

2010–2011 Annual Report

Fair Registration Practices Act

Diane Gordon

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Letter to the Minister

May 10, 2011

The Honourable Marilyn More
Minister of Labour and Advanced Education
5151 Terminal Road, 6th floor
Halifax, NS B3J 2T8

Dear Minister More:

In accordance with Section 15 (1) of the Fair Registration Practices Act 2008, I am pleased to present the Annual Report for 2010 from the Review Officer for submission to the House of Assembly of Nova Scotia.

Sincerely,

Diane Gordon
Review Officer
Fair Registration Practices Act
Department of Labour and Advanced Education
2021 Brunswick St.
Halifax, NS

Goal of the Act

The Fair Registration Practices Act, Bill 211, received Royal Assent on November 25, 2008 and was proclaimed on December 7, 2009. It will help to ensure that regulated professions are governed by registration practices that are transparent, objective, impartial and procedurally fair and will focus on facilitating a better understanding of registration practices in the province for Nova Scotian, nationally and internationally trained applicants.

While the Act applies to every person who wants to practice in a regulated occupation, it is particularly important to individuals educated outside of Canada. The working-age population will begin to decline significantly in the years ahead, which will present overwhelming challenges in the labour market. Our population peaked in 2004 and since that time we have 1,200 fewer people. As the population shrinks, so will the available labour pool. We will not be able to replace the population through natural replacement and therefore immigration is growing in importance as a key source to address current and future labour supply requirements. According to the 2006 Census, 5% of Nova Scotia's population are immigrants (20% nationally). The number of Economic Class immigrant arrivals to the province has increased in recent years, averaging 1,660 over the period 2005–2009 versus 900 over 2000–2004. This is largely due to the introduction of the Provincial Nominee Program.

Despite their high levels of educational attainment, many recent immigrants (particularly internationally educated) struggle in the labour market, often experiencing lower employment rates and lower earnings than comparable Canadian-born individuals and immigrants of earlier arrival. For instance, the 2006 Census reports the employment rate for Nova Scotians aged 25–64 with a degree, certificate or diploma at

- 65.2% for very recent immigrants (arriving 2001–2006)
- 74.6% for immigrants arriving prior to 2001, and
- 75.7% for non-immigrants.

This is incongruous since it will be these same skilled immigrants who are needed to fill these labour market gaps as our population declines.

In Nova Scotia, and across Canada, many immigrants are unable to find jobs in their chosen fields. The proportion of employed individuals working in their field of study (known as the match rate) varies significantly between Canadian-born workers and internationally educated immigrants when it comes to regulated professions. For Nova Scotia, the match rate for those individuals who are Canadian-born and educated working in a regulated profession is 60% compared to only 40% of internationally born immigrants educated abroad. This gap exists across all provinces/territories and is a concern that needs to be addressed. Many internationally educated immigrants face challenges in the labour market that contribute to this outcome, most importantly: having prior international learning and experience recognized, accessing customized bridge or gap training, accessing Canadian work placements, mentorships and internships, lack of connections in the job market, improving English and workplace specific language skills and employer and Immigrant cultural adaptation

As we are working to increase the number of new immigrants to Nova Scotia, so are many other countries and provinces. As we look at ways to attract new immigrants, we need to ensure that we remove barriers to their full participation in the workforce.

The Fair Registration Practices Act (FRPA) can help to address some barriers by having the regulatory bodies examine their registration practices to ensure they are transparent, objective, impartial and procedurally fair. This legislation was not intended to require alterations to the substance of a regulatory body's occupational standards. Regulators are best positioned to set occupational standards that protect the public, environment and health and to determine who does or does not meet the qualification. FRPA seeks to ensure that registration practices do not pose an unnecessary barrier and that people who are qualified can be registered and practice in this province. This legislation will also help to make information available to newcomers or potential immigrants, even before they arrive in Canada. They will know the registration requirements, what documents they need, how much it will cost and how long the assessment and entry into the profession might take. This information will help them make informed decisions about the immigration process and what steps they need to take to practice their occupation in their new country.

Mandate of the Act

The Fair Registration Practices Act makes regulatory authorities responsible for carrying out registration practices that are transparent, objective, impartial and procedurally fair. This Act applies to 43 occupations and 66 trades.

The Act allows the Review Officer to:

- assess the registration practices of the regulators and agencies as set out in Schedules A and B of the Act
- set guidelines for the content and form of the regulatory bodies reports
- receive and assess the reports
- Work with the regulatory bodies to identify the changes necessary to comply with the Act
- make recommendations to the regulatory body regarding their legislation and any necessary additions or adjustments required to meet the requirements of the Act
- make recommendations to a minister of the Crown responsible for a regulating body where legislation or regulations need to be amended, or revoked
- issue compliance orders, where necessary
- provision of information and advice on matters respecting the Act and regulations.

The Fair Registration Practices Review Office (FRPA review office) will:

- provide regulators with information and advice to help them meet their obligations under the Act
- establish guidelines and assist the regulators prepare the required reports
- review registration practices of regulators for compliance with the Act
- make recommendations and work directly with the regulators
- act as a resource for government departments and other stakeholders
- submit an annual report to the Minister of Labour and Advanced Education on the implementation and effectiveness of the Act
- provide any information and reports as required by the Minister.

The Review Officer does not provide assistance to individuals in getting their professional licence. She cannot become involved in a registration or internal review decision on behalf of an applicant or accept any personal information.

To meet the requirements under the Act the regulatory authorities must make publicly available clear and understandable information about:

- registration requirements and assessment criteria
- the length of time the registration process takes
- applicant supports
- the required fees
- acceptable alternative documentation
- the internal review processes.

All regulating bodies must:

- respond to inquiries from applicants in a reasonable time
- provide written confirmation within a reasonable time whether registration is granted or not granted
- when not granted, include the reasons for the decision in the written confirmation
- where practical, give information regarding measures or programs that may assist the applicant to obtain registration in the future
- provide applicants who are not granted registration information regarding the regulatory body's internal review process, and
- ensure the people hearing the appeals are independent decision makers, and that they have had appropriate training.

Stakeholders

In the fall of 2007, the Speech from the Throne committed to tabling legislation that would streamline the credential recognition process for internationally educated professionals. The legislation was drafted based on consultation with stakeholders and analysis of legislation from other jurisdictions. A Working Group was formed to assist with the drafting of the legislation. Participants included representatives from government departments or agencies (including Immigration), and regulatory bodies. The mandate of the working group was completed with the passing of the bill. It is expected that an Ad Hoc Advisory Committee will be organized to make recommendations to the Review Officer on issues related to the Act. Membership will include a number of representatives from regulatory bodies, immigrant settlement organizations and representatives from government departments such as Education, Health, and Labour and Advanced Education which includes the Office of Immigration.

Our Stakeholders include:

- regulatory authorities
- provincial government ministries
- educational institutions
- settlement organizations
- agencies serving the immigrant population
- qualification assessment services
- immigrants
- multi-stakeholder working groups.

We will work to connect with all the relevant stakeholders.

We recognize that the implementation of the Act will require regulatory bodies to dedicate time and expertise to meet their obligations. The Fair Registration Practices Review Office is committed to working in collaboration with the regulatory authorities to support their individual and collective needs.

The Year in Review

During the past year the foundation for the FRPA Review Office has been laid. Decisions regarding structure, funding and human resources were completed. The Review Officer was hired in January 2011 and is in the process of establishing the FRPA Review Office.

The FRPA Review Office is part of the Department of Labour and Advanced Education which is also responsible for the Office of Immigration and recognition of prior learning and labour mobility activities including: Chapter 7, the labour mobility chapter, of the Agreement on Internal Trade (AIT), the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications (or FQR Framework) and the Nova Scotia Recognition of Prior Learning Framework. Much work has been undertaken in the last year to implement all of these initiatives which are complementary to the Fair Registration Practices Act.

Amendments to Chapter 7 of the AIT (the labour mobility chapter) were ratified by all provinces in 2009. Nova Scotia has worked since ratification in collaboration with regulatory bodies in the province to implement the revised requirements of the agreement. Chapter 7 seeks to ensure that any worker certified for an occupation in one province or territory is recognized as qualified and certified for that occupation upon application in any other province or territory. This will ensure our province has the workforce it needs to compete in a global economy by supporting best practices in regulated occupations and removing barriers to labour mobility for workers in regulated occupations.

In 2009, Nova Scotia joined the federal government and other provinces and territories in signing the FQR Framework. It is an agreement developed by the Forum of Labour Market Ministers to help address some of the challenges that immigrants encounter when applying to work in their occupation in Canada. The Framework articulates a shared vision, guiding principles and desired outcomes for improving the assessment and recognition of international qualifications in Canada. It is based on the principles of Fairness, Transparency, Timeliness and

Consistency and a pathway to recognition from preparation and pre-arrival supports, through the assessment and recognition phase to individual and employer supports and workforce participation. In 2010, Nova Scotia has supported and participated in national consultations with target regulatory bodies (chartered accountants, certified general accountants, physiotherapists, registered nurses, occupational therapists, pharmacists, engineers, architects and medical laboratory technologists). The consultations focused on developing national occupational action plans for advancing the objectives of the framework. Nova Scotia has also undertaken an environmental scan of initiatives in the province and has been working to establish capacity building mechanisms to address gaps.

Nova Scotia created a Recognition of Prior Learning framework in 2010. It provides a comprehensive understanding of the field of RPL as well as recommendations for advancing the field of practice in the province while recognizing the processes currently in place. In July 2010 an inventory of Recognition of Prior Learning Activities in the Province of Nova Scotia was completed with a focus on the post-secondary sector, government, regulatory bodies, employment service providers, community-based organizations and sector councils. A secondary report providing an inventory of Recognition of Prior Learning Activities in the private sector is currently being completed.

The Nova Scotia Office of Immigration continues to fund a number of programs and initiatives to help our immigrant population successfully settle and integrate into the labour market. Many of these programs are geared towards providing bridging supports, occupational-specific language training, as well as financial assistance to immigrants in regulated occupations needing to upgrade their skills and/or education in order to be fully recognized in the province.

The Department of Labour and Advanced Education also recognizes the valuable work undertaken through the Department of Health's Internationally Educated Health Professional Initiative.

Looking Forward to 2011-2012

The Review Officer has started work to meet the government's obligations under the Act. This work will include:

1. Developing and implementing corporate policies/strategies/plans
2. Creating a website, FAQs and other communication materials
3. Creating reporting content, tool and guidelines
4. Assessing registration practices against Act's obligations
5. Coordinating capacity building initiatives
6. Creating and implementing compliance order policies and procedures
7. Working with advisory committee and consulting regulatory bodies

As the Review Officer moves forward to implement the Fair Registration Practices Act, there are a number of pieces of work that need to be considered and there are decisions to be made to ensure the FRPA Review Office is established on a solid foundation.

The key deliverables for this year include:

- development and communication of the implementation plan to regulatory bodies
- development of the guidelines for compliance
- development of the report form
- development of an online reporting tool/database
- decisions regarding the reporting periods for each regulatory authority (at two-year intervals)
- development of a website and other communication materials
- work on the development of policies and procedures
- a two-day workshop to communicate the requirements of the Act to the stakeholders and provide capacity building and professional development opportunities
- set up the Ad Hoc Advisory Committee and develop the terms of reference
- plan and undertake key research to understand the trends as well as the supports required by the regulatory authorities.

This is an ambitious agenda for the first full year for the Review Officer and we are looking forward to developing some tools, establishing relationships with stakeholders and collaborating with the regulatory authorities to smooth their pathway to compliance with the Act.

Regulators Subject to the Act

Schedule A

Association of Interior Designers of Nova Scotia

Association of Nova Scotia Land Surveyors

Association of Professional Engineers of the Province of Nova Scotia

Association of Professional Geoscientists of Nova Scotia

Board of Registration of Embalmers and Funeral Directors

Certified General Accountants Association of Nova Scotia

College of Licensed Practical Nurses of Nova Scotia

College of Occupational Therapists of Nova Scotia

College of Physicians and Surgeons of Nova Scotia

College of Registered Nurses of Nova Scotia

Cosmetology Association of Nova Scotia

Denturist Licensing Board of Nova Scotia

Institute of Chartered Accountants of Nova Scotia

Nova Scotia Association of Architects

Nova Scotia Association of Medical Radiation Technologists

Nova Scotia Association of Social Workers

Nova Scotia Association of Real Estate Appraisers

Nova Scotia Barristers' Society

Nova Scotia Board of Examiners in Psychology

Nova Scotia College of Chiropractors

Nova Scotia College of Dispensing Opticians

Nova Scotia College of Medical Laboratory Technologists

Nova Scotia College of Optometrists

Nova Scotia College of Pharmacists

Nova Scotia College of Physiotherapists

Nova Scotia College of Respiratory Therapists

Nova Scotia Dental Technicians Association

Nova Scotia Dietetic Association

Nova Scotia Institute of Agrologists

Nova Scotia Real Estate Commission

Nova Scotia Registered Barbers Association

Nova Scotia Veterinary Medical Association

Provincial Dental Board of Nova Scotia

Public Accountants Board of the Province of Nova Scotia

Registered Professional Foresters Association of Nova Scotia

Society of Certified Engineering Technicians and Technologists of Nova Scotia

Society of Management Accountants of Nova Scotia

Schedule B

The Minister of Education for the purpose of issuance of teachers' certificates or teachers' permits

The Minister of Health for the purpose of registration of paramedics and emergency medical dispatchers

The Minister of Natural Resources for the purpose of issuance of licences and permits under the Wildlife Act

The Registrar under the Direct Sellers Regulation Act for the purpose of granting permits to direct sellers of hearing aids

The Superintendent of Insurance for the purpose of issuance of licences to carry on the business of insurance under the Insurance Act

The Director of Apprenticeship and Trades Qualification