skilled employees achieve their full potential.”

It is, therefore, critical that everyone involved in the registration of applicants, particularly those who are internationally trained, relentlessly focus on ways to remove barriers to licensure and increase the throughput of skilled candidates.

While our office engages with many stakeholders, our relationship with Ontario’s 41 professional regulators is particularly important since these are the organizations that are directly accountable for implementing fair registration practices.

As this annual report will indicate, our office performs traditional regulatory oversight responsibilities. However, we also play the role of strategic advisors to regulators. We have consistently found that, through adopting this function, we can most effectively promote improvements to fair registration practices. Another way to describe this function is that of a “boundary spanner”.

Management research has shown that people who understand, but are not fully part of, an organization’s world, typically provide the most useful input to that organization when asked to comment on program effectiveness. This neatly summarizes our office’s sphere of expertise. Our compliance analysts meet regularly with professional regulators to discuss how these organizations have performed, to identify gaps and to provide insights on how to improve their registration processes.

The OFC structures this work through its new risk-informed compliance framework (RICF), where our office focuses its resources on those professional regulators that would benefit most from our advice. While the RICE has only been in place since April 2021, we are already observing improvements in the practices of higher risk regulators. We comment more fully on the framework later in this report.

We also meet regularly with officials from the Ontario Ministry of Health, which has a broad supervisory mandate for the 26 regulated health colleges for which we have joint oversight. I would like to personally thank Assistant Deputy Minister Dr. Karima Velji, and her staff, for their willingness to engage with us in constructive discussions on issues that impact applicants to the health colleges.

I also wish to take the opportunity to thank the many individuals involved in the immigration, settlement, licensure and regulatory sectors for their continuing work to provide information and guidance to applicants and to improve the transparency and fairness of the registration process.

Finally, I wish to commend the work of OFC staff during this very dynamic period. Although we are a modestly sized agency, we have many irons in the fire and continue to serve as a thought leader to the regulatory community, government and other stakeholders.

Our focus remains steadfastly on improving the fair and timely licensure of applicants to meet the needs of the public and to allow them to fulfill their dreams.

The remainder of this report builds upon the themes that I have identified. I hope that you will find this to be an interesting read.

Sincerely,

Irwin Glasberg,

Fairness Commissioner for the Province of Ontario

Mission, Mandate, Principles and Regulator Compliance Obligations

1. Introduction

The Office of the Fairness Commissioner's (OFC) mandate is to oversee the registration practices adopted by regulated professions, regulated health colleges and skilled trades. This authority is set out in the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA), which governs the 14 non-health professions, and Skilled Trades Ontario, and the Health Professions Procedural Code under Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA). The latter statute governs the practices and policies of the 26 self-governing regulated health colleges.

The OFC works with these regulatory bodies to help establish registration processes that are transparent, objective, impartial and fair, and that comply with the specific legal obligations identified in the legislation. Our overarching goal is to help ensure that qualified professionals can contribute to Ontario society to the full extent of their skills, training and aptitudes.



Under Ontario's legislative framework for self-regulation, a designated professional regulator or health college assumes responsibility for assessing the qualifications of applicants, licencing them and for governing the professional conduct of its members so that the public interest is served. Applicants must meet the stipulated standards to receive a license to legally work in the occupation and / or to use a professional title.

2. The Four Foundational Principles and General Duty

There are four foundational registration principles set out in FARPACTA and the RHPA, which are collectively described as a general duty. These four principles are summarized below:

Transparency

To be transparent means that a regulator's instructions and guidelines for its registration processes are clear, accurate and straightforward. This degree of clarity is necessary to enable applicants to easily follow the required steps in the process. Transparency also demands the availability of information that can be easily understood with clear milestones to allow applicants to monitor their progress in completing the registration process.

Objectivity

To be objective means that a regulator's tools, assessment criteria, procedures and training processes are designed to enhance the consistency of decision-making across applicants. Such results should be achieved regardless of the individual rendering the decision, the

particular factual context, and/or whether the decision is made by a regulator or a third-party service provider. Decision-making systems should also invest in well-trained and qualified adjudicators to promote sound, valid and reliable decisions.

Impartiality

To be impartial means that a regulator must make its decisions through a process that is free of bias that, if present, could produce subjective or tainted assessments or decisions. Sources of bias could include actual or perceived conflicts of interest, preconceived notions, or a lack of cultural competency. Each regulator is responsible for identifying sources of bias and for taking appropriate steps to address such bias and ensure impartiality, which would normally include enhanced training and the adoption of standard procedures to follow where an issue of bias is suspected.

Fairness

Fairness must sit at the heart of the registration process for applicants who wish to join a profession, health college, or compulsory trade. Fairness comprises several dimensions. It is often contextual in nature and not always amenable to precise definition. It can also overlap with the first three principles discussed.

At its core, fairness means that a regulator needs to identify the steps necessary, and the documentation required, for a candidate to complete the registration process. The assessment must be rational and above-board, and not place unnecessary and ill-conceived obstacles in the way of success. Everyone should have the same prospects irrespective of their country of training or background.

The process needs to be expedient, and there must be a chance for an arm's-length review if the individual disagrees with a decision. Those running the processes should embrace their responsibilities with a spirit of purpose, wisdom, and empathy.

3. Specific Duties

These four nested principles also provide a philosophical underpinning and interpretative framework for applying the more specific duties outlined in the legislation. These provisions deal with such requirements as, but are not limited to:

- Establishing maximum time periods within which a regulator must complete defined aspects of the registration process.
- Ensuring that assessment decisions made by the regulator, or a third-party service provider, are transparent, objective, impartial and fair.
- Enabling applicants to obtain access to records relevant to their files.
- Prohibiting Canadian experience requirements unless certain specified pre-conditions are met.
- Reducing the number of language proficiency tests that applicants must take during the immigration and professional licencing process.
- Addressing barriers to registration in emergency situations.

4. Functions of the Fairness Commissioner

The OFC is led by the Fairness Commissioner, whose overall mandate is set out in section 13(3) of FARPACTA and 22.5(1) in Schedule 2 of the RHPA. While the wording of the two statutes differs in certain respects, the legislation confers the following broad functions on the commissioner:

- Assessing the registration processes of regulated professions.
- Specifying when a regulator's registration practices should be reviewed and when a fair registration practices report should be filed.
- Monitoring third parties relied on by regulated professions to help ensure that their candidate assessment and examination processes comply with the legislation.
- Providing information and advice to regulators to help them understand how to comply with their legislative obligations.
- Establishing eligibility requirements that a person must meet to qualify to conduct audits.
- Advising ministries about matters under the legislation that affect a ministry or a regulator under its jurisdiction.
- Advising the MLITSD Minister on the administration of the legislation.
- Reporting to the MLITSD Minister and other ministers on registration practices relating to internationally trained individuals.

The OFC oversees the licensing practices of 41 regulatory bodies. These organizations cover virtually every sector of the province's economy. Our office also performs a variety of other roles consistent with its statutory mandate. These include disseminating best practices through education and outreach and advising regulators and other stakeholders on how to comply with the legislation.

The OFC also works collaboratively with its MLITSD counterparts to help ensure that Ontario's immigration, labour-market, and domestic mobility goals for the employment of professionals and skilled tradespersons are synchronized.

The intended beneficiaries of fair access legislation are the individuals who apply for registration to a profession or skilled trade, whether they are domestically or internationally educated or trained.

While the legislation prohibits the Fairness Commissioner from becoming involved in individual registration decisions, internal reviews or appeals, the office may choose to pursue individually reported fair registration issues that are repetitive in nature or that display a systemic dimension. We continue to remain active in this sphere.

In 2022-23, the OFC participated in a mandate review of its operations as set out in the provincial government's Agencies and Appointments Directive. Such reviews must be undertaken once every six years.

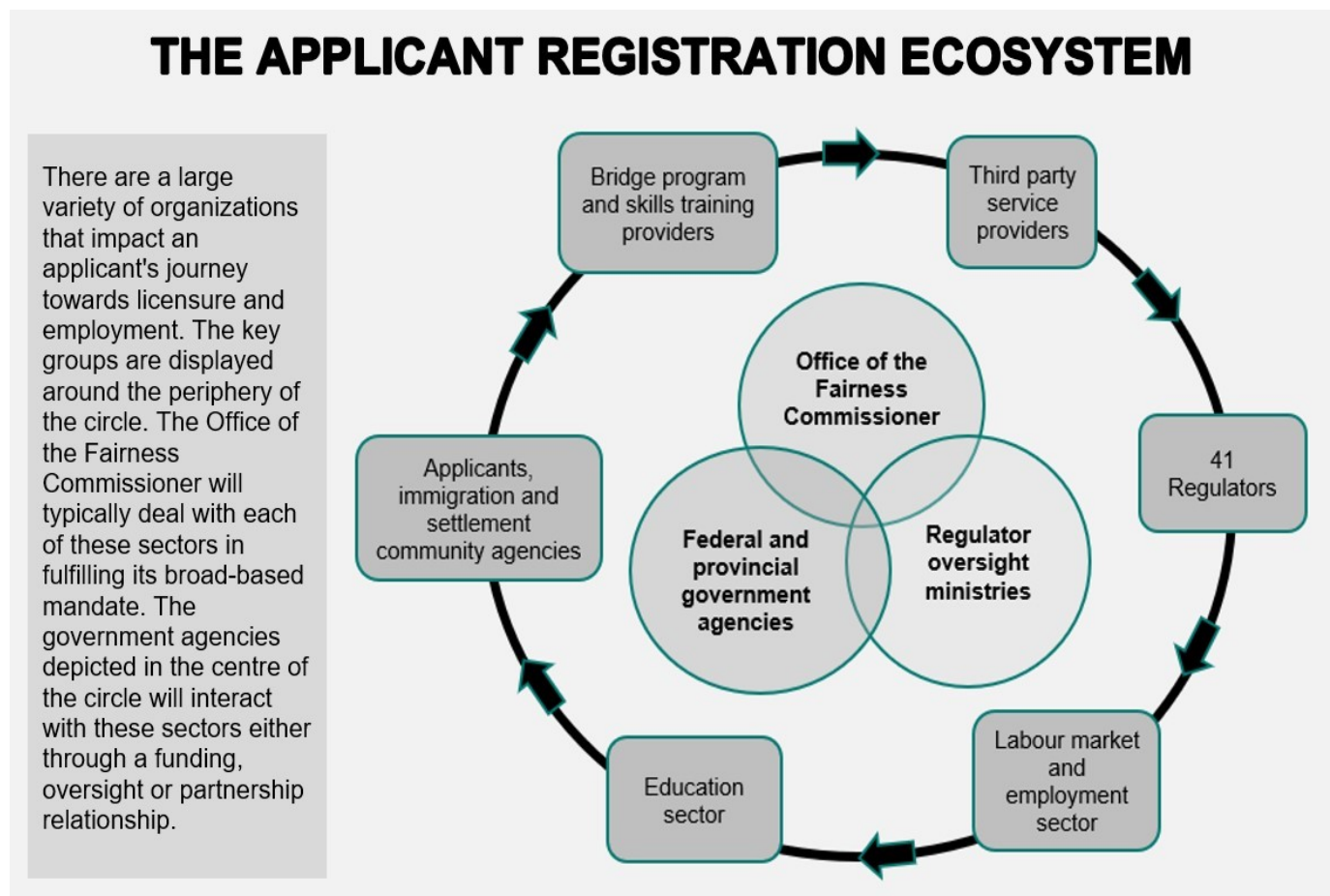
The purpose of the mandate review is to ascertain whether:

- The agency is carrying out the activities and operations that represent its mandate.
- The mandate continues to be relevant to the goals and priorities of the Government of Ontario.
- All or part of the functions of the agency are best performed by it, or whether they might be better performed by a ministry, another provincial agency, or another entity.
- There are short-term and long-term opportunities to enable efficiencies.
- Maintaining the agency in its current form is sustainable over the long-term.

OFC officials met with the consulting firm that led this review on several occasions to respond to questions and to share documentation. Our office looks forward to receiving the findings of the review.

5. The Applicant Registration Ecosystem

The OFC interacts with a complex ecosystem that is associated with an applicant's journey through education, credentials assessment, registration, licensing and employment processes. The various participants, and when and how they interact with applicants, are depicted in the circular journey map below. It is also available in a larger format in [Appendix A](#).



6. Fair Registration Practices Report (FRP) Statistics

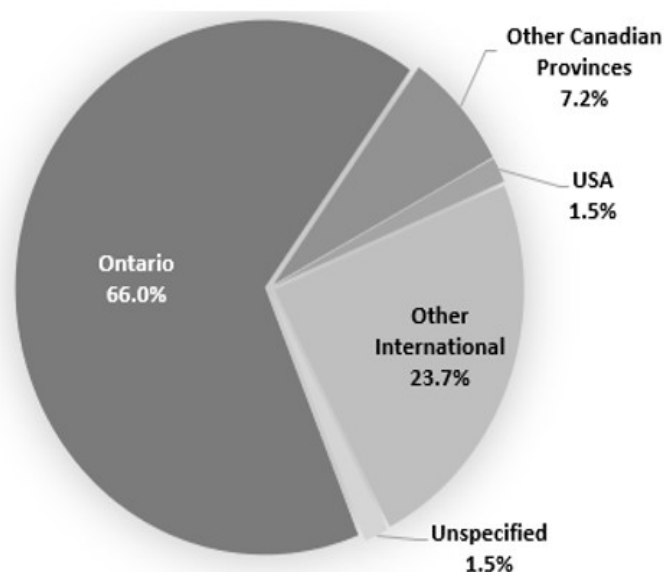
Typically, the OFC has solicited FRP reports from regulators on an annual basis. Through these reports, regulators provide our office with, among other things, information on registration trends within their professions or skilled trades, and adjustments that they have made to their registration processes.

In December 2021, the OFC made the decision to delay the distribution of its 2020-21 FRP template. We made this determination based on the significant changes that had occurred in the sector over the past 12 months. These included the need for regulators to adjust their processes to comply with two waves of legislative amendments that had either been passed or were pending. The OFC wanted to ensure that its FRP requests solicited the necessary baseline data to document regulator compliance with any new legal obligations.

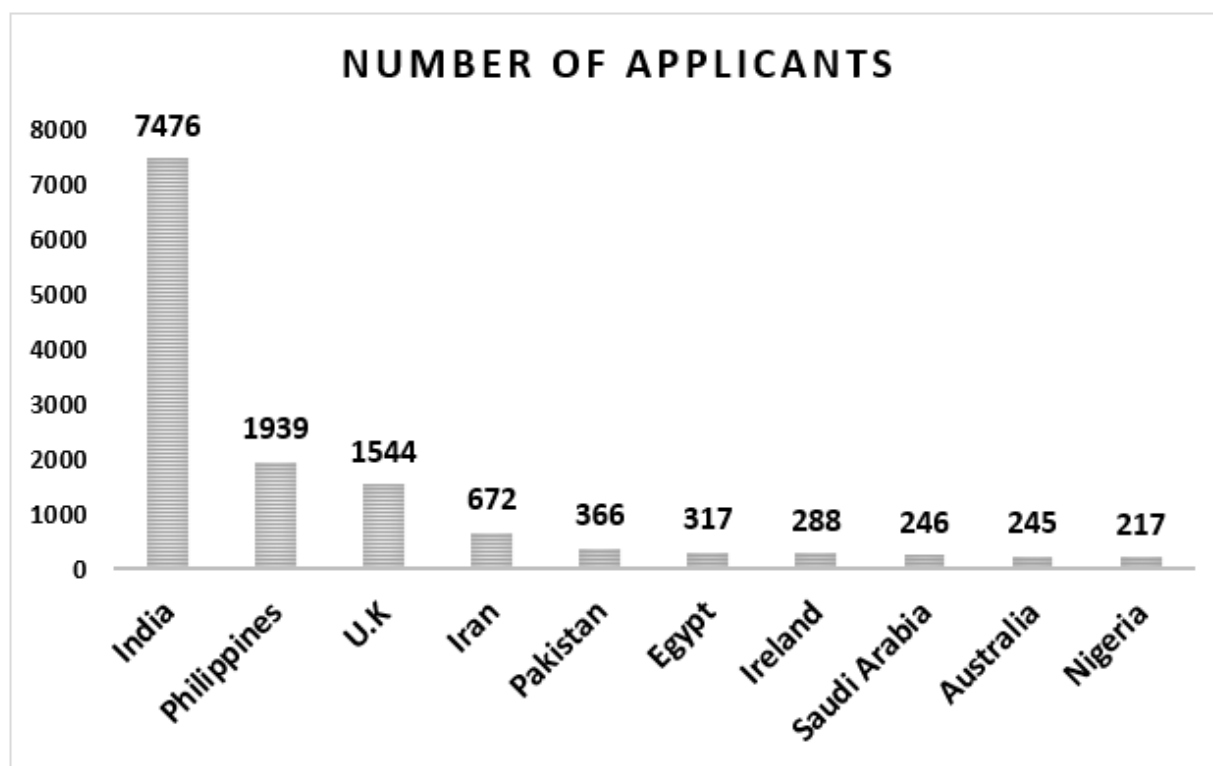
The 2021 FRP report was, thus, released in September 2022 and some key findings are reported below. The OFC plans to disseminate its 2022 FRP template in May 2023, with responses due in August 2023. Our goal is to return to the regular annual reporting cycle in January 2024.

i. New Applicants to Ontario's Regulated Professions in 2021.

Source of applicants	Number of applicants
Ontario	46,971
Other Canadian Provinces	5,127
USA	1,092
Other International	16,876
Unspecified	1,099
TOTAL	71,165



ii. **Top 10 Source Countries with the Largest Number of Internationally Trained Applicants in Ontario's Professions.**



iii. **Top Five Source Countries for Internationally Trained Applicants (Excluding USA) for the Five Professions and Regulated Health Colleges that Received the Greatest Number of Applicants.**

	Total number of international applicants	1 st largest Source country	2 nd largest Source country	3 rd largest Source country	4 th largest Source country	5 th largest Source country
College of Nurses of Ontario	6953	India	Philippines	Nepal	Nigeria	Ghana
Professional Engineers Ontario	2177	India	Iran	Pakistan	Egypt	China
College of Physicians and Surgeons of Ontario	1133	Ireland	Saudi Arabia	India	UK	Iran
Chartered Professional Accountant	964	UK	India	Pakistan	Australia	South Africa
Law Society of Ontario - Lawyers	551	UK	India	Australia	Pakistan	China

Note: Source country is where an internationally trained applicant obtained initial training in the profession.

The OFC's Accomplishments

During the year, the OFC took important steps on its journey to become a more modern, responsive, and strategic regulator. In this section, we briefly highlight some of our achievements.

1. Operationalizing our Risk-informed Compliance Framework

In 2020, the OFC made the decision to migrate to a new compliance framework for professional regulators for the following reasons:

- The increasing maturity of many regulators.
- Inherent limitations on the OFC's previous continuous improvement model.
- The absence of an evidence-based model to allocate limited compliance resources to regulators requiring the most support.

In April 2021, the OFC launched the first phase its Risk-informed Compliance Framework (RICF), which fully came into effect on April 1, 2022. This framework relies both on the regulator's historical performance, and a series of forward-looking risk factors, that could impact a regulator's ability to achieve better registration outcomes for applicants.

Our office chose to implement this initiative in a staged fashion, including a 12-month transition period, to allow regulators to migrate to the new system and to comply with any outstanding OFC recommendations. During this period, which began on April 1, 2021, OFC compliance analysts reviewed each regulator's historical performance, the steps taken to implement any outstanding recommendations, and how the regulator has addressed each of our office's forward-looking risk factors.

The OFC then undertook a combined analysis of each regulator's historical performance and weighed the impact of its five forward-looking risk factors, to identify the appropriate cumulative risk rating for the regulator.

These risk ratings fell into three categories:

1. Low risk.
2. Moderately low risk.
3. Moderate to high risk.

For a list of both the historical and forward-looking risk factors, please refer to our [Risk-informed Policy Framework and Policy](#).

Each risk rating is, in turn, associated with a set of compliance tools that the OFC can choose to apply in particular circumstances. In general terms, our office will devote the bulk of its compliance resources to regulators in the higher risk categories.

Please see [Appendix B](#) for details on the Risk-based Continuum Categories with Associated OFC Compliance Tools.

According to our latest client survey results, regulators view the RICF favourably and understand the advantages of a risk-based approach. Ninety-seven percent of them commented positively on the steps that the OFC had taken to assist regulators to understand the office's new framework.

As a supplement to the new framework, the OFC has recently posted two new *Legislated Obligations and Fair Registration Best Practices Guides*, one for the regulated professions and compulsory trades, and the second for the regulated health colleges.

- [Legislated Obligations and Best Practices Guide - Regulated Professions and Compulsory Trades](#)
- [Legislated Obligations and Best Practices Guide - Health Regulatory Colleges](#)

The two guides can be accessed through the [OFC website compliance section](#).

The purpose of the guides is two-fold. First, to provide regulators with information and advice to more fully understand how to comply with their legislative obligations. Second, to offer a series of best practices designed to improve the quality, timeliness and fairness of assessment and registration decisions.

Table 1 below describes the initial distribution of risk ratings among regulators under the RICF.

**Table 1: Percentage Distribution of Risk Ratings
for the 2021-22 Risk Assessment Cycle ***

Risk Rating	Number of Regulators in this Category	Percentage of Regulators in this Category
Low Risk	31	79%
Moderately Low Risk	5	13%
Moderate to High Risk	3	8%
Totals	39	100%

*Please note that neither Skilled Trades Ontario (STO) nor the Health Supportive Care Providers Oversight Authority were included in the 2022-23 risk assessment process since these organizations had either recently transitioned from a previous structure or were newly established.

When these risk ratings were released in April 2022, we signalled to regulators that their ratings would remain in effect for a 12-month period until March 31, 2023, following which they would be re-assessed.

The OFC also made the decision to not include the risk ratings of individual regulators in our 2021-22 annual report owing to the newness of the scheme and to allow regulators to work with our compliance analysts to address the risks that our office had identified. As will be further described below, we have been impressed by the improvements that many of the higher-risk regulators have made.

Our office subsequently made the decision to not undertake a fresh set of risk assessments for release in April 2023 but rather to defer this process for another year. We made this determination because the past 12 months have been a time of significant adjustments for regulators and because of the potential need for the OFC to adjust several of its forward-looking risk factors.

We also considered that many regulators continued to grapple with the aftermath of the Covid-19 pandemic, that others had implemented substantial changes to their registration processes and that there has been an unusually high turnover of CEOs and registrars across the sector. Finally, we reasoned that the additional time would allow the OFC to consider the lessons learned from the first round of assessments and to further improve our framework.

Our office indicated to regulators, however, that it was prepared to offer those placed in the moderately low risk or medium to high-risk categories, an opportunity to receive a more expeditious reassessment. None of them subsequently made this request.

Finally, the OFC indicated to regulators that, for reasons of transparency, the OFC planned to publish their current risk ratings in its 2022-23 annual report, and that they would be updated on an annual basis.

With this context in mind, Table 2 describes how individual regulators fared under the framework.

**Table 2: Individual Regulator Risk Ratings
for the 2021-22 Risk Assessment Cycle**

FARPACTA Regulators	Low Risk	Moderately Low Risk	Moderate to High Risk
Chartered Professional Accountants of Ontario	✓		
College of Early Childhood Educators	✓		
College of Veterinarians of Ontario	✓		
Human Resources Professionals Association	✓		
Law Society of Ontario	✓		
Ontario Association of Architects	✓		
Ontario Association of Certified Engineering Technicians and Technologists	✓		
Ontario College of Social Workers and Social Service Workers	✓		
Ontario College of Teachers	✓		
Ontario Professional Foresters Association	✓		
Professional Geoscientists of Ontario	✓		
Association of Ontario Land Surveyors		✓	
Professional Engineers Ontario			✓
RHPA Regulators	Low Risk	Moderately Low Risk	Moderate to High Risk
College of Audiologists and Speech-Language Pathologists of Ontario	✓		
College of Chiropodists of Ontario	✓		
College of Chiropractors of Ontario	✓		
College of Dental Hygienists of Ontario	✓		
College of Dental Technologists of Ontario	✓		
College of Denturists of Ontario	✓		

College of Dieticians of Ontario	✓		
College of Kinesiologists of Ontario	✓		
College of Massage Therapists of Ontario	✓		
College of Medical Laboratory Technologists of Ontario	✓		
College of Medical Radiation and Imaging Technologists of Ontario	✓		
College of Midwives of Ontario	✓		
College of Naturopaths of Ontario	✓		
College of Occupational Therapists of Ontario	✓		
College of Opticians of Ontario	✓		
College of Optometrists of Ontario	✓		
College of Registered Psychotherapists of Ontario	✓		
College of Respiratory Therapists of Ontario	✓		
College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario	✓		
Ontario College of Pharmacists	✓		
Royal College of Dental Surgeons of Ontario		✓	
College of Homeopaths of Ontario		✓	
College of Nurses of Ontario		✓	
College of Physicians and Surgeons of Ontario		✓	
College of Physiotherapists of Ontario			✓
College of Psychologists of Ontario			✓

The OFC wishes to point out that many of the regulators in the higher risk categories (i.e., the moderately low, or medium to high-risk categories) have made material progress in addressing the identified risk factors. In a number of these cases, it is likely that their risk ratings will improve, perhaps significantly, during the next assessment cycle. Please see [Appendix C](#) for a synopsis of their accomplishments.

2. Legislative Amendments to FARPACTA and the RHPA

Our 2021-22 Annual Report referenced legislative amendments made to both FARPACTA and the RHPA. These were designed to reduce barriers that internationally trained and domestic labour mobility applicants often encounter in their career journeys, so that they can more easily join their chosen profession or skilled trade. The provisions should also help to address current and anticipated shortages of skilled labour.

The four key FARPACTA amendments were designed to:

- Eliminate Canadian experience requirements (CERs) unless a regulator can obtain an exemption from this prohibition for the purposes of public health and safety, in accordance with the regulations.
- Reduce the number of language proficiency tests that applicants must take on their immigration and professional licencing journeys.
- Establish maximum time periods within which a regulated profession must make certain defined registration decisions.
- Address barriers to registration in emergency situations.

While the goals of the RHPA amendments are similar, they are operationalized differently from the FARPACTA provisions. In addition, while the OFC will oversee how professional regulators will implement the new FARPACTA amendments, MOH officials will assume this role for the regulated health colleges.

Since the new legislative and regulatory provisions were enacted, OFC personnel have been meeting with regulators to explain the nature of the new requirements and to share insights and best practices.

Our agency has also developed three new guidance notes for FARPACTA regulators dealing with (1) applying for an exemption from the prohibition against retaining a CER, (2) advice on approaches to licensing internationally trained applicants and (3) guidelines respecting applications for exemptions from maximum time limits for registration to professions and trades.

The OFC will also define the information that we will require from regulators to validate that they are complying with the new mandatory time limits for registration decisions.

In addition, under the FARPACTA amendments, regulators are entitled to seek exemptions regarding mandatory registration time limits and the prohibition against retaining a CER. If a regulator wishes to obtain such an exemption, it must first apply to the Fairness Commissioner who is then required to make a recommendation to the MLITSD minister on whether to permit this request. The minister will then review this advice and make the final decision.

To date, the OFC has received one exemption request regarding the prohibition against retaining a CER and one pertaining to mandatory registration time limits.

In addition to the above amendments, in March 2023, the government introduced Bill 79, the *Working for Workers Act 3*. This bill contains three proposed substantive amendments to FARPACTA, which may be summarized as follows:

1. The term “registration” only pertains to the granting of membership in a regulated profession for entry into practice but does not include the granting of a special designation to those who are already registered.
2. A regulated profession may accept Canadian experience in satisfaction of an experience-related qualification for registration only if it also accepts alternatives to Canadian experience that meet the criteria prescribed by the regulations.
3. A regulated profession has a duty to work in consultation with its responsible Minister (or with such other Minister as its responsible Minister may identify), to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated professionals.

It should be noted that the third amendment mirrors the existing wording in section 2.1 of Schedule 2 of the RHPA. This provision is important as it recognizes the need for all parties involved in the licencing of professionals and skilled tradesperson to work towards achieving the province’s labour market objectives.

3. Applying Diversity, Inclusion and Anti-Racism Principles to Improve Fair Registration Practices

The registration of professionals and skilled tradespersons is influenced by the same sources of institutional bias that are common to other broader public sector activities. In that respect, virtually all regulators have recognized the need to squarely identify diversity, equity and anti-racism issues that may impact their registration decisions, particularly as they relate to internationally trained applicants.

There has been steady progress made across the sector as regulators have worked to proactively develop and implement a variety of thoughtful and innovative practices. The OFC believes that it is important to build upon this important work by increasing awareness among the professions and by sharing best practices that have proven to be effective.

In 2021, our office began to engage regulators and other stakeholders on how these sorts of initiatives could best be launched and embedded into organizational cultures. In collaboration with the Ontario Human Rights Commission, we organized a highly successful diversity and inclusion webinar on the collection of race-based data. The OFC also identified “the need to apply inclusion and anti-racism approaches to the regulators assessment and registration processes” as one of the forward-looking risk factors that populates our office’s risk-informed compliance framework.

In 2022, our office built on this foundation by launching its second webinar entitled “Diversity, Equity and Inclusion Principles in Fair Registration Practices”. The purpose of the session was for three regulators -- Professional Engineers Ontario, the College of Audiologists and Speech-Language Pathologists of Ontario, and the Ontario College of Social Workers and Social Services Workers -- to share how they have incorporated diversity, equity and inclusion principles into their registration processes.

Based on very positive survey results, the OFC plans to further advance this conversation amongst regulators by continuing to develop education and outreach materials, including webinars and panel discussions.

4. OFC Outreach Initiatives

During 2022-23, the OFC focused on ramping up more traditional communications vehicles with stakeholders by continuing to disseminate our popular monthly *OFC Newsletter* publications, making presentations to regulators at council meetings, organizing webinars and participating with stakeholders at conferences and related events.

We issued nine *Newsletter* editions in total featuring more than 30 articles. The topics that we covered included regulator spotlights, legislative and regulatory updates, summaries of OFC policies, procedures and guideline materials, and staff profiles. Our *Newsletter* publications can be viewed by clicking on [OFC Newsletter Archives](#) on our internet site.

In addition, the Fairness Commissioner has spoken at nine regulator organized events, including annual general meetings, council meetings and gatherings of registration committees. During these sessions, the commissioner will typically discuss the role of the OFC and opportunities for regulators to enhance their registration practices.

Some Issues that the OFC Is Pursuing with Regulators

There are two thematic issues involving both fairness and labour market considerations that the OFC would like to highlight.

1. The Registration of Internationally Trained Health Professionals

Internationally Trained Medical Graduates

In our last annual report, the OFC provided an example of the under-utilization of skilled talent in the province by highlighting the situation of International Medical Graduates (IMGs). We noted that this has been a longstanding and difficult issue for the individuals involved. We pointed out that this low participation rate underscored an underlying unfairness in the system that detrimentally impacts IMGs and that further deprives the province of a group of highly skilled immigrants.

Over the last 12 month, there have been some encouraging developments in this sphere. First, in response to a directive issued by the Minister of Health, the College of Physicians and Surgeons of Ontario (CPSO) submitted a set of recommendations to the minister designed to increase the number of IMGs who are licenced and to speed up the registration process.

The OFC would like to reference two of these recommendations for which our office, and other stakeholders, have also advocated for many years.

First, CPSO recommended that the province fund a Practice Ready Assessment (PRA) program to provide a pathway for experienced IMGs to obtain a medical licence based on a 12-week period of practice under the supervision of an Ontario physician.

In response to this proposal, the Ministry of Health (the ministry or MOH) quickly approved funding for a pilot project that will fund 50 IMGs to move through the program in each of the next two years, for 100 seats in total. Touchstone Institute is currently designing the program parameters in consultation with several other partners. On the expectation that the program is successful, the OFC hopes the number of participating IMGs can be scaled up in future years.

Second, the college recommended that the government increase the number of residency positions available to IMGs, including to Canadians who have studied abroad and who wished to return to complete their residency in Ontario.

In 2022, the ministry announced that, by 2028, it planned to expand Ontario's medical school capacity by adding more than 295 resident training positions. Fifty-eight of these positions would be dedicated to IMGs. This was followed by a 2023 announcement, where the ministry indicated that a further 154 positions would be made available, 63 of which would be allocated to IMGs.

IMGs have also been increasingly successful in securing residency matches in Ontario. Soon after the end of the fiscal year, the Canadian Resident Matching Service (CaRMS), which connects medical graduates to available residence positions, completed the second iteration of its matching process. Overall, 23% of all residency positions offered in Ontario were filled by IMGs. This represents an increase of 6% over the 17% figure achieved in 2022.

On a numerical basis, the total number of IMGs matched to positions increased from 200 to 286 (43% above last year's figure).

In addition, to enhance the fairness of the matching protocols in Ontario, the ministry directed that both IMGs and domestic medical graduates participate equally in the second round of the matching process, a decision that further contributed to the increased number of IMGs who successfully obtained a match. This approach to level the playing field is important since, by comparison, virtually every domestically trained applicant typically receives a match.

While further work needs to be done to integrate the substantial number of qualified IMGs into medical practice in Ontario, the steps that have been described are significant and we are encouraged by the accelerating momentum for change.

Internationally Trained Nurses

Similarly, the Ontario College of Nurses (CNO) responded to the minister's directive by recommending innovative new proposals. Of particular note was CNO's recommendation that the government amend the college's registration regulation to enable it to potentially register close to 5,000 internationally educated nurses (IENs) into its temporary class.

These individuals will remain in this class while completing educational and examination requirements needed for general class registration. The Minister of Health subsequently endorsed this recommendation, and the government has now enacted a regulation to implement the new scheme. This development is very positive since it both protects public health and safety and helps to move a highly competent cohort of IENs through the registration process more quickly.

It is also important symbolically as full registration will no longer serve as the bright line that demarcates when IENs can more actively contribute to the nursing profession and when they cannot. Provisional registration also recognizes that all professionals are subject to a learning continuum where their skills and experiential learning need to be continually upgraded during their careers.

It would be important for the college to carefully evaluate this innovative initiative to confirm that the benefits to public health and safety, coupled with the prompt registration of IENs, outweigh any associated risks. The college should also consider whether this model should become a more permanent fixture of its registration process.

Finally, building on this decisive initiative, our office has encouraged professions and skilled trades in different sectors to better leverage the provisional registration tool, particularly where they have experienced registration bottlenecks in the past. The Ministry of Health should also explore whether this model may have broader applicability across the health sector.

Internationally Trained Dentists

Over the last 24 months, our office has sought to address a variety of concerns that the Internationally Trained Dentists Association of Canada (ITDAOC) has raised regarding the assessment processes adopted by the National Dental Examining Board of Canada (NDEB). The NDEB is a third-party service provider to the Royal College of Dental Surgeons of Ontario (the RCDSO or the college), which assesses the credentials and competency of internationally trained dentists (ITDs) on behalf of the college.

In February 2022, the OFC issued advice to the college on how to strengthen its accountability relationship with the NDEB. The college recently advised our office that it has acted upon the recommendations contained in our report. More specifically, the RCDSO has successfully negotiated an updated MOU with the board which addresses, among other things, service standards for processing applications from ITDs and a review of the way in which the NDEB sets and organizes its examinations.

Our office had reviewed the MOU and it is quite detailed in nature. We would like to acknowledge the hard work of the college and the board in developing this document.

The RCDSO has also advised our office that it is leading a national working group involving Canadian dental regulators, the Association of Canadian Faculties of Dentistry and other stakeholders to examine the NDEB's activities, with a particular emphasis on the equivalency process and the board's clinical and situational examination.

The OFC believes that the comprehensive review that the RCDSO is spearheading is timely and will hopefully lead to further improvements in assessment and testing practices. We wish to specifically acknowledge the college's responsiveness in addressing these issues.

For the present, however, there remain several important issues that continue to negatively impact the career journeys of ITD candidates. These involve the frequency with which the NDEB offers its clinical examinations, the speed with which examination seats sell out after they are electronically posted, chronically low pass rates on these tests, when a candidate will be deemed to fail the examination, and opportunities for candidates to appeal an examination result and / or seek feedback on how they can improve their scores.

If these issues are not addressed promptly, the province risks losing the services of many talented international health professionals. The OFC will continue to explore these topics with all parties over the next 12 months.

2. Meeting the Needs of Ontario's Labour Market

The provincial government has become increasingly more focused on filling the thousands of job vacancies that require the skills of professionals and skilled tradespersons. Qualified immigrants have become an indispensable source of labour to fill these gaps. The government has, in turn, become more active in the legislative and program domains to address registration barriers that immigrants often encounter.

In a similar way, governments elsewhere in North America have become more creative in finding ways to attract and employ people to occupy these vacant positions. In Michigan and Nevada, for example, state governments have leapfrogged professional regulators to ease restrictions on hiring internationally trained teachers.

There are two important takeaways from these developments:

1. Labour supply shortages will increasingly motivate governments to take decisive action.
2. Regulators need to be more proactive in rethinking how they incorporate labour market considerations into their mandates.

Traditionally, regulators have focused on ensuring that applicants possess the academic and technical skills necessary to skillfully undertake their work, and hence to protect the public interest. There is now a growing recognition that an *undersupply* of professionals can also directly compromise public health and safety and concurrently constrain economic activity.

In addition, everyone in the applicant registration ecosystem must strive to harmonize the strategy to bring higher numbers of skilled immigrants into the country with efficient registration practices to effectively utilize this talent. This dialogue must also foster system-wide solutions that enable internationally trained applicants to ultimately obtain meaningful employment in Canada that recognizes their skills, training and aspirations.

An interesting example of this holistic approach involves a new initiative that the National Nursing Assessment Service (NNAS) (the organization that provides equivalency assessment reports for nursing regulators across Canada). Because an important source country for internationally trained nurses is the Philippines, and since post-secondary institutions in that country operate under a common nursing curriculum, the NNAS is proactively working with educational officials in that country to adjust the curriculum to meet the licensure requirements of nursing regulators in Canada.

Through this approach, nursing graduates who complete the necessary coursework, would be able to fulfill their requirements in a more straightforward fashion leading to less administrative burden and a clearer registration glide path.

Regulators must also pay close attention to the needs of employers who will absorb the supply of new professionals and skilled tradespersons. They should be aware of the skillsets that are in demand and any unfounded concerns or stereotypes about the qualifications of internationally trained applicants.

It is important to recognize that regulators are responsible for exercising their responsibilities in the public interest. They have shown themselves to be knowledgeable, credible and innovative institutions with deep experience in their fields. They are uniquely positioned to plot the future of their professions and trades, and to ensure their long-term vigour and sustainability. The OFC has confidence that they will meet the challenge of integrating labour market challenges into their mandates.

Performance Measurement Framework and the OFC's Client Satisfaction Survey

The OFC has adopted four interim performance indicators that constitute its performance measurement framework. As our office reassesses its risk-informed compliance framework, operationalizes the recent FARPACTA and RHPA legislative amendments, and awaits the results of the mandate review, we concluded that it would be prudent to retain these interim measures at this time.

These four metrics, which are designed to assess whether the OFC is taking proactive steps to encourage regulators to improve their fair registration practices, are set out below:

- The annual reduction in the number of professions that the OFC places in its medium to high-risk compliance categories (20% reduction annually).
- The number of best (commendable) practices that the OFC collects and disseminates to the professions on an annual basis (20 new best practices annually).
- The number of events and webinars that the OFC holds, and the publications that it issues on an annual basis.
- The percentage of regulators and other stakeholders that identify the OFC as an effective or highly effective regulator and service delivery agency (80% benchmark).

The OFC will begin to report on first performance measure once the next assessment cycle has been completed in 2023-24.

Our office included 56 best practices in the OFC's new *Legislated Obligations and Best Practices Guide for Health Regulatory Colleges*, which was published in November 2022. The OFC has also published several guidance documents respecting the new FARPACTA legislative amendments, which contain information about best practices. Finally, our office routinely includes discussions of best practices in our monthly *Newsletter* publications.

In 2022-23, The OFC completed 22 communications products or events, including monthly *Newsletter* distributions, the dissemination of guidance materials, the OFC's annual report and business plan, and webinars. In addition, the Fairness Commissioner spoke at nine regulator AGMs, board/council meetings, providing information on FARPACTA and RHPA amendments, and an overview of the OFC's role.

In December 2021, the OFC distributed its first ever client satisfaction survey to the regulatory bodies for which it has oversight. Among other things, the survey revealed that 83% of

regulators view the OFC as an effective or highly effective regulator and service delivery agency, thus surpassing the 80% benchmark.

The OFC intends to release a follow-up survey in 2023-24.



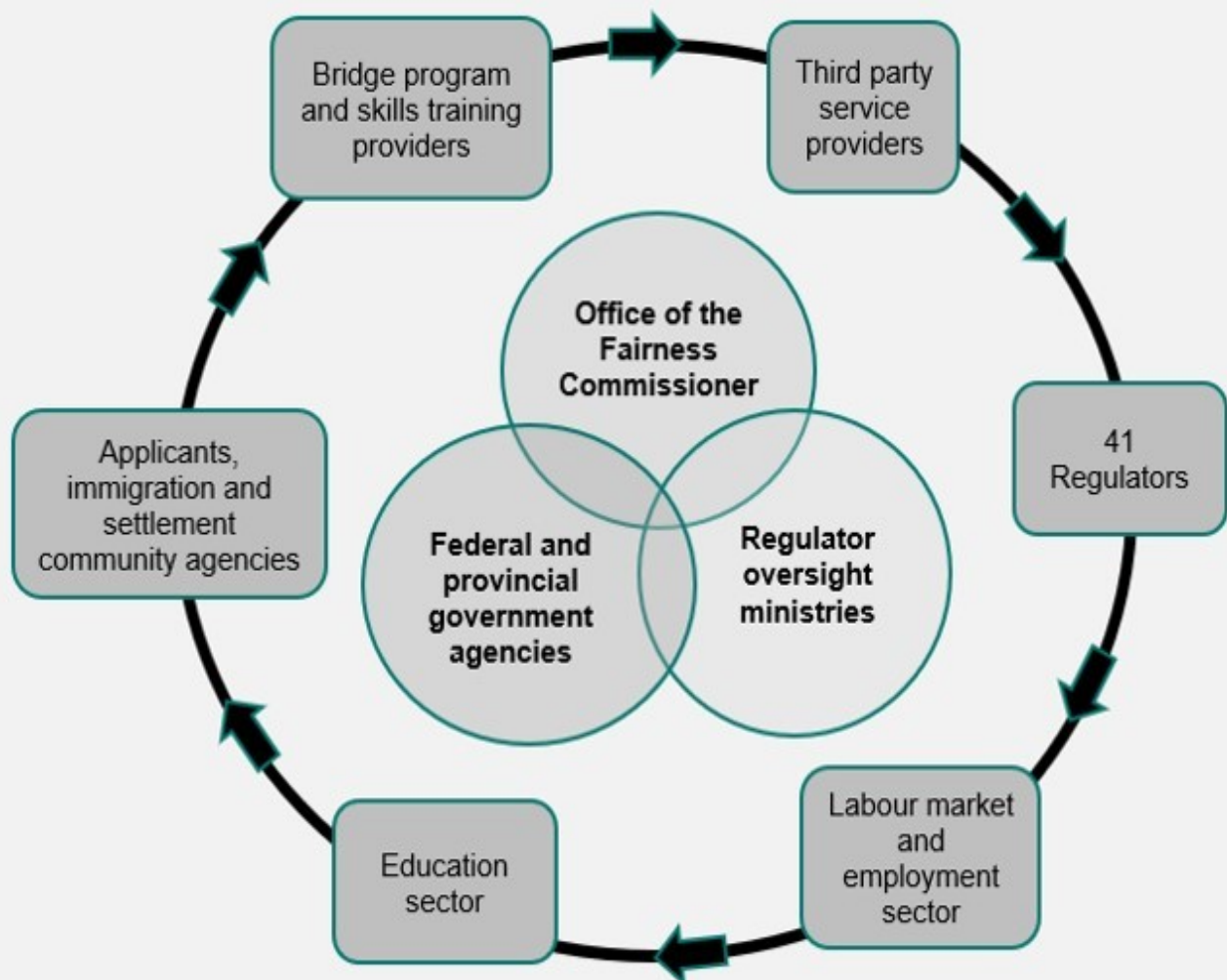
An example of regulator feedback from the OFC's latest client satisfaction survey:

"The relationships with the staff in the OFC office have been extremely collegial and collaborative. We commend the OFC on the progressive approach that the office has taken to fulfill its obligations under the legislation, and we look forward to a productive year ahead."

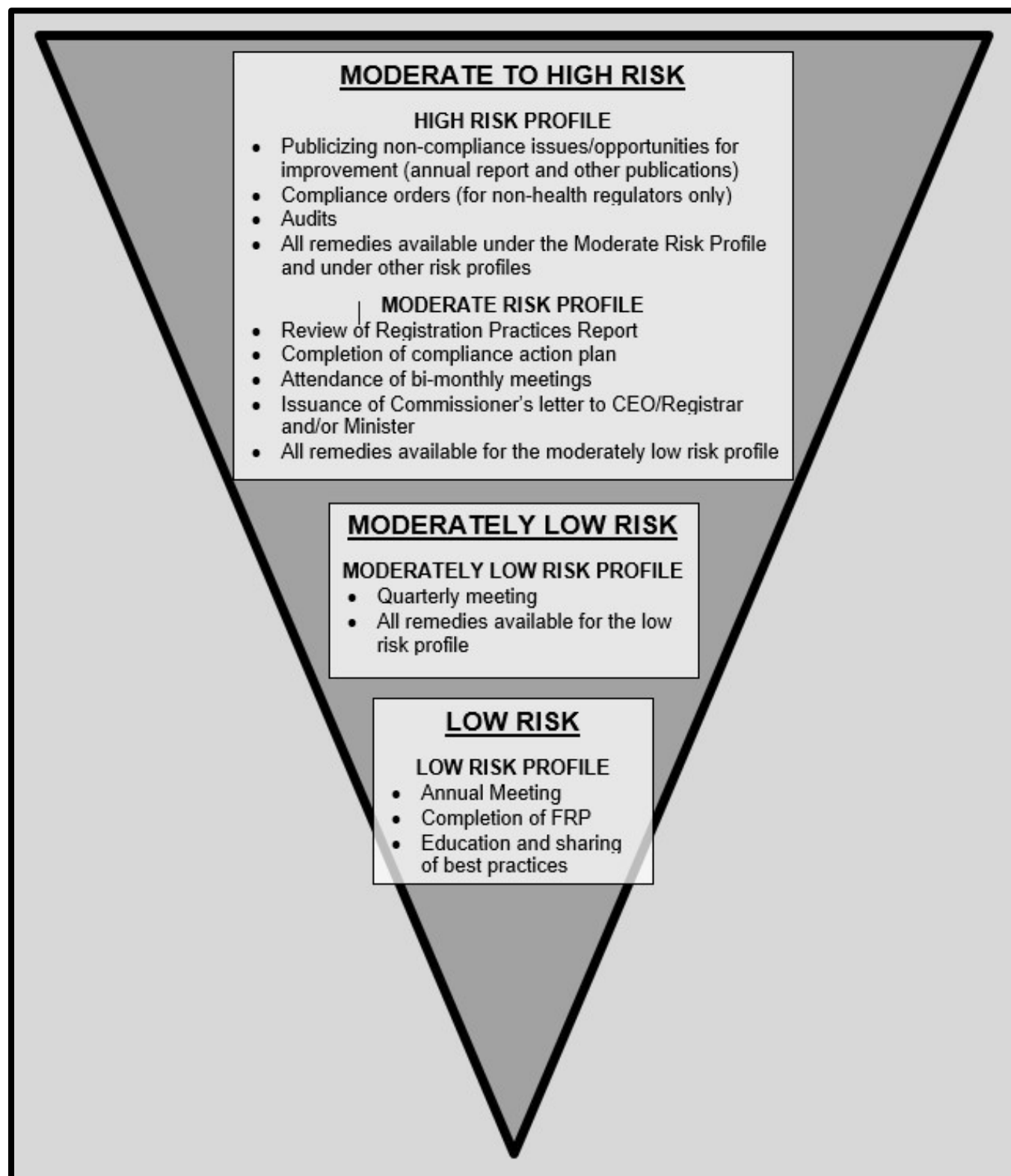
Appendix A: The Applicant Registration Ecosystem

THE APPLICANT REGISTRATION ECOSYSTEM

There are a large variety of organizations that impact an applicant's journey towards licensure and employment. The key groups are displayed around the periphery of the circle. The Office of the Fairness Commissioner will typically deal with each of these sectors in fulfilling its broad-based mandate. The government agencies depicted in the centre of the circle will interact with these sectors either through a funding, oversight or partnership relationship.



Appendix B: Risk-based Continuum Categories with Associated OFC Compliance Tools



Appendix C: Performance Updates for Regulators with Elevated Risk Ratings

Regulator	Summary of Identified Risk Factors	Update on Actions Taken to Address Risks
Association of Ontario Land Surveyors (AOLS) <i>(Regulator received a moderately low risk rating)</i>	• Failure to implement previous OFC recommendations relating to policies for assessing applicant qualifications, training for individuals performing this role and access to records. • An overbroad articling program (Canadian experience requirement) of 338 days, which can serve as a barrier for internationally trained applicants. • Higher labour market risk due to constrained supply of land surveyors.	• AOLS is working diligently to develop alternatives to its CER requirement. • Regulator is also playing a leadership role in bringing labour market shortages to the attention of government and other key stakeholders.
Professional Engineers of Ontario (PEO) <i>(Regulator received a moderate to high-risk rating,)</i>	• Failure to implement previous OFC recommendations relating to the need for timelines for responding to applicant inquiries and for the reduction of potential bias among decision makers, including with respect to internal review procedures. • A reliance on inadequate technology systems coupled with cumbersome and often inflexible registration processes. • An overbroad Canadian experience requirement (CER) consisting of one	• PEO has operationalized a new case management system with an electronic applicant portal. • The regulator has agreed to adhere to the new FARPACTA time limit requirements. • PEO has agreed to eliminate its current CER ahead of the December 2023 deadline in favour of a competency-based assessment model. • PEO has created a new Anti-racism and Equity Code.

	year of Ontario work experience which has served as a barrier for internationally trained applicants.	
College of Homeopaths of Ontario (CHO) <i>(Regulator received a moderately low risk rating)</i>	• Failure to implement previous OFC recommendations respecting training for decision makers on bias free determinations and cultural competencies, as well as oversight of third-party service provider. • An absence of plans to extract lessons learned from the Covid-19 pandemic or to analyze barriers that internationally trained professionals may encounter during the registration process.	• CHO is updating its policies and guidelines relating to training and related procedures for committee members and staff, to include the topic of bias. • The college is discussing accountability issues with its third-party service provider. • Pursuant to new RHPA provisions, the college has developed content for a proposed regulation on emergency class registration.
College of Nurses of Ontario (CNO) <i>(Regulator received a moderately low risk rating)</i>	• CNO needs to materially reduce its median time frames for the registration of applicants to the nursing profession. • It should also expeditiously develop a refreshed registration time standard (to include a fair measurement methodology), and report on progress on a periodic basis. • The need for timely registration and higher applicant throughput is exacerbated due to the constrained supply of nurses.	• CNO has made several changes to increase the flow of internationally educated nurses through its registration process, including sponsorship of the Supervised Practice Employment Program, and by expanding eligibility criteria for its Temporary Class of registration. • College has now become a health sector leader in advancing progressive registration practices.

Royal College of Dental Surgeons of Ontario (RCDSO) <i>(Regulator received a moderately low risk rating)</i>	• The accountability relationship between the RCDSO and its third-party service provider (the National Dental Examining Board or NDEB) should be strengthened. • Enhancements should include updating the current MOU between the parties, requiring that the NDEB develop service standards for processing applications from internationally trained dentists (ITDs) and validating the resilience of the NDEB's approach to organizing examinations.	• The RCDSO has developed an updated MOU which addresses the three issues identified and could serve as a template for other dental regulators in the country. • The college is also working with fellow regulators and other stakeholders to examine the work of the NDEB. • While these steps are very encouraging, ITDs still encounter substantial registration barriers.
College of Physicians and Surgeons of Ontario (CPSO) <i>(Regulator received a moderately low risk rating)</i>	• Given the importance of access to the profession, CPSO should assume more of a leadership role in advancing registration opportunities for internationally trained physicians. • This could be achieved by highlighting this topic and creating opportunities for dialogue among the involved stakeholders. • There is a higher labour market risk due to constrained supply of physicians.	• CPSO has made two key recommendations to the Ministry of Health to increase the number of residency provisions and to institute a practice ready assessment (PRA) program. It has also taken other steps to facilitate the registration of internationally trained physicians. • CSO is now working with other stakeholders to implement the province's first PRA program.
College of Physiotherapists of Ontario (CPO) <i>(Regulator received a moderate risk rating.)</i>	• Strained relationship between college and its third-party service provider (the Canadian Alliance of Physiotherapy Regulators – CAPR) • CAPR's decision to no longer undertake clinical	• CPO has improved its relationship with CAPR and successfully developed and administered a new clinical examination.

	examinations meant that CPO would need to develop its own examination. • A rigid regulatory structure which contributed to stranding 100 internationally trained applicants during the Covid-19 pandemic.	• College quickly recovered from these Covid-19 associated events. • Pursuant to new RHPA provisions, the college has developed content for a proposed regulation on emergency class registration.
College of Psychologists of Ontario (CPO) <i>(Regulator received a moderate to high risk rating)</i>	• High number of appeals (18) that applicants have filed with the Health Professions Appeal and Review Board (HPARB) over the last three years, with HPARB sending eight of these back to CPO for further review. • Restrictive registration processes coupled with a material shortages of mental health professionals. • CPO's supervised practice program, which requires that candidates for registration complete a minimum of 1,500 hours of post-doctoral /master's supervised practice in Ontario under the supervision of two members of the college, is a barrier for internationally trained applicants.	• CPO is currently working on a project to determine how its examination process can work more effectively for internationally trained professionals. • The college has completed bias-free training for its decision makers. • CPO is creating a strong mentorship model that provides new supervisors with additional resources and training to create an effective experience for applicants.

Appendix D: Financial Statements

Office of the Fairness Commissioner: Statement of Operations

Period from April 1, 2022, to March 31, 2023

Revenues:

Year Ended March 31, 2023

Ministry of Labour, Immigration, Training and Skills Development

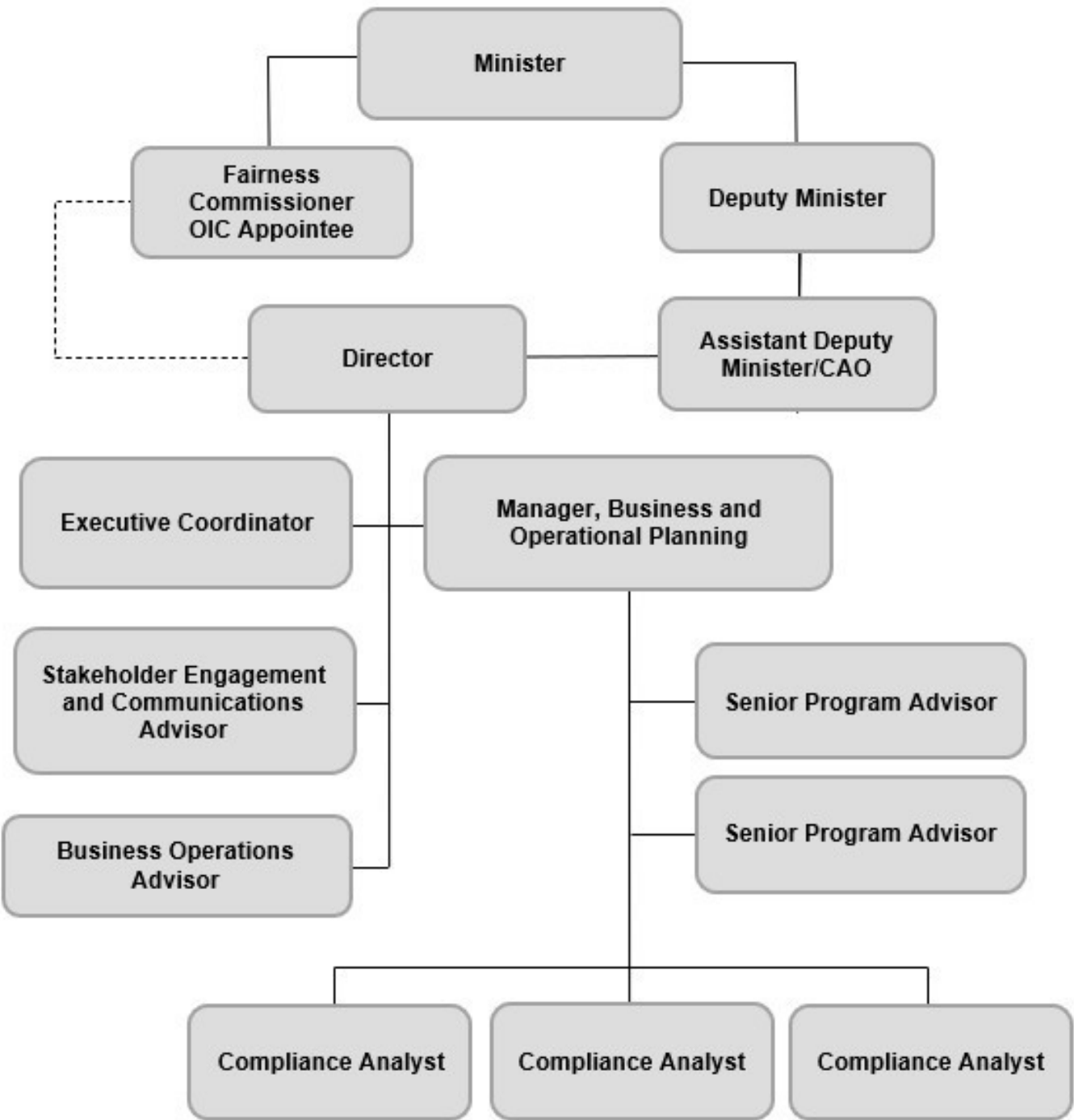
Standard Account Expenditure	2022-23 Budget	Actual
Salaries and Wages	\$ 800,300.00	\$ 1,174,264.94
Employee Benefits	\$ 119,500.00	\$ 137,678.37
Other Direct Operating Expenses (ODOE)	\$ 558,200.00	\$ 165,829.06
Total	\$ 1,478,000.00	\$ 1,477,772.37

* Please note the increase in the salary and wages line reflects the recruitment and hiring practices of the office during the period and includes salary and benefit payments paid to the full-time Fairness Commissioner. For the period between August 2022 to March 31, 2023, the Fairness Commissioner's total remuneration was \$110,874.

Appendix E: Organization Chart

OFFICE OF THE FAIRNESS COMMISSIONER

ORGANIZATIONAL STRUCTURE





FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ

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

180 Dundas Street W., Suite 300, Toronto ON M7A 2S6
180, rue Dundas O., Bureau 300, Toronto (Ontario) M7A 2S6

ofc@ontario.ca
www.FairnessCommissioner.ca