
Technical Safety Division: Department of
Labour & Advanced Education – Crane
Operators

Fair Registration Practices Act (FRPA)
Review Report
February 2021

Province of Nova Scotia



EXECUTIVE SUMMARY

Under section 16 of the Fair Registration Practices Act (FRPA), all regulating bodies in Nova Scotia are required to review their registration practices and file a report on the results of the review with the Review Officer. The Review Officer works collaboratively with regulators to gather information in an established report format, to ensure that information on current registration practices is accurately represented, and to identify gaps in registration practices which would result in a regulator action plan to rectify any issues that may have been identified with compliance.

The Review Officer worked with the Technical Safety Division over a period of six months to complete this review. Questions to probe the status of registration practices were posed, the regulator engaged in a process of self-examination and provided written responses to the questions (see Analysis of Registration Practices). Responses were examined by the Review Officer and measured against the standard set forth in the FRPA to identify any gaps in registration practices. Based on this process, the Review Officer has determined that not all registration practices are compliant with the FRPA at this time. As a result, this report includes both an overview of the current registration practices of the Technical Safety Division for Crane Operators and an action plan to address some high priority gaps moving forward.

The Technical Safety Division used this review process as an opportunity for self-audit and to identify areas for improvement. The regulator has acknowledged the findings and has taken the first step to address areas of non-compliance by developing an Action Plan (see Appendix A). Twelve plans for action are identified to address practices that are currently not compliant with the FRPA.

They are summed up as follows:

- Provide information in a clear and understandable form to individuals, including individuals qualified in another jurisdiction in Canada, as well as those who received their qualifications outside of Canada. This will include clear instructions on what documentation must accompany applications;
- Develop guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control;
- Develop a policy on how to work with applicants who may require accommodations during the registration process;
- Document all criteria that are used to assess whether requirements for certification have been met;
- Provide information with respect to measures or programs that may be available to assist unsuccessful applicants in obtaining certification, at a later date;
- Develop and document a clearly defined process under which requests for access to records will be considered;
- Establish a process for internal review of the registration decision that is compliant with the FRPA;
- Develop a process to ensure that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision; and
- Develop a plan and document training provided to individuals who make internal review decisions.

These actions are accompanied by a commitment to increase transparency by ensuring that registration practices are in plain language, fully accessible and available in the public domain. The Technical Safety Division has committed to implementing actions associated with transparency by June of 2021, with all actions to be addressed by July of 2022.

This report also draws attention to the LAE Trade Regulation Framework whereby the responsibility for issuing the certificate of qualification is to be transferred from Technical Safety to the Nova Scotia Apprenticeship Agency. Responsibilities for licensing the occupation will be retained by Technical Safety. This change may impact registration practices moving forward and information regarding progress will be anticipated with the action plan update in one year.

The Technical Safety Division has demonstrated engagement in the FRPA review process and has given every indication that planned actions to rectify areas of non-compliance will be addressed. The FRPA Review Office will look for an update on the Action Plan in February 2022.

Sincerely,



Patricia Mertins
Review Officer, Fair Registration Practices Act (FRPA)

TABLE OF CONTENTS

I: INTRODUCTION	1
1.1. THE FAIR REGISTRATION PRACTICES ACT	1
1.2. OVERVIEW OF THE REGULATING BODY	1
II: ANALYSIS OF REGISTRATION PRACTICES	3
III: REVIEW SUMMARY	33
IV: ACKNOWLEDGEMENTS:	34
APPENDIX A: ACTION PLAN	35

I: INTRODUCTION

1.1. THE FAIR REGISTRATION PRACTICES ACT

[The Fair Registration Practices Act](#) (FRPA; the Act) applies to 48 [regulatory bodies](#) in Nova Scotia, covering 58 occupations and 21 designated trades. A regulatory body (regulatory authority or regulator) sets the standards and regulates how people practice as members of an occupation. Everyone who practices within a regulated occupation must register with the regulatory body.

The FRPA mandates that regulating bodies carry out registration practices that are transparent, objective, impartial and procedurally fair. Section 16(2) of the FRPA states: “Every regulating body shall review its registration practices in accordance with this Section and shall file a report on the results of the review with the Review Officer for the reporting period.” This review process is to occur as per the Act and if items are deemed to be noncompliant with the FRPA, an Action Plan is required to be completed by the Regulatory Body. The intent of the Action Plan is to identify how the items of noncompliance are progressing to ensure compliance, fairness and transparency, as required by the Act.

1.2. OVERVIEW OF THE REGULATING BODY

The Technical Safety Division of the NS Department of Labour and Advanced Education works with its partners and stakeholders to achieve compliance with safety legislation, regulations, and adopted standards for fuel installations, electrical installations, boilers and pressure equipment, power engineering, amusement devices, elevating devices, and crane operations. Regulatory compliance is achieved by engaging with stakeholders to set the requirements, promoting education and awareness of the requirements and how to comply, verifying that compliance is being achieved through inspections and other means, and enforcing compliance when required. To work in a regulated Technical Safety trade or occupation, an applicant may be required to seek authority to engage in the practice of an occupation or use a designation, license, or certification granted by the Technical Safety Division. A link to the Technical Safety Division website can be found [here](#).

Crane Operator Certification and Licensing

In Nova Scotia, a crane operator is an individual who holds a license and any endorsement required under the Crane Operator Regulations (the ‘Regulations’) of the *Technical Safety Act* (the ‘Act’), or is deemed to hold a license under the Act to operate a crane to lift, move, position, and place loads or objects such as materials and equipment, perform pre-operational inspections, calculate crane capacities, determine load weight, assemble, position and stabilize the crane before the lift, and disassemble, travel and transport the crane.

The classes of crane operator licences and associated crane types in Nova Scotia are as follows:

- crane operator 1 licence – boom truck or mobile crane (with specified lift capacity)
- crane operator 2 licence – boom truck or mobile crane
- crane operator 3 licence – boom truck or mobile crane
- crane operator 4 licence – boom truck or mobile crane
- tower crane operator licence
- overhead travelling crane operator licence.

A certificate of qualification is required to obtain a license to operate a mobile crane, boom truck, overhead traveling crane, or tower crane.

The classes of crane operator certificates of competency are as follows:

- crane operator 1 certificate of competency
- crane operator 2 certificate of competency
- crane operator 3 certificate of competency
- crane operator 4 certificate of competency
- tower crane operator certificate of competency
- overhead travelling crane operator certificate of competency.

Information on certification requirements for education, technical training, practical experience, exam locations and processes, fees, and the appeal process is found on the crane operator page of the Technical Safety website, in the Regulations, or by contacting the Technical Safety Division by phone, e-mail, in writing, or in person.

II: ANALYSIS OF REGISTRATION PRACTICES

As per Section 16 of the Act, the registration practices of a regulating body must be reviewed, and a public report produced. The FRPA Office works with regulatory bodies to assess the registration practices against the compliance criteria and develop an Action Plan to help each organization comply with the Act and improve registration practices, if applicable.

The Technical Safety Division: Crane Operator's responses to the FRPA Review Survey are detailed below, along with the Review Findings determined by the Review Officer in accordance with the Act.

SECTION I: INFORMATION AND REGISTRATION PROCEDURES

This section asks questions about all practices and policies your organization may use to provide information to the applicant during the registration process. The registration process includes the actions required to be taken by individual applicants, and any documentation required to be submitted which will be used to assess the applicant's request for registration. Documentation examples could include transcripts, certificates, job descriptions, articles, letters of support, and evaluations. All communication to and from the applicant should be clear and understandable to all individuals, including those who may have received their qualifications outside of Canada.

QUESTION 1

Explain/describe, in detail, your registration/application requirements. Please include an overview of the process and a list of all documents (Examples: transcripts, certificates, job descriptions, articles, letters of support, and evaluations) that applicants are required to submit during the registration/application process. If your registration/application process is different for each license type, list the process for each license type in the chart included.

Alignment with FRPA: *Section 7(a), Section 9(a), 16(3)(a) and 16(3)(b)*

**RESPONDENT
ANSWER**

Explain the process of how the requirements for registration/application are to be met by an applicant (if different by licence/certification type, include an outline by each type).

The process for obtaining a crane operator license is as follows:

1. Applicant submits an application for certificate of qualification found of the Crane Operators web page.
2. A complete application includes submission of fee and documents (technical training, practical test, certificates, diplomas, degree, transcripts) as listed on the application form.
3. The applicant can mail, fax or drop off for registration.
4. Registrar receives application and date stamps .
5. Registrar searches data base to verify duplicate applicant or not.
6. If no, registrar will enter the details from the application into the database to register the applicant, this will assign a unique identifier to the applicant. If yes, a new licence is entered under the same unique identifier.
7. The application is then given to the chief inspector for review and approval.
8. The chief will give back to the registrar.
9. If approved, the registrar will schedule the applicant for exams as per the application. If not approved, a correspondence letter is mailed to the applicant with reasons why and what the next steps the applicant can take.
10. Although our Regulations states there are two ways to obtain a licence and certification for cranes, NS does not currently have an apprenticeship pathway .
11. Approved programs are listed on our website, these approved programs are reviewed by our Chief every three years for approval.
12. If an applicant submits a training certificate from one of the approved programs, they applicant will receive a reduction in regulated hours. This is noted on the approved programs listed on our website.
13. The role of the regulatory body is to review and ensure that every applicant has met all requirements of the regulations leading to the certification and licencing under the Crane Operators Regulations.
14. Both the Chief and the Registrar review the applications. Both the chief and the Registrar sign the Certificate of Qualification once the applicant has met all requirements and successful on examination.
15. This link has all the documents and information or will provide links to other sites for information <https://novascotia.ca/lae/equipmentsafety/engineer.asp>

Certificate of Competency Requirements detailed in the Regulations:

Class 1: An applicant for a crane operator 1 certificate of competency must meet 1 of the following practical experience requirements:

- (a) 4000 hours of practical experience on a class 1 crane under the direct supervision of a crane operator who holds a crane operator 1 licence;
 - (b) 1000 hours of practical experience on a class 1 regulated crane under the direct supervision of a crane operator who holds a crane operator 1 licence and have held a crane operator 2 licence for 6 months or longer.
- (2) An applicant for a crane operator 1 lattice boom crane endorsement must meet both of the following practical experience requirements
- (a) at least 300 hours of the practical experience required in subsection (1) for a crane operator 1 licence spent operating a class 1 lattice boom crane;
 - (b) 80 hours of practical experience spent contributing to mobilizing and demobilizing a class 1 lattice boom crane.

- (3) An applicant for a crane operator 1 overhead travelling crane endorsement must meet 1 of the following practical experience or education requirements:
 - (a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 1 overhead travelling crane;
 - (b) completion of a course in overhead travelling cranes approved by the CO chief inspector.
- (4) An applicant for a crane operator 1 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane

Class 2: An applicant for a crane operator 2 certificate of competency must meet 1 of the following practical experience requirements:

- (a) 3000 hours of practical experience on a class 2 crane under the direct supervision of a crane operator who holds a crane operator 1 licence or a crane operator 2 licence;
 - (b) 1000 hours of practical experience on a class 2 crane under the direct supervision of a crane operator who holds a crane operator 1 licence or a crane operator 2 licence and have held a crane operator 3 licence for 6 months or longer.
- (2) An applicant for a crane operator 2 lattice boom crane endorsement to a crane operator 2 certificate of competency must meet both of the following practical experience requirements:
 - (a) at least 100 hours of the practical experience required in subsection (1) spent operating a class 2 lattice boom crane;
 - (b) 80 hours of practical experience spent contributing to mobilizing and demobilizing a class 2 lattice boom crane.
 - (3) An applicant for a crane operator 2 overhead travelling crane endorsement must meet 1 of the following practical experience or education requirements:
 - (a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 2 overhead travelling crane;
 - (b) completion of a course in overhead travelling cranes approved by the CO chief inspector.
 - (4) An applicant for a crane operator 2 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane.

Class 3: (a) 100 hours of the practical experience required in subsection (1) spent actually operating a class 3 lattice boom crane;

- (b) 40 hours of practical experience spent contributing to mobilizing and demobilizing a class 3 lattice boom crane.
- (3) An applicant for a crane operator 3 overhead travelling crane endorsement to a crane operator 3 certificate of competency must meet 1 of the following practical experience requirements:
 - (a) at least 50 hours of practical experience acceptable to the CO chief inspector in operating a class 3 overhead travelling crane;
 - (b) completed a course in overhead travelling cranes approved by the CO chief inspector.
- (4) An applicant for a crane operator 3 self-erecting tower crane endorsement must have at least 50 hours of training and practical experience, acceptable to the CO chief inspector, on a self-erecting tower crane.

The process and form for applying for a crane operator certificate of qualification can be downloaded from the Crane Operator: Certificate of Qualification page on the LAE Technical Safety website (<https://novascotia.ca/lae/equipmentsafety/craneoperator.asp>).

RESPONDENT ANSWER	<p>Please provide the additional information in the grid below (if you have a published document, or even an associated policy, please provide the link to that published document/policy). Documents need to be provided for each license/certification type, if applicable.</p> <table border="1" data-bbox="384 251 2515 535"> <thead> <tr> <th data-bbox="384 251 908 321">OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)</th> <th data-bbox="921 251 1507 321">LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE</th> <th data-bbox="1521 251 2515 321">LINK TO PUBLISHED DOCUMENT, IF APPLICABLE</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 321 908 467"> <ul style="list-style-type: none"> All license types: Mobile Crane 1 to 4 Tower Crane Overhead Travelling Crane </td> <td data-bbox="921 321 1507 467"> <ul style="list-style-type: none"> Application form Regulations SNS Registration Process </td> <td data-bbox="1521 321 2515 467"> <ul style="list-style-type: none"> Applicationforcertificateofqualification.pdf (novascotia.ca) www.gov.ns.ca/just/regulations/regs/tscrane.htm Nova Scotia Permits Directory-Labour and Advanced Education-Crane Operator: Certificate of Qualification </td> </tr> <tr> <td data-bbox="384 467 908 535"></td> <td data-bbox="921 467 1507 535"></td> <td data-bbox="1521 467 2515 535"></td> </tr> <tr> <td data-bbox="384 535 908 581"></td> <td data-bbox="921 535 1507 581"></td> <td data-bbox="1521 535 2515 581"></td> </tr> </tbody> </table>	OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)	LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE	<ul style="list-style-type: none"> All license types: Mobile Crane 1 to 4 Tower Crane Overhead Travelling Crane 	<ul style="list-style-type: none"> Application form Regulations SNS Registration Process 	<ul style="list-style-type: none"> Applicationforcertificateofqualification.pdf (novascotia.ca) www.gov.ns.ca/just/regulations/regs/tscrane.htm Nova Scotia Permits Directory-Labour and Advanced Education-Crane Operator: Certificate of Qualification 						
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COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants with information about their registration practices, including the registration process and documents that applicants are required to submit during the process; and the respondent's answer describes the registration requirements and the process for meeting them. <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does <i>not</i> provide applicants with information about their registration practices, specifically, the registration process and documents that applicants are required to submit during the process; or the respondent's answer does <i>not</i> describe the registration process and the process for meeting them. 												
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>												
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Requirements for registration include the qualifications, the process and documents required to be submitted. The response describes the registration process, but not what documentation of qualifications must accompany an application. There is a high-level description of qualifications in Regulations, but documentation requirements are unclear and there is no further information to clarify requirements. To be complaint with the FRPA regulating bodies must have clear information about registration practices, what documentation of qualifications must accompany an application, and an explanation of how the requirements for registration are to be met.</p>												

QUESTION 2

How is the registration/application process communicated to the applicant?

Alignment with FRPA: *Sections 7(c), 9(a) and 16(3)(g)*

RESPONDENT ANSWER

Select all that apply:

- Paper (hard copy) in the form of a fact sheet/pamphlet or handbook
- Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)
- Email
- Website
- Other: **explain your communication process if not listed above** Registrar, Chief Inspector, or another Technical Safety representative speaks with the applicant by phone, e-mail, fax, or in person. For more information about obtaining Crane Operator certification, review the Crane Operators Regulations at <http://www.gov.ns.ca/just/regulations/regs/tscrane.htm>. Or contact the Technical Safety Division.

Information on certification requirements for education, technical training, practical experience, exam locations and processes, fees, and the appeal process is found on the crane operator page of the Technical Safety [website](#), in the Regulations, or by contacting the Technical Safety Division by phone, e-mail, in writing, or in person. The Crane Operators web page (<https://novascotia.ca/lae/equipmentsafety/craneoperator.asp>) provides the following information, access to forms, and links to updated information including approved training programs and exam schedules:

- Certification and licensing requirements under the Regulations
- Certificate of Qualification application form, requirements, and process
- Approved training programs
- Application to rewrite an exam
- Examination reference syllabus for the certificate of qualification for tower crane operators, overhead traveling crane operators, mobile crane and boom truck operators, class A and B
- Appeals of Decisions
- Legislations and Regulations

The Crane Operator FAQ on the Nova Scotia Apprenticeship Agency website:

https://nsapprenticeship.ca/sites/default/files/docs/pubs/crane_operator_faq.pdf has further information on certification requirements.

COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body makes requirements for registration available to applicants (they select at least 1 response option); and • the respondent’s answer describes how the requirements for registration are made available to applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> make requirements for registration available to applicants (they do not select any response options); or • the respondent’s answer does <i>not</i> describe how the requirements for registration are made available to applicants.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office: Heavy reliance on SNS and NSAA to communicate information pertaining to the registration process to applicants. Also, a heavy reliance on regulations to communicate requirements to applicants. The applicant should have access to plain language information maintained and made available by the regulating body. Although a Technical Safety rep can be contacted for information, clear and understandable information including documentation requirements is not accessible for applicants. To be compliant with the FRPA regulating bodies must provide information to applicants in a clear and understandable form, including information on what documentation of qualifications must accompany an application.</p>

QUESTION 3

Is the registration/application process different for applicants who have received their qualifications (Example: education, experience, etc.) outside of Canada? If so, is the different registration/application process documented? Provide a link to the published document, if applicable. (Example: online)

Alignment with FRPA: *Sections 3, 6, 7(a through f) and 16(3)(a)*

RESPONDENT ANSWER

Please provide information in the chart below, with a separate answer per licence/certification type:

LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE	PROCESS DOCUMENTED YES/NO	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
<ul style="list-style-type: none"> • Mobile Crane 1-4 • Tower Crane • Overhead Travelling Crane 	<ul style="list-style-type: none"> • Yes 	<p>Other jurisdiction may apply to Technical Safety in the same manner and process as provided the step by step process above. This would include, CFTA and international</p> <p>With respect to Prior Learning Assessments, there is currently no clear process for cranes, however it has been the practice to follow the Power Engineer Policy put out by Alberta Safety Boiler Association.</p> <p>The regulations below apply to any applicant from outside Nova Scotia, including international applicants:</p> <p>The CO chief inspector may grant a CO licence and endorsement to an individual who applies who holds a qualification from another jurisdiction that is sufficiently equivalent to the requirements of the regulations for the required equivalent class of CO certificate of competency and endorsements; and has practical experience and educational qualifications that are sufficiently equivalent to the requirements for the CO licence and any required endorsements the individual is applying for.</p> <p>The CO chief inspector may require an applicant from a jurisdiction where crane operators are not granted certificates of qualification, certificates of competency,</p>	<ul style="list-style-type: none"> • Yes 	<p>https://www.novascotia.ca/just/regulations/regs/tscrane.htm</p>

		licenses or endorsements, to undergo a prior learning assessment to establish that the applicant's experience and qualifications are sufficiently equivalent to the requirements for the CO licence and endorsements applied for under these regulations.		
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The respondent's answer indicates whether a registration/application process is different (response = "yes" or "no"). • If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = "yes"), the respondent describes those differences. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent's answer does not indicate whether a registration/application process is different (no response, either "yes" or "no"). • If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = "yes"), the respondent's answer does <i>not</i> describe the differences. 			
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>			
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Response indicates that the registration process is different for international applicants, but the differences are not described. Regulations refer to a qualification 'sufficiently equivalent'. This requirement is unclear. Regulations also refer to a prior learning assessment, but the process is not described. An alternative registration process such as prior learning assessment should be available for international applicants, along with any other information pertaining to the differences in the registration process. Could an applicant begin this process outside Canada? What documents would an international applicant need to submit to be considered 'sufficiently equivalent'? Are there any other requirements such as translation? To be compliant with the FRPA regulating bodies are required to provide information in a clear and understandable form to individuals who received their qualifications outside of Canada.</p>			

QUESTION 4

Is the registration/application process different for individuals who are registered in another Canadian province/territory?

Alignment with FRPA: *Sections 3, 6, 7(a through f) and 16(a)*

RESPONDENT ANSWER

Please provide a separate answer per licence/certification type:

LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE
<p>All Crane License Types</p> <ul style="list-style-type: none"> • Mobile Crane 1-4 • Tower Crane • Overhead Travelling Crane 	<ul style="list-style-type: none"> • Yes 	<p>Under section 47 of the Regulations for “Other jurisdictions”, the intent can be applied to this clause referring to international and national applications</p> <p>Prior Learning Assessment: In 2010 the Department of Labour and Advanced Education adopted the Recognition of Prior Learning Policy Framework. Since that time, the department has provided leadership in RPL, building RPL services in NS, building capacity outside the provincial government, and developing quality assurance frameworks</p> <ol style="list-style-type: none"> 1. The application for certificate of qualification identifies a section for transfer of qualification and licenses 2. The application for certificate of qualification has a section for submission of hours which does not state NS only <p>The applicant may be required to submit a current resume to determine the equivalency in NS. Crane Operators:</p> <ol style="list-style-type: none"> (1) The CO chief inspector may grant a CO licence and endorsement to an individual who applies under Section 23 of the Regulations who <ol style="list-style-type: none"> (a) holds a qualification from another jurisdiction that is sufficiently equivalent to the requirements of these regulations for the required equivalent class of CO certificate of competency and endorsements; and (b) has practical experience and educational qualifications that are sufficiently equivalent to the requirements for the CO licence and any required endorsements the individual is applying for. (2) The CO chief inspector may require an applicant from a jurisdiction where crane operators are not granted certificates of qualification, certificates of competency, licenses or endorsements, to undergo a prior learning assessment to establish that the applicant’s experience and qualifications are sufficiently equivalent to the requirements for the CO licence and endorsements applied for under these regulations. (3) For the purposes of clause (1)(a), an interprovincial certificate of qualification is equivalent to a type and class of CO certificate of competency that authorizes the same regulated work as the interprovincial certificate of qualification.

COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent’s answer describes a registration/application process, that is aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent’s answer describes a registration/application process, that is <i>not</i> aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Response indicates that the process is different with reference to the RPL Framework, but the process is not described. What documentation would an applicant need to submit to be certified using this process? There is no reference to the process for CFTA applicants. Reference to “practical experience and educational qualifications that are sufficiently equivalent to the requirements for the CO license and any required endorsements the individual is applying for” is not compliant with the CFTA – certificate should be granted on the basis of the applicant’s current certification, without requirement for additional material assessment, training or experience. To be complaint with the FRPA regulating bodies must provide information in a clear and understandable form to individuals who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction (CFTA transfers).</p>

QUESTION 5

Are there fees attached to the registration/application process? If so, how is this information communicated to the applicant? (Example: information available on website, paper form, email)

Alignment with FRPA: *Sections 7(f) and 16(3)(d)*

RESPONDENT ANSWER

- Yes
 No

If yes, explain the process of how this information is communicated.

The fee is on the “Application for Certificate of Qualification” available on the website, in the Regulations, or by phone.

The Crane Operator: Certification of Qualification web page lists the applicable fees under the heading ‘Price & Payment (No Tax is Charged)’:

Exams \$39.80 each

Re-write exams \$39.80 each

Certificate, initial issuance \$145.80

Renewal \$72.90 per year

Replacement Certificate \$33.20

Re-instatement \$0

Re-marking of exams: \$39.80

Hourly rate for requested special services for exams: \$96.60

Oral Exams: \$79.60

Fees are also listed on the electronic, downloadable [Application for Certificate of Qualification](#).

Insert a website link of where this information is communicated, if applicable.

<https://novascotia.ca/lae/equipmentsafety/docs/Applicationforcertificateofqualification.pdf>

<https://novascotia.ca/just/regulations/regs/tsfees.htm>

Provide the fee for the registration/application process (linked to your piece of the registration/application process only), as of the date this review is completed.

Exam fee \$39.80 per paper and initial issuance of the C of C and license is \$145.80 (for all classes).

COMPLIANCE CRITERIA

Compliant:

- The regulating body provides applicants with information on any fees for registration; and
- the respondent’s answer states any fees charged for registration, even if the fees are not applicable or \$0.

	<p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does not provide applicants with information on any fees for registration; or • if fees are charged for registration, even if the fees are not applicable or \$0, the respondent's answer does not state the fees.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 6

Do you have a process to accept alternative information when the required documents cannot be obtained by the applicant, for reasons beyond their control (Example: a sworn statement in lieu of full documentation)?

Alignment with FRPA: *Sections 7(f), 9(b) and 16(3)(d)*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain the process: The Technical Safety Division does have an internal process to accept alternative information when the required documents cannot be obtained by the applicant, for reasons beyond their control. The applicant must contact the Registrar and Chief Inspector and each alternative application is processed and decided based on its own merits.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none"> • The regulating body advises applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; and • the respondent’s answer describes any such alternative information. Not compliant: <ul style="list-style-type: none"> • The regulating body does not advise applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; or • the respondent’s answer does <i>not</i> describe the alternative information.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: According to the response, alternative information is dealt with on a case-by-case basis. There is no description of acceptable alternative information to ensure that every application is managed in an impartial way. To be compliant with the FRPA regulating bodies have guidelines that describe expectations regarding documentation and alternatives that would be acceptable when documentation cannot be obtained (high school diploma, technical training certificate, etc.) Application form refers to ‘copies’ as sufficient evidence. Best practice would include original documents as a first choice and authenticated copies/course descriptions, etc. as an alternative.

QUESTION 7

Do you provide any support to applicants during the registration/application process (Examples: coaching, referrals, explanation of registration requirements)?

Alignment with FRPA: *Sections 7(e) and 16(3)(k)*

RESPONDENT ANSWER

- Yes
- No
- When required

If yes or when required, what types of support are provided to applicants during the registration/application process?

For additional information and support, applicants are instructed to contact the Registrar or Chief Inspector. The contact information for further information and support in person or by phone or e-mail is found on the Crane Operator: Certificate of Qualification web page:

Where can you get this Certificate and / or further information?

Phone: 902 424-5400 or 1-800-952-2687 (1-800-9-LABOUR)

Visit: [Crane Operators Section](#)
Labour and Advanced Education
Technical Safety Division
1505 Barrington Street, 3rd floor North
Halifax, NS B3J 3k5

E-mail: Shawna.publicover@novascotia.ca

Website: [Labour and Advanced Education](#)

Write: P.O. Box 697
Halifax, NS B3J 2T8

Fax: 902-424-0599

COMPLIANCE CRITERIA

Compliant:

- The respondent's answer includes information about any support they provide to applicants during the registration process.

Not compliant:

	<ul style="list-style-type: none"> The respondent's answer does not describe any support they provide to applicants during the registration process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

QUESTION 8	
<p>Do you have a policy and/or process on how to work with an applicant during the registration/application process that may have a physical or mental disability and requires an accommodation when registering/applying? If applicable, please provide a link to your policy and/or process. This is for the registration/application process only and not a workplace accommodation.</p> <p>Alignment with FRPA: <i>Section 16(3)(h)</i></p> <p>Note: A physical or mental disability includes any persons with a disability (consisting of a physical, cognitive, or mental impairment), that presents a persistent barrier to securing and/or retaining work. For more information visit the following links to the applicable Government of Nova Scotia legislation: https://nslegislature.ca/legc/bills/62nd_3rd/3rd_read/b059.htm https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf</p> <p>Examples of accommodations for this purpose can include, but is not limited to:</p> <ul style="list-style-type: none"> Assistance in completing application forms Provision of additional time provided to complete exams Provision of an application in braille Provision of audio-visual equipment In person meetings/interviews/hearings Other accommodations such as paper color, larger font, etc. 	
RESPONDENT ANSWER	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

	<p>If yes, provide a description of the policy/process? (if you have a link to a published policy/process, please include in your response) The Technical Safety Division adheres to the applicable provincial and federal legislation, as well as the policies and processes of the Nova Scotia Public Service on how to work with an applicant during the registration/application process who may have a physical or mental disability and requires an accommodation when registering/applying.</p> <p>If no, what would the process be if an accommodation were to be required?</p> <p>If N/A, please explain why this is not applicable to your registration/application process / practices?</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent's answer includes a description of any existing accommodation policies for applicants with a physical or mental disability. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent's answer does <i>not</i> describe any existing accommodation policies/processes for applicants with a physical disability or mental disability.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office: The answer refers to applicable provincial and federal legislation as well as policies and processes of the NS Public Service but does not describe any existing accommodation policies/processes for applicants with a physical or mental disability. Ensuring impartial registration practices for all applicants and compliance with the FRPA requires that the regulating body document a description of the accommodation practices (how to request and guidelines pertaining to types of accommodations) they make available to applicants.</p>

QUESTION 9

Is your accommodation policy and/or process adaptable if a new situation arises? (Example: translation was not covered in the policy, but a request for an alternate language was requested)

Alignment with FRPA: *This is to provide additional information and identify if there are areas that the FRPA Review Officer may be able to assist, if applicable*

RESPONDENT ANSWER

- Yes
 No

If yes, explain how and what steps would be taken to adapt this policy.

Consideration would be given to the applicant's circumstances and disability and the application of the provincial policy would be adapted to ensure that the processes are fair, transparent, objective, impartial, and procedurally fair for that individual or group.

If no, what would occur with that applicant if the policy/process could not be adapted?

COMPLIANCE CRITERIA

Compliant:

- NA

Not compliant:

- NA

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- NA
 NA

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

The written description, when developed, should be adaptable if a new situation arises.

SECTION II: ASSESSMENT CRITERIA AND COMMUNICATION OF DECISION PROCESSES

This section will explore assessment practices and how these practices are communicated to an applicant. An assessment measures an applicant’s skills, knowledge, qualifications, and credentials against the standard that must be met by your regulating body to be granted a licence/certification. Information on the criteria (Examples: exam material, competency information, work experience, requirements, etc.) used for assessment, how that information is communicated to the applicant, and how final registration/application decisions are provided will be requested in this section.

QUESTION 10

Are the criteria for meeting the requirements of registration/application documented? (Examples: exam marks, work experience requirements). If a third-party assessor is used for assessment, please describe their role in the space provided.

Alignment with FRPA: *Sections 16(3)(b) and 16 (3)(i)*

RESPONDENT ANSWER

- Yes
 No

If yes, how/where is this documented (Example: in an internal policy)?

1. An applicant to meet the requirements by completing the [application for certificate of qualification](#) on the crane operator web page. This application provides instructions on what sections to complete for the purpose of the application.
2. The regulations state the pass mark but is not listed on our website
3. The syllabus listed on our website provides training materials to study, where to purchase the materials and what to expect on the exams.
https://novascotia.ca/lae/equipmentsafety/docs/Syllabus_Mobile_and_Boom_Truck.pdf

Information on certification requirements for education, technical training, practical experience, exam locations and processes, fees, and the appeal process is found on the crane operator page of the Technical Safety [website](#), in the Regulations, or by contacting the Technical Safety Division by phone, e-mail, in writing, or in person. The Crane Operators web page (<https://novascotia.ca/lae/equipmentsafety/craneoperator.asp>) provides the criteria for meeting the requirements of certification, access to forms, and links to updated information including approved training programs and exam schedules.

If there is a third-party assessor utilized in the process, briefly describe the role of that assessor:

A third-party assessor is an applicant’s place of employment for work hours as well as training institution and exam invigilator approved by the Province of Nova Scotia. This employer’s and training institutions are required under the Regulations to submit a training manual to Technical Safety every 3 years. Third-party assessor is required to provide defined theory training and practical training to every applicant.

COMPLIANCE CRITERIA

Compliant:

- The respondent’s answer describes how/where the criteria for meeting the requirements of registration/application are documented; and

	<ul style="list-style-type: none"> the respondent's answer describes the role of any third-party assessors. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent's answer does not describe how/where the criteria for meeting the requirements of registration/application are documented; or if a third party is used for assessment, the respondent's answer does <i>not</i> describe the role of the third-party assessors.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The answer describes <i>where</i> the criteria can be found, but there is only some information on <i>how</i> requirements can be met. There is a training/exam syllabus. There is a list of approved training programs. Regulations show that the passing grade for an examination leading to a CO certificate of competency is 65%. Section 40 describes practical experience requirements. Regs give the Chief Inspector a considerable amount of discretion. What is 'prior learning assessment acceptable to the Chief Inspector'? To be compliant with the FRPA regulating bodies must have in place transparent and objective assessment criteria to determine eligibility for registration.</p> <p>The response describes the role of third-party assessors. Where third-parties are involved there should be a formal agreement in place to ensure that fair assessment practices are being upheld.</p>

QUESTION 11

How are the criteria that you use to assess the requirements for registration/application made available to applicants?

Alignment with FRPA: *Section 7(a) and (d)*

RESPONDENT ANSWER	<p>Select all that apply</p> <p><input type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</p> <p><input checked="" type="checkbox"/> Email</p> <p><input checked="" type="checkbox"/> Website</p> <p><input checked="" type="checkbox"/> Other, explain your communication process if not listed above: The requirements for registration/application are listed and available to applicants in the Regulations found online on the Crane Operator web page or available by contacting the Technical Safety Division.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants with a description of the criteria used to assess whether they meet the requirements for registration (they select at least 1 response option). <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does not provide applicants with a description of the criteria used to assess whether they meet the requirements for registration (they do not select any response options).
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Links to information available online identified in response to question 10. For criteria that are not transparently available the applicant would have to contact Registrar, Chief Inspector, or another Technical Safety representative who would advise the applicant by phone or in person. To be compliant with the FRPA regulating bodies must provide applicants with a description of the criteria that will be used to determine if they are eligible for registration.</p>

QUESTION 12

Do you have a process for providing the reason(s) why a registration/application is not approved?

Alignment with FRPA: *Sections 8(c) and 10(3)***RESPONDENT ANSWER**

- Yes
 No

If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.):

An application is received at Technical Safety by the registrar, who will register the application and assign a specific number to the file. The file is then reviewed by the Chief Inspector of Crane Operators against the Act and Regulations for approval. Based on the decision of the Chief Inspector, a letter is mailed to the applicant from the Technical Safety Division with the reasons for the decision.

Information on the appeal process is posted on the crane operator web page and in the Act and Regulations. Any person aggrieved by an order or decision of the Chief Inspector or the Administrator may appeal, in writing, within 15 days of service of the order or receipt of the notice of the decision by the aggrieved person to the [Nova Scotia Utility and Review Board](#) (NSUARB).

If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.):**COMPLIANCE CRITERIA****Compliant:**

- The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why.

Not compliant:

- The regulating body does *not* provide applicants who are not granted registration with a written decision that includes the reason(s) why.

REVIEW FINDINGS**To be completed by the FRPA Review Office:**

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS**Comments, to be completed by the FRPA Review Office:**

QUESTION 13

Do you provide supports/referrals/information to unsuccessful applicants after a decision has been communicated to the applicant? (Examples: referrals to education institutions to gain additional credentials, bridging programs, etc.)?

Alignment with FRPA: *Sections 8(d) and 16(3)(k)*

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If yes, what types of supports/referrals/information do you provide to unsuccessful applicants after a decision has been communicated? Applicants are provided the reason why they have not been successful on registration along with any requirements and instructions to resubmit once the requirements are met. Applicants are advised to contact the Registrar or Chief Inspector should they require information regarding the requirements.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides, if applicable, information to unsuccessful applicants that may assist them in obtaining registration at a later date; and • the respondent’s answer describes any other supports/referrals/information provided to unsuccessful applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does not provide, if applicable, information to unsuccessful applicants that may be assist them in obtaining registration at a later date; or • if the regulating body does provide any other supports/referrals/information to unsuccessful applicants (response = “yes”), the respondent’s does <i>not</i> describe this supports/referrals/information.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office: Advising applicants that they can resubmit when requirements are met is about process not about supports to facilitate future success. Likewise, contacting the Registrar is a step to gain more information, not proposed measures to facilitate future success when the applicant is informed they are not successful. The answer does not describe supports/referrals/information provided to unsuccessful applicants such as referral to a relevant training program, a practice exam, etc. To be compliant with the FRPA regulating bodies provide information respecting measures or programs that may be available to assist unsuccessful applicants in obtaining registration at a later date.</p>

SECTION III: INTERNAL REVIEW/APPEAL PROCESS

Section 10 of the Act states “Where a regulating body does not provide registration to an applicant, the regulating body shall provide an internal review process within a reasonable time and shall inform the applicant of the internal review process and of the procedures and time frames for the internal review.” This section focuses on the internal review/appeal process, including opportunities for an applicant to provide new information for a decision and details surrounding the decision-makers involved in the internal review/appeal process. Additionally, information on the training provided to individuals who make internal review/appeal decisions will be required.

QUESTION 14

Do you have a process for an applicant to request an internal review/appeal after a decision has been made on the registration/application? Include how this process is communicated to the applicant.

Alignment with FRPA: *Sections 7(a), 10(1)(2)(4) and 16(3)(m)*

RESPONDENT ANSWER

- Yes
 No

If yes, explain the internal review/appeal process and how it is communicated.

The process for an applicant to request an internal review by the Administrator of the *Technical Safety Act* (Executive Director) or appeal a decision to the Nova Scotia Utility and Review Board is outlined in the Act.

Information on the appeal process is posted on the Technical Safety Crane Operator web page and in the Act and Regulations. The following statement appears on the crane operator web page:

“Any person aggrieved by an order or decision of the Chief Inspector or the Administrator may appeal, in writing, within 15 days of service of the order or receipt of the notice of the decision by the aggrieved person to the NSUARB.”

The Act further outlines the reasons for which a person may request an internal review by the Administrator, and the process for doing so.

For the purposes of the *Technical Safety Act*, the Appeal Board is the Nova Scotia Utility and Review Board and the process for making an appeal is outlined in the Act.

If no, what do you do if an internal review/appeal is requested?

COMPLIANCE CRITERIA

Compliant:

- The regulating body provides an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; and
- the respondent’s answer includes a description of the internal review process, including how it is communicated to applicants.

	<p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does not provide an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; or • the respondent's answer does <i>not</i> include a description of the internal review process, including how it is communicated to applicants.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office:</p> <p>When registration is denied the applicant must be provided with the appeal process outlining procedures and timeframes, as well as opportunities to provide new information. Information on the webpage and in the Act and Regulations does not satisfy this communication requirement. Review by the Administrator would qualify as an internal review, but review by the Utility and Review Board is external. The answer does not describe the process of appeal to the Administrator. To be compliant with the FRPA regulating bodies must provide applicants who are not granted registration with information about the internal review process, including opportunities the applicant has to provide new information and to make submissions with respect to an internal review.</p>

QUESTION 15

Do you have a timeframe for applicants to submit a request to initiate an internal review/appeal, after a decision has been issued?

Alignment with FRPA: *Sections 7(a) and 10(1)*

RESPONDENT ANSWER

- Yes
 No

If yes, what is the timeframe that an applicant has, to initiate the internal review/ appeal process (in days)?

The Act and Crane Operator web page state that an applicant.

COMPLIANCE CRITERIA

Compliant:

- The regulating body has established a timeframe within which they must provide applicants with an internal review/appeal; and
- the respondent's answer includes a timeframe.

Not compliant:

- The regulating body has not established a timeframe within which they must provide applicants with an internal review/appeal; or
- the respondent's answer does *not* include a timeframe.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:[NAJ1]

QUESTION 16

Do you have a process for which an applicant can request access to records from the registration/application?

Alignment with FRPA: *Sections 12(4), 16(3)(j) and 16(3)(n)*

<p>RESPONDENT ANSWER</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please describe the process, and include the associated fees, for the individual to obtain the records from the applicant’s file. (Examples: application forms, reference letters, transcripts, criminal background checks, certificates of professional conduct, proof of good standing in another jurisdiction, etc.) An applicant is entitled to contact the Technical Safety Registrar for documents pertaining to their personal file only. Depending on the information requested (i.e. internal e-mails and other communications pertaining to the applicant and their file), the applicant may be instructed to make a <i>Freedom of Information and Protection of Privacy Act</i> request.</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body has a process under which requests for access to records are considered; and • the respondent’s answer provides a description of the process. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> have a process under which requests for access to records are considered; or • the respondent’s answer does <i>not</i> provide a description of the process.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office: The answer does not describe an access to records process. FOIPOP does not apply to a personal request for documentation pertaining to that individual’s registration (a personal record). To be compliant with the FRPA regulating bodies must establish a process under which requests for access to records will be considered.</p>

QUESTION 17

Are the individuals who acted as decision-makers in respect to the initial registration decision different than the decision-makers in the internal review/appeal?

Alignment with FRPA: Sections 10(5) and 16(3)(n)

RESPONDENT ANSWER

- Yes
 No

COMPLIANCE CRITERIA

Compliant:

- The respondent's answer states that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal.

Not compliant:

- The respondent's answer does *not* state that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

There is no statement attached to this answer. Section 32(3)&(4) of the Technical Safety Act implies that the Administrator could be involved in both the initial and an internal review decision. To be compliant with the FRPA regulating bodies ensure that no one who acted as a decision-maker in respect of a registration decision may act as a decision-maker in an internal review of the same decision

QUESTION 18

Explain the process that is used to ensure that the initial decision-maker for the registration/application of an applicant is different than the decision-maker in the internal review/appeal process.

Alignment with FRPA: *Sections 10(5) and 16(3)(n)*

RESPONDENT ANSWER**Explain the process:**

The process for an applicant to request an internal review by the Administrator of the *Technical Safety Act* (Executive Director) or appeal a decision to the Nova Scotia Utility and Review Board is outlined in the Act.

The Act requires that a, when requested by an applicant, a decision made by the registrar, Chief Inspector, Inspector, or other appointee under the Act, is reviewed by the Administrator. If there was prior involvement in the application process by the Administrator, the Act requires that the applicant be informed of the prior involvement, and if the applicant requests, the review may be referred to the NSUARB.

COMPLIANCE CRITERIA**Compliant:**

- The respondent's answer explains any process that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process.

Not compliant:

- The respondent's answer does *not* explain the process (if they have one in place) that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process.

REVIEW FINDINGS**To be completed by the FRPA Review Office:**

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS**Comments, to be completed by the FRPA Review Office:**

NSUARB is an external appeal board and does not meet requirements of the FRPA as an internal review decision-maker. This process does not ensure that review of the decision will be internal, and if internal, that decision-makers will be separate from those involved in the original decision. To be compliant with the FRPA the applicant must be offered a review of the registration decision that is internal to the regulating body and ensure that internal review decision-makers are different from the original decision-maker(s).

QUESTION 19

How are the results of an internal review/appeal decision communicated/provided to the applicant? (Examples: in writing, email, etc.) Are the reasons included in the results? Do you have a timeframe to provide an internal review/appeal decision, and is the timeframe written and communicated to the applicant?

Alignment with FRPA: *Section 10(3)*

RESPONDENT ANSWER	Explain how the results are provided and if the results include reasons (also include how the timeframe is written and communicated to the applicant): The review decision of the Administrator and reasons are communicated to the applicant in writing. There is no timeframe set by policy, legislation, or regulation.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">The internal review decision maker provides applicants with a written decision that includes reasons and a timeframe. Not compliant: <ul style="list-style-type: none">The internal review decision maker does <i>not</i> provide applicants with a written decision that includes reasons and a timeframe.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: There is no established timeframe for appeal decisions to be communicated to the applicant. To be compliant with the FRPA regulating bodies ensure that internal review decision makers provide applicants with a written decision that includes reasons within a reasonable time.

QUESTION 20

Have the decision-makers for the internal review/appeal process received training on how to conduct an internal review/appeal?

Alignment with FRPA: *Sections 11 and 16(3)(p)*

<p>RESPONDENT ANSWER</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, explain what training is required for the decision makers for internal reviews/appeal: Professional review/adjudication training was provided to the current Executive Director as requirement of previous roles. No training provided by LAE. This was communicated to LAE during the hiring process.</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides training to individuals who make internal review decisions; and • the respondent’s answer describes the training. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide training to individuals who make internal review decisions; or • the respondent’s answer does <i>not</i> describe the training.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office: FRPA Section 11: A regulating body shall ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review. Answer indicates there is no training plan in place.</p>

III: OTHER NOTES

During the review process areas for improvement in registration practices may be noted that are outside what is required for compliance with the FRPA. Though not mandatory, these practices are noted in this section for consideration by the regulating body.

The following was noted during the review of registration practices for Crane Operators:

- The regulator referenced translation services, but it was not clear under what circumstances this service might be available. The availability of translation services is an asset to some applicants. If this service is available, it should be identified as a support on the public website. Provide information on what translation services are available and how to access them.

For support with this and other actions associated with the improvement of registration practices, the regulating body may contact the Review Officer for advice, provision of templates, information, research and/or best practice. The FRPA Office can assist with templates and example policies on items that are required for compliance under the Act. (example: Accommodation of Applicants with Physical and Mental Disability). Sample policies and templates can be requested from the Review Officer at any time or by visiting the FRPA website: [Resources for Regulatory Bodies | FRPA \(novascotia.ca\)](https://www.novascotia.ca/frpa)

IV: ACKNOWLEDGEMENTS:

The Technical Safety Division, NS Department of Labour & Advanced Education: Crane Operators hereby declares that the information contained in this report is a true and accurate representation of current registration practices of the organization and agrees to take action to address items of non-compliance as per the following Action Plan.

DATE: February 23, 2021

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X Jeff Dolan, Executive Director, LAE Technical Safety

APPENDIX A: ACTION PLAN

Note: The intent of the Action Plan is to identify how the items of noncompliance are going to be corrected before the next review period to ensure compliance, fairness and transparency, as required by the Act.

NAME OF REGULATING BODY: Technical Safety Division, NS Department of Labour and Advanced Education: Crane Operators

DATE SUBMITTED BY REGULATING BODY: 2021-01-22

ACTION PLAN TIMELINES:

TIMELINES FOR ACTION PLAN PROGRESS UPDATES					
	Action Plan Deadline	Action Plan Progress Update 1	Action Plan Progress Update 2	Action Plan Progress Update 3	Action Plan Progress Update 4
Due Date	2021-01-22	2022-02-01	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-01-22	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.

ACTION PLAN:


ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(3)(a), (b) and (g)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	1 & 2	Areas of non-compliance to be addressed in an action plan are as follows: <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications. - ensure that information regarding registration requirements and how requirements are to be met is clear and 	The Technical Safety Division (the 'Division') will review and update the current qualifications, processes, and required documents for an applicant to obtain a Certificate of Competency (certificate) and/or a Crane Operator license (license) as required by the Technical Safety Act (the 'Act') and Crane Operators Regulations (the 'Regulations'). An application form with clear instructions for obtaining a certificate and/or license and a complete list of all requirements and documents an applicant must submit for	By June 1, 2021	May be difficult to update qualifications, process and required documentation without amending the Act &

		<p>easily accessible in the public domain through print and electronic media.</p>	<p>each certificate and license type (1,2,3,4, tower crane, and overhead traveling crane) will be explained clearly and in plain language in the public domain for an applicant or other interested party on the Labour and Advanced Education (LAE) Technical Safety website, downloadable PDF, and printed hard copy, and in any other manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the Fair Registration and Practices Act (FRPA).</p> <p>The current Technical Safety crane section contact information will also be made available in the public domain so that applicants and other interested parties can contact the office for assistance. An informational update will be sent to Technical Safety crane operator stakeholders to inform them of the updates.</p> <p>As part of the LAE Trade Regulation Framework, the responsibility for issuing the certificate of qualification is to be transferred from Technical Safety to the Nova Scotia Apprenticeship Agency. Stakeholders will be kept proactively informed and updated of this new alignment and its progress. Crane operator licensing responsibilities will be retained by Technical Safety.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including Service NS and NSAA to ensure that all information in the public domain is clear, accurate, and consistent.</p>	<p>Regulations. Perhaps this goal is more about developing robust policies to delineate requirements and sharing with applicants in a transparent manner.</p> <p>Good to update the application form to reflect the new policies. Instructions (process), list of requirements, documentation and contact information should also be housed on a Crane Operator licensing webpage, not just on the application form, for ease of accessibility.</p> <p>Regarding the LAE Trade Regulation Framework, regular updates regarding this transition could be posted to the Crane Operator licensing webpage.</p>
Update 1				
Update 2				
Update 3				



Update 4						
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	3	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information regarding registration requirements and how requirements are to be met by international applicants is clear and easily accessible in the public domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>Where the Act and Regulations stipulate that the certification and/or licensing process may be different for international applicants, the Division will clearly identify explain the difference for the applicant in the public domain. Where equivalencies for stated provincial or Canadian requirements may be accepted by the Chief Crane Inspector, examples of international equivalencies will be provided as well as the contact information for the Division where the applicant can seek further clarification on the accepted international equivalencies.</p> <p>In situations where a prior learning assessment of an international applicant may be required by the Regulations, the process, timing, and requirements for obtaining an assessment as part of the application process will be clearly explained in the public domain.</p> <p>The explanation for international applicants will include, but not necessarily be limited to, the documents the applicant would need to submit for consideration of equivalency and assessment of prior learning.</p> <p>Should verbal, written, or reading translation services be required by an applicant, the Division will provide information on how to access to the services to facilitate the international application process for applicants who received their previous qualifications outside of Canada. Instructions will be made available in the public domain so that, where possible, an applicant may be able to initiate the process before arriving in Nova Scotia.</p> <p>The Technical Safety crane operator website and printed materials will be updated so that the instructions, requirements, processes, and supports are available to the applicant in the public domain, and coordinated with other government departments or agencies that may be involved in the certification and licensing processes.</p>	By June 1, 2021	A good plan to address the current gap in registration practices.
Update 1					



Update 2						
Update 3						
Update 4						


ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	4	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants who received their qualification outside NS but within Canada is clear and easily accessible in the public domain through print and electronic media. - ensure that information about registration requirements and how requirements are to be met by applicants registered in another Canadian jurisdiction are based on certificate-to-certificate recognition and are clear and easily accessible on the public domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>The registration/application requirements in the Act and Regulations for individuals who are registered in another Canadian province/territory will be reviewed against the Canadian Free Trade Agreement (CFTA) to ensure they are aligned and compliant. The division will develop a process for out-of-province applicants and any necessary regulatory amendments will be made.</p> <p>Any differences in the requirements for out-of-province (OOP) applicants will be clearly explained by province or territory for the affected applicant in the public domain. Where there are no differences, this will also be clearly stated.</p> <p>For OOP applicants where differences may exist, the application process and forms, qualification requirements, and required documents will be clearly explained in the public domain.</p> <p>Compliance with the CFTA is required by NS Technical Safety for the OOP applicant and their educational, qualification and/or practical experience equivalencies. Under the CFTA a license and/or certification should be granted on the basis of the applicant's current certification, without requirement for additional material assessment, training, or experience This will be clearly explained in plain language in the public domain. The Division will provide the CFTA information in a clear and understandable form to applicants who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction. Instructions will be made available in the public domain so that, where possible, an applicant may be able to initiate the process before arriving in Nova Scotia.</p> <p>The Technical Safety crane operator website and printed materials will be updated so that the requirements, processes, and supports are available to the OOP applicant in the public domain, and coordinated with other government</p>	By June 1, 2021	Should regulatory amendments be required, it may be a challenge to meet the June 1, 2021 completion date that you have set as a goal. Should this be the case you may reach out to the provincial Labour Mobility Coordinator who can assist you to obtain a waiver under the CFTAIA that would enable you to move forward with this action prior to amendments.

			departments or agencies that may be involved in the certification and licensing processes for OOP applicants.		Under the CFTA those eligible for certificate-to-certificate licensure are not required to be residents of Nova Scotia. For example, a licensed Crane Operator in Alberta could apply and obtain licensure in Nova Scotia, but are not required to ever live in Nova Scotia.
Update 1					
Update 2					
Update 3					
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 9(b), 16(3)(c)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	6	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control 	<p>The Division will develop a process to accept alternative information when the required documents cannot be obtained by the applicant and submitted with the application for reasons beyond the applicant's control. i.e. a sworn or notarized statement in lieu of original required document from a training facility that has closed.</p> <p>A detailed list of required original or authenticated documents will be available to applicants digitally or in print in the public domain along with acceptable forms of alternative information when the required documents cannot be provided (high school diploma, technical training certificate, etc.)</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners to ensure that all information regarding document requirements and acceptable alternatives is in the public domain and is clear, accurate, and consistent.</p>	By July 1, 2022	A good plan to address the current gap in registration practices. There may be a need to coordinate some of this with NSAA as plans for the transfer of responsibilities takes place.
Update 1					
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 16(3)(h)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	8 & 9	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a description of the accommodation practices for applicants which includes: <ul style="list-style-type: none"> - how to request an accommodation - guidelines regarding types of accommodations - ensure that practices are adaptable if a new situation arises 	<p>The Division will develop a policy on how to work with an applicant during the application process that may have a physical or mental disability and requires an accommodation when applying for a crane operator certification or license. The accommodation policy will also be adaptable should a new situation arise, such as translation services.</p> <p>Based on existing government policies, the Division's adaptable policy will ensure clearly explained, fair, and impartial application processes for all applicants, which will be made available to all applicants and available in the public domain.</p> <p>Applicants who may require an accommodation will be provided access to contact information and instructions for requesting an accommodation in digital, print, and any other form (audio), that the applicant may require.</p>	By February 1, 2022	<p>The need for translation services would not be considered a disability that requires accommodation. Translation services are a support that the regulating body might provide to any applicant throughout the registration process (as per Q. 7 in the review questionnaire). The following information may provide some clarity in planning to move forward with this action.</p> <p>Person with a Disability: An individual with a disability is a person with a physical or</p>

					<p>mental impairment that limits one or more major life activities that the average person in the general population can perform.</p> <p>Reasonable Accommodation: Reasonable accommodation is defined as a modification or adjustment to the application process or the environment that enables a qualified applicant with a disability to be considered for certification that will not:</p> <ul style="list-style-type: none">• cause “undue hardship” to the application or examination process,• bypass occupational requirements, or• compromise accepted safety
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					standards of the profession.	
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(a), (d), 16(3)(b) and (i)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	10 & 11	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document all criteria that are used to assess whether requirements for certification have been met - ensure that information is clear and easily accessible in the public domain through print and electronic media. 	<p>A complete list of the assessment criteria for meeting the requirements of an application defined by the Act and Regulations will be transparently provided by the Division for individuals applying for crane operator certification and licensing including, but not limited to completed training programs, exam marks, and work experience requirements.</p> <p>Made available in the public domain in digital and print form, how the regulatory requirements must be met will be clearly explained to the applicant. This will include but will not be limited to; educational requirements; practical experience requirements; professional training program providers, locations, syllabuses, and exam schedules; passing grades required for certification exams stated in the Regulations.</p> <p>Elements of the applicant process such as prior learning assessments and other criteria will be clearly explained for applicants. All eligibility assessment criteria will be transparently available to applicants in the public domain, both digitally on the website, by e-mail upon request, and in print.</p> <p>In situations where a third-party, or contractor, is used for exam marking or other applicant assessments, applicants will be informed of their role in the process. The Division will also ensure that formal agreements are in place with all third-party assessors to ensure that fair assessment practices are being upheld.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government and industry partners to ensure that all information regarding process requirements is in the public domain and is transparent, accurate, and consistent.</p>	By June 1, 2021	When the change of responsibilities is established with NSAA, they will be a third party. Ensure that this relationship is clearly explained on the website, including the role that NSAA plays in the registration process, relevant links, etc.



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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 8(d) and 16(3)(k)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	13	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - consider opportunities that might be available to support future success such as referral to a relevant training program, practice exam, etc. - provide information with respect to measures or programs that may be available to assist unsuccessful applicants in obtaining certification, at a later date 	<p>For applicants who are informed that their application for a certification or license was unsuccessful, the Division will develop and provide the information, supports, and referrals necessary for an application to be successful. A section containing the instructions and supports available to unsuccessful candidates will be made available in the public domain, digitally and in print.</p> <p>Contact will be made with the applicant by the Registrar, Chief Crane Inspector, or other representative of the Technical Safety Division in writing, by phone, or e-mail, to communicate the decision that the application was unsuccessful, providing the reasons, and the available information, support(s), and training referral(s) to remedy the area(s) that caused the application to be unsuccessful.</p> <p>The available information, support and referrals will be outlined and made available directly to the applicant and in the public domain to assist the applicant in being successful in the future.</p> <p>Information, supports, and referrals provided by the Division will be transparently coordinated with government and industry training partners to provide the applicant with the best opportunity to succeed on their next application.</p>	By December 1, 2021	In the registration process, it should be clear who is issuing the decision. As per the FRPA, registration decisions must be issued in writing. The applicant can be provided with information regarding opportunities to support future success and/or given contact information to discuss further.



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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(a), 10(1)(2)(4) and 16(3)(m)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	14	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a clearly defined process for an internal review of the registration decision which includes: <ul style="list-style-type: none"> - procedures - timeframes - opportunities the applicant has to provide new information and to make submissions in support of their position (e.g. documented evidence, hearing, etc.) - ensure that information on the internal review process is clear and easily accessible in the public domain through print and electronic media - document the timeline and process by which an applicant who has been denied registration is informed about the procedures and time frames for the internal review. 	<p>The Division will establish a process for internal review of a decision by the Administrator as defined and outlined in the Act.</p> <p>The criteria for requesting a review, the definition of an “aggrieved person” pursuant to the Act and eligible to request an internal review by the Administrator, the internal review process; forms of reviews available to the Administrator, and outcomes will be clearly explained and made available in the public domain on the Division website and in print.</p> <p>All aspects and rules that apply to an internal review defined in the Regulation will be clearly stated in plain language in the public domain. Information will be provided in the public domain that clarifies the Utility and Review Board (UARB) is the external appeal board established under the Act and the reasons for which a review or appeal may proceed externally to the UARB.</p> <p>The documented process will include the means by which an individual may seek a review of a decision related to their application for a certificate or license, and the steps they must follow. This information will be transparently available on the Divisional website and included in any decision letter issued by the Chief Inspector. The communicated process will include the deadline for the applicant to seek a review, time allotted for the review to be undertaken, opportunities to present new information and make submissions, and how and when the review decision will be communicated to the applicant.</p>	By December 1, 2021	According to the FRPA the applicant has a right to an internal review of the registration decision. UARB could be a step beyond the internal review, but not instead of. You may need legal counsel to be sure this process can be formalized in policy without an amendment.
Update 1					
Update 2					
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ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 12 and 16(3)(j)</i>					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	16	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - develop and document a clearly defined process under which requests for access to records will be considered, including: <ul style="list-style-type: none"> - the process by which an applicant may make a request - any limitations with regards to access - any fees associated with the request 	The Division will develop a clear process for which a request by an applicant for access to their records will be considered and processed. The options available, the request process, timelines, limitations to access, associated fees, and possible outcomes will be made transparently available in the public domain, digitally and in print.	By September 1, 2021	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 10(5) and 16(3)(n)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	17 & 18	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document the process that is used to ensure that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision - include in the description of the internal review process a statement to the effect that no one who acted as a decision maker in a registration decision may act as a decision maker in an internal review of the same decision 	<p>The Act currently does not automatically disqualify the Administrator from conducting the review if they were previously involved in the matter that is the subject of the internal review, provided their involvement is disclosed to the applicant as soon as the Administrator is aware and before the Administrator proceeds with the review.</p> <p>The Review Officer has advised that, to be compliant with the FRPA, regulating bodies (need to) ensure that no one who acted as a decision-maker in respect of (an application) decision may act as a decision-maker in an internal review of the same decision.</p> <p>To preserve the Administrator’s ability to conduct an internal review, an internal policy will be created to ensure the Director, Compliance and Inspections is the most senior person in the Division involved in an application or other matter that could potentially be the subject of a later review and decision by the Administrator.</p>	By September 1, 2021	This sounds like a good solution to implement fair practices with regards to an appeal of the registration decision. As per comments related to Q. 14, legal counsel may be required.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 10(3)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	19	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that the internal review process includes a requirement for decision makers to provide applicants with a written decision that includes reasons - the internal review process describes the timeframe for a decision to be communicated to the applicant 	The Division will develop a process and set timelines for communicating a written internal review decision and supporting reasons to the applicant in accordance with the Act, Regulations, and the FRPA. The process will be made available in the public domain (digital and print) and will clearly state how and when the applicant may submit a review request, the review process, decision to be communicated to the applicant, and associated timeframes.	By February 1, 2022	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 11, 16(3)(p)					
	QUESTION	AREAS OF NON-COMPLIANCE TO BE ADDRESSED	REGULATOR ACTION PLAN	DATES FOR COMPLETION	FRPA REVIEW OFFICER COMMENTS
Action required	20	Areas of non-compliance to be addressed in an action plan are as follows: <ul style="list-style-type: none"> - ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review. - develop a plan and document training provided to individuals who make internal review decisions 	The Division will outline the process and develop/deliver approved internal review/appeal training to the decision-maker(s)/ Administrator.	By December 1, 2021	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					