

**ACTION PLAN -YEAR 1 PROGRESS UPDATE**

**NS TECHNICAL SAFETY DIVISION: ELEVATING DEVICE  
MECHANICS DEPARTMENT OF LABOUR SKILLS AND IMMIGRATION**

**ACTION PLAN TIMELINES:**

| <b>TIMELINES FOR ACTION PLAN PROGRESS UPDATES</b> |                             |                                      |                                     |                                      |                                      |
|---|-----------------------------|--------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|
|   | <b>Action Plan Deadline</b> | <b>Action Plan Progress Update 1</b> | <b>Action Plan Progress Update2</b> | <b>Action Plan Progress Update 3</b> | <b>Action Plan Progress Update 4</b> |
| <b>Due Date</b>                                   | 2021-02-24                  | 2022-03-09                           | 2023-03-09                          |                                      |                                      |
| <b>Actual Completed Date</b>                      | 2021-02-24                  | 2022-03-25                           |                                     |                                      |                                      |

**ACTION PLAN:**

| ALIGNMENT WITH THE FRPA                            |          | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES   |   |  |  |
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| 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    | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- provide clear instructions on what documentation must accompany applications</li> <li>- ensure that information regarding registration requirements and how requirements are to be met is clear and easily accessible in the public domain through print and electronic media.</li> </ul> | <p>The Division will review and update the current criteria, qualifications, processes, and required documents required by the Regulations for an applicant to obtain an Elevator Mechanic Certificate of Competency (“certificate”), including, but not limited to, proof of relevant work experience, an affidavit from employer verifying competency and training, and proof of successful completion of approved education, training, and examination approved by the Chief Elevator Inspector (“Chief Inspector”).</p> <p>The clear instructions will be available in the public domain for individuals seeking to obtain from the Chief Inspector an elevator mechanic certificate of competency for Class A, Class B, or Class C designations. Although during the review, the requirements and processes appeared to be articulated clearly there was a lack in clarity for the documentation that the applicant must submit. The focus would be to develop the appropriate packages and present in a way that is clear to the public domain.</p> <p>The Division will clarify the current regulatory application process, requirements, and timelines with instructions for obtaining a certificate. A complete, updated list of all requirements and documents an applicant must submit 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 <i>Fair Registration and Practices Act</i> (FRPA).</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>A good plan to address the current gap in registration practices.</p> |

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|  |  | <p>The updated Technical Safety Elevators &amp; Lifts section contact information will also be made available digitally (website) and hard copy so that applicants and other interested parties can contact the office for assistance or to make an inquiry. An informational update will be sent to Technical Safety elevating device stakeholders to inform them of the updates.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including the NS Apprenticeship Agency (NSAA), known stakeholders, and industry associations to ensure that all information in the public domain is clear, accurate, and consistent.</p> <p>Updates on legislative changes and any impact on registration practices will be provided on the next FRPA Action Plan Progress Update.</p> |  |  |
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|  | <b>Regulator Action Plan updates for above noted Areas of non-compliance<br/>("Questions 1 &amp; 2")</b>  | <b>FRPA Review Officer<br/>Comments</b>   |
|--|---|---|
| <b>Update 1<br/>(Due: March 9, 2022)</b> | <p>The Elevating Device Mechanic Guide to Certification (the 'Guide') for applicants seeking an elevating device Certificate of Competency (Certificate) is being drafted by the Technical Safety Division and will be posted online in the spring of 2022. The requirements for an applicant to receive a Certificate under the <i>Elevators and Lifts Act</i> and Elevators and Lifts General Regulations will appear on the NS Department of Labour, Skills and Immigration Elevators and Lifts webpage and in the downloadable PDF Guide*, which provides clear instructions to an applicant on the documentation that must accompany a complete application, registration requirements including proof of completion of an approved mechanic education program, documented experience, an outline of the application process, fees (including where this is no fee), and timelines, including those for an internal review and/or appeal of a decision. The Guide and website clearly identify Divisional contacts and resources. Mechanic education programs approved by the Chief Inspector, Elevators and Lifts including the Nova Scotia Apprenticeship Agency (NSAA) training pathway will be listed/linked on the Elevators and Lifts webpage (the 'webpage').</p> <p>The Division is working with Communications Nova Scotia to finalize and post all required public information, the Guide, and forms on the existing Department of Labour, Skills and Immigration/Safety Branch/Elevator and Lifts webpage. It is expected this information will be in the public domain in the spring of 2022.</p> <p>The application requirements, equivalencies, processes, and timelines for Nova Scotia applicants, Canadian applicants residing outside NS, and international applicants will be available on the webpage.</p> <p><i>*Due to COVID-19 restrictions, focus is currently on digital information being made available in the public domain on the Province of Nova Scotia website, social media, and direct client communications. Print materials will be generated for distribution in the future when appropriate.</i></p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |

| 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"> <li>- ensure that information regarding registration requirements and how requirements are to be met by <b>applicants who received their qualifications outside of Canada</b> is clear and easily accessible in the public domain through print and electronic media.</li> <li>- provide clear instructions on what documentation must accompany applications</li> </ul> | <p>The process for internationally qualified applicants to gain their certificate as required by the Act and Regulations will be clearly explained and communicated in the public domain through the website and in print. The process, qualifications, and documentation required to validate their past experience, education, training, and qualifications will be clearly listed for the applicant in the public domain. The application for the various certificate classes (A, B &amp; C) will be clarified.</p> <p>In situations where a prior learning assessment of an international applicant may be required by the Regulations, instructions on the process, timing, and requirements for obtaining an assessment as part of the application process will be clearly explained in the public domain with the Division contact information. The clarity and details of the trade qualifier process with NSAA will be part of process.</p> <p>The explanation for international applicants will include, but not necessarily be limited to, process instructions, documents, fees, and other valid forms of verification the applicant would need to submit for consideration of equivalency and assessment of prior learning.</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>Regulations don't currently identify a prior learning assessment (PLA) pathway. The current option for an alternative pathway appears to be 16(3)(b). This could evolve as a PLA process but would need to be defined and developed. This may require consultation with NSAA as indicated in the Action Plan.</p> |

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|  |  | Should verbal, written, or reading translation services be required by an applicant, the Division will provide information on how to access the services to facilitate the international application process for applicants who received their qualifications outside of Canada. |  |  |
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|  | <b>Regulator Action Plan updates for above noted Areas of non-compliance (“Question 3”)</b>  | <b>FRPA Review Officer Comments</b>  |
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| <b>Update 1<br/>(Due: March 9, 2022)</b> | Technical Safety has engaged a recognized third party to assess and verify an applicant’s international credentials, including educational and professional training equivalencies. By engaging the third-party service provider, Technical Safety will ensure that information regarding registration requirements, including complete documentation, for international applicants is clear and easily accessible in the public domain through electronic media and assessed/verified in a timely manner. The Technical Safety Guide and webpage are being updated to make application information publicly available to international applicants. An application form and Guide for international applicants has been developed and is undergoing a plain language review. The webpage update is expected to be completed in the spring of 2022. | As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete. |
| <b>Update 2<br/>(Due: March 9, 2023)</b> |  |  |

| 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"> <li>- ensure that information about registration requirements and how requirements are to be met by <b>applicants who received their qualification outside NS but within Canada</b> is clear and easily accessible in the public domain through print and electronic media.</li> <li>- ensure that information about registration requirements and how requirements are to be met by <b>applicants registered in another Canadian jurisdiction</b> are based on certificate-to-certificate recognition and are clear and easily accessible on the public domain through print and electronic media.</li> <li>- provide clear instructions on what documentation must accompany applications</li> </ul> | <p>Technical Safety will update digital (website) and print information in the public domain to clearly explain the process and criteria for an applicant from another province or territory to obtain a Nova Scotia elevator mechanic certificate of competency under the provisions of the Canadian Free Trade Agreement (the “CFTA”). This will include an elevator mechanic application and transfer and verification process for licences/certificates held in other Canadian jurisdictions. Compliance with the CFTA is required by NS Technical Safety for the 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.</p> <p>Where a license/certificate does not exist for their originating jurisdiction within Canada and the applicant is looking to apply for an elevator mechanic certificate of competency, a process will be developed in partnership with the NSAA to evaluate past experience, training, and qualifications. The process will be communicated to industry stakeholders and be available for access in the public domain in a clear manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the FRPA. The process clarity will be added for those which have experience in another jurisdiction but do not yet hold a license/certification in that jurisdiction.</p> <p>The development of such an evaluation process will require a review of other Canadian jurisdictions to determine how individuals are regulated in their originating jurisdiction and integrate aspects that will allow FRPA requirements to be met.</p> | <p>June 1, 2021 – process and document development.</p> <p>Nov 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>A good plan to address the current gap in registration practices.</p> |

|  | <b>Regulator Action Plan updates for above noted Areas of non-compliance<br/>("Question 4")</b>  | <b>FRPA Review Officer<br/>Comments</b>   |
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| <b>Update 1<br/>(Due: March 9, 2022)</b> | <p>The Technical Safety webpage will be updated to fully and clearly inform applicants who received their qualification from another Canadian province or territory. The Guide provides clear instructions to an out-of-province applicant on all documentation that must accompany a complete application, registration requirements including proof of education from an approved program, documented experience, an outline of the application process, and timelines. The Guide clearly identifies Divisional contacts and resources, approved education, and certification/qualification equivalencies for out-of-province applicants in accordance with the Canadian Free Trade Agreement, and decisions timelines including those for an internal review and/or appeal of a decision.</p> <p>The Division is working with Communications Nova Scotia to finalize and post all required public information, Guide, and forms on the existing webpage. It is expected this information will be in the public digital domain in Spring 2022.</p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <b>Update 2<br/>(Due: March 9, 2023)</b> |  |   |

| 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   |
| <b>Action required</b>  | 6        | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- 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</li> </ul> | <p>Technical Safety 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. Examples of these alternatives could be a sworn affidavit or notarized statement in lieu of the original required document. The list of required documents and acceptable alternatives will be clearly listed, as well as the updated processes to follow when original documents cannot be obtained. This information will be made clearly available in the public domain.</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>A good plan to address the current gap in registration practices.</p> |

|                                      | Regulator Action Plan updates for above noted Areas of non-compliance (“Question 6”)  | FRPA Review Officer Comments  |
|--------------------------------------|---|---|
| <b>Update 1 (Due: March 9, 2022)</b> | <p>The Guide clearly identifies acceptable alternative document(s) when the original(s) cannot be produced. A successful application is supported by a checklist based on the regulatory requirements outlined in the Guide. Webpage and Guide will also instruct applicant to contact the Division by phone or email with any questions regarding acceptable alternatives. As repeat inquiries are received, the Division will create and update an FAQ section to proactively assist applicants.</p> <p>The Division is working with Communications Nova Scotia to finalize and post all required public information, the Guide, and forms on the existing webpage. It is expected this information will be in the public digital domain in the spring of 2022.</p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <b>Update 2 (Due: March 9, 2023)</b> |   |   |

| ALIGNMENT WITH THE FRPA |          | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES   |   |  |  |
|-------------------------|----------|---|---|--|--|
| Sections 7(e), 16(3)(k) |          |   |   |  |  |
|                         | Question | Areas of non-compliance to be addressed   | Regulator Action Plan   | Dates for Completion                                     | FRPA Review Officer Comments   |
| <b>Action required</b>  | 7        | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- ensure that information about any support provided to applicants during the registration process is clear and easily accessible in the public domain through print and electronic media.</li> </ul> | <p>Technical Safety will ensure that information about any support provided to applicants during the application process is clear and easily accessible in the public domain through print and electronic media. This will include contact information in order to seek any additional support during the application/registration process for any inquiries relating to coaching, referrals, explanation of registration requirements. Every attempt will be made to ensure clear communication of the process in the public domain but in the event further clarity is required by the applicant the support options will be in place, including translation services where needed.</p> | <p>July 15, 2021 – process and document development.</p> | <p>A good plan to address the current gap in registration practices.</p> |

|                                      | Regulator Action Plan updates for above noted Areas of non-compliance (“Question 7”)  | FRPA Review Officer Comments  |
|--------------------------------------|---|---|
| <b>Update 1 (Due: March 9, 2022)</b> | <p>The updated webpage and downloadable Guide will clearly provide an applicant the contact information to request guidance, support, and other resources during the application process. Webpage and Guide will instruct applicant to contact the Division by phone or email with any questions regarding the application process and to access to any necessary support, including translation services and access to other government departments. As repeat inquiries are received, the Division will create and update an FAQ section to proactively inform and assist applicants.</p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <b>Update 2 (Due: March 9, 2023)</b> |   |   |

| 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   |
| <b>Action required</b>  | 8 & 9    | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document a description of the accommodation practices for applicants which includes:               <ul style="list-style-type: none"> <li>- how to request an accommodation.</li> <li>- guidelines regarding types of accommodations</li> </ul> </li> <li>- ensure that practices are adaptable if a new situation arises</li> </ul> | <p>Technical Safety 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 an elevator mechanic certificate of competency. 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 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> <p>The Division will ensure that all reasonable accommodations are 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"> <li>• cause "undue hardship" to the application or examination process,</li> <li>• bypass occupational requirements, or</li> <li>• compromise accepted safety standards of the profession.</li> </ul> | <p>Nov 1, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>A good plan to address the current gap in registration practices.</p> |

|                                      | Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 8 & 9")  | FRPA Review Officer Comments  |
|--------------------------------------|--|---|
| <b>Update 1 (Due: March 9, 2022)</b> | <p>The Technical Safety Division is identifying existing government policy on support for an applicant who may have a physical or mental disability and requires an accommodation when applying for a Certification.</p> <p>The Technical Safety Division is committed to ensuring that its public registration information, including accommodation requests and guidelines, application requirements, and public services are developed, maintained, and adapted as required by the <i>Provincial Accessibility Act</i>, and the Accessibility Directorate's Access by Design 2030: Achieving an Accessible Nova Scotia.</p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |

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| Update 2<br>(Due: March 9, 2023) |  |  |
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| ALIGNMENT WITH THE FRPA                     |          | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES   |  |   |  |
|---|----------|---|--|---|--|
| <i>Sections 7(a), (d), 16(3)(b) and (i)</i> |          |   |  |   |  |
|   | Question | Areas of non-compliance to be addressed   | Regulator Action Plan  | Dates for Completion  | FRPA Review Officer Comments   |
| <b>Action required</b>                      | 10 & 11  | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document all criteria that are used to assess whether requirements for certification have been met</li> <li>- ensure that information is clear and easily accessible in the public domain through print and electronic media</li> <li>- outline the role of third-party assessors.</li> </ul> | <p>A complete list of the criteria for meeting the requirements of registration/application defined by the Act and Regulations will be transparently provided by the Division for individuals applying for the elevator mechanic certificate of competency.</p> <p>The developed list will clearly outline the criteria used to evaluate and determine that the applicant has met requirements for certification. The standard that the applicant must attain to be successful may include requirements for education, approved training programs and/or competencies, expectations of experience hours, testing/exam scores and required knowledge levels, etc. The education process needs to be more clearly outlined for Class A, B, &amp; C certificates which will be included.</p> <p>The applicant will have a clear picture of the evaluation criteria to allow them to fully describe and include relevant information that will maximize opportunity for a successful application.</p> <p>In situations where a third-party trainer could be involved the Division will also ensure that formal agreements are in place to ensure that fair assessment practices are being upheld. This will be especially relevant to the Class C certificate training and be included.</p> <p>Any changes will be documented in the FRPA Action Plan updates.</p> | <p>Jul 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> <p>Feb 1, 2022 – Establishing formal agreements with 3<sup>rd</sup> party trainers.</p> | <p>A good plan to address the current gap in registration practices.</p> |

|  | Regulator Action Plan updates for above noted Areas of non-compliance<br>("Questions 10 & 11")  | FRPA Review Officer<br>Comments   |
|--|---|---|
| <p><b>Update 1</b><br/><b>(Due: March 9, 2022)</b></p> | <p>The Guide is being drafted and will be posted online in the spring of 2022. The requirements for an applicant to receive a Certificate will appear on webpage and in the downloadable PDF Guide*, which provides clear instructions to an applicant on the documentation that must accompany a complete application, registration requirements including proof of completion of an approved mechanic education program, documented experience, an outline of the application process, fees (including where this is no fee), and timelines, including those for an internal review and/or appeal of a decision. The Guide and website clearly identify Divisional contacts and resources. Approved mechanic education programs the NSAA training pathway will be listed/linked on the webpage.</p> <p>The Division is working with Communications Nova Scotia to finalize and post all required public information, the Guide, and forms on the existing webpage. It is expected this information will be in the public domain in the spring of 2022.</p> <p>The application requirements, equivalencies, processes, and timelines for Nova Scotia applicants, Canadian applicants residing outside NS, and international applicants will be available on the webpage.</p> <p><i>*Due to COVID-19 restrictions, focus is currently on digital information being made available in the public domain on the Province of Nova Scotia website, social media, and direct client communications. Print materials will be generated for distribution in the future when appropriate.</i></p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <p><b>Update 2</b><br/><b>(Due: March 9, 2023)</b></p> |   |   |

| ALIGNMENT WITH THE FRPA |          | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES   |   |   |  |
|-------------------------|----------|---|---|---|--|
| Sections 8(c), 10(1)    |          |   |   |   |  |
|                         | Question | Areas of non-compliance to be addressed   | Regulator Action Plan   | Dates for Completion  | FRPA Review Officer Comments   |
| <b>Action required</b>  | 12       | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document a process to ensure that applicants who are not granted registration are provided with a written decision that includes the reasons why registration has been denied</li> <li>- ensure that information about the internal review process is provided to applicants who have not been granted registration.</li> </ul> | <p>The Division will develop a clear process that is accessible in the public domain and outlines the obligations to communicate the reasons for an unsuccessful application. There will also be details on the right to appeal and the process the applicant may follow for such an appeal including but not limited to the process will include descriptions of process and how to request a review, parties involved, timelines, and how review decisions are communicated expected.</p> | <p>Jul 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>Not all of this process needs to be in the public domain. When an applicant is denied registration, they should be contacted in writing with reasons provided, including information on the internal review process. This can be an internal workflow process. Information on the internal review process should be available in the public domain.</p> |

|  | Regulator Action Plan updates for above noted Areas of non-compliance (“Question 12”)   | FRPA Review Officer Comments  |
|--|---|---|
| <b>Update 1<br/>(Due: March 9, 2022)</b> | <p>In the spring of 2022, the Technical Safety webpage will clearly outline the information, supports, and referrals necessary for an unsuccessful Certificate applicant to succeed on their next attempt. The digital Guide will contain more detailed instructions and supports available to unsuccessful candidates.</p> <p>In the case of an unsuccessful application, contact will be made with the applicant by the Registrar, Chief Inspector, or other representative of the Technical Safety Division in writing by mail or e-mail to communicate the decision that the application was unsuccessful, providing the reasons, and the same information, support(s), and training referral(s) to remedy the area(s) that caused the application to be unsuccessful that are listed on the webpage and detailed in the guide.</p> <p>Information, supports, and referrals provided by the Division will be coordinated/linked with government and industry training partners to provide the applicant with the best opportunity to access resources succeed on their next application.</p> <p>The Technical Safety Division is developing policy and procedures for internal review of a Certification decision, which will be made available to applicants on the website.</p> | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <b>Update 2<br/>(Due: March 9, 2023)</b> |   |   |

| 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  |
| <b>Action required</b>                  | 14 & 15  | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document a clearly defined process for an internal review of the registration decision which includes: <ul style="list-style-type: none"> <li>- procedures</li> <li>- timeframes</li> <li>- opportunities the applicant has to provide new information and to make submissions in support of their position (e.g. documented evidence, hearing, etc.)</li> </ul> </li> <li>- ensure that information on the internal review process is clear and easily accessible in the public domain through print and electronic media</li> <li>- 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.</li> </ul> | <p>The existing Act and Regulations has provisions for an applicant to seek and receive an internal review or appeal of a decision made by the Chief Inspector but there is work required in clearly defining procedures, timeframes, etc. The work will also include making such information available and clear/easily accessible in the public domain through print and electronic media.</p> <p>Provisions for an internal review by the Administrator of the <i>Technical Safety Act</i> will also be applicable to the elevator mechanic certificate in the longer-term once the Regulations are included under the <i>Technical Safety Act</i>.</p> <p>The short-term action will be to develop and implement a transparent process for review of application decisions and make that clearly known and accessible in the public domain for applicants who wish to appeal decisions. The process will include descriptions of process and how to request a review, parties involved, timelines, and how review decisions are communicated expected.</p> <p>The interim action will facilitate compliance with the FRPA ensuring that applicants who wish to appeal a registration decision have a process to do so.</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>The interim action will facilitate compliance with the FRPA ensuring that applicants who wish to appeal a registration decision have a process to do so.</p> |

|                                      | Regulator Action Plan updates for above noted Areas of non-compliance (“Questions 14 & 15”)   | FRPA Review Officer Comments   |
|--------------------------------------|---|--|
| <b>Update 1 (Due: March 9, 2022)</b> | The Technical Safety Division is developing policy and procedures for internal review of a Certification decision. Once finalized, the policy and procedures will be clearly outlined in the public domain, including forms on the existing Technical Safety webpage. | As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete. |

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| <b>Update 2</b><br><b>(Due: March 9, 2023)</b> |  |  |
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| <b>ALIGNMENT WITH THE FRPA</b>  |                 | <b>OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES</b>  |   |  |   |
|---------------------------------|-----------------|---|---|--|---|
| <i>Sections 12 and 16(3)(j)</i> |                 |   |   |  |   |
|                                 | <b>Question</b> | <b>Areas of non-compliance to be addressed</b>  | <b>Regulator Action Plan</b>  | <b>Dates for Completion</b>  | <b>FRPA Review Officer Comments</b>                               |
| <b>Action required</b>          | 16              | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- develop and document a clearly defined process under which requests for access to records will be considered, including:               <ul style="list-style-type: none"> <li>- the process by which an applicant may make a request</li> <li>- any limitations with regards to access</li> <li>- any fees associated with the request</li> </ul> </li> </ul> | The Division will develop a clear process for which a request by an applicant for access to their records will be considered. 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. | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | A good plan to address the current gap in registration practices. |

|  | <b>Regulator Action Plan updates for above noted Areas of non-compliance (“Question 16”)</b>  |  | <b>FRPA Review Officer Comments</b>  |
|--|---|--|--|
| <b>Update 1</b><br><b>(Due: March 9, 2022)</b> | Delayed to spring 2022. The Technical Safety Division will adopt and/or develop policy and procedures for access to applicant records consistent with existing Provincial policy. Once finalized, the policy, procedures, timelines, and fees will be clearly outlined in the public domain, including forms on the existing Technical Safety webpage and in the Guide. |  | As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete. |
| <b>Update 2</b><br><b>(Due: March 9, 2023)</b> |   |  |  |

| <b>ALIGNMENT WITH THE FRPA</b>     |  | <b>OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES</b> |  |  |  |
|------------------------------------|--|--|--|--|--|
| <i>Sections 10(5) and 16(3)(n)</i> |  |  |  |  |  |

|                        | Question | Areas of non-compliance to be addressed  | Regulator Action Plan  | Dates for Completion   | FRPA Review Officer Comments   |
|------------------------|----------|--|--|--|--|
| <b>Action required</b> | 17 & 18  | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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</li> </ul> | <p>The existing Act and Regulations have provisions for an applicant to seek and receive an internal review or appeal of a decision made by the Chief Inspector. The existing regulations identifies that the appeals board can refer the decision back to the chief which is not compliant with the FRPA.</p> <p>The long-term solution will be to utilize the provisions for an internal review by the Administrator of the <i>Technical Safety Act</i> once the Regulations are included under the <i>Technical Safety Act</i>.</p> <p>The short-term action will be to develop process to ensure that no one who acted as a decision-maker in an application decision may act as a decision-maker in an internal review of the same decision. A description of the internal review process and a statement clarifying that no one who acted as a decision maker in an application decision may act as a decision maker in an internal review of the same decision will be accessible in the public domain.</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>The interim action will facilitate compliance with the FRPA ensuring 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> |

|  | Regulator Action Plan updates for above noted Areas of non-compliance (“Questions 17 & 18”)  | FRPA Review Officer Comments   |
|--|--|--|
| <b>Update 1<br/>(Due: March 9, 2022)</b> | Delayed to spring 2022. The Technical Safety Division will adopt and/or develop policy and procedures for internal review of registration decision. Once finalized, the policy and procedures will be clearly outlined in the public domain, including forms on the existing webpage and in the Guide. | As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete. |
| <b>Update 2<br/>(Due: March 9, 2023)</b> |  |  |

| 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  |
| <b>Action required</b>  | 19       | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- ensure that the internal review process includes a requirement for decision makers to provide applicants with a written decision that includes reasons</li> <li>- the internal review process describes the timeframe for a decision to be communicated to the applicant</li> </ul> | <p>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 the timeframes for the applicant to submit a review request, the review process, and decision to be communicated to the applicant.</p> | <p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p> | <p>Reasons for not over-turning a registration decision would be based on policy and regulated requirements, not the FRPA. Communicating an internal review decision does not need to be in the public domain. Reference to when and how communication happens can be a part of the internal review policy which is published in the public domain.</p> |

|                                      | Regulator Action Plan updates for above noted Areas of non-compliance (“Question 19”)   |  | FRPA Review Officer Comments  |
|--------------------------------------|---|--|---|
| <b>Update 1 (Due: March 9, 2022)</b> | <p>Delayed to spring 2022. The Technical Safety Division will adopt and/or develop policy and procedures for internal review of a registration decision. Once finalized, the policy, procedures, and timelines, including those for communicating a written decision to the applicant, will be clearly outlined in the public domain.</p> |  | <p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p> |
| <b>Update 2 (Due: March 9, 2023)</b> |   |  |   |

| 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       | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review.</li> <li>- develop a plan and document training provided to individuals who make internal review decisions</li> </ul> | The Division will outline the process and seek out and complete appropriate training for an internal review process for the decision-maker. | September 30, 2021   | A good plan to address the current gap in registration practices. |

|                                  | Regulator Action Plan updates for above noted Areas of non-compliance (“Question 20”)  | FRPA Review Officer Comments   |
|----------------------------------|--|--|
| Update 1<br>(Due: March 9, 2022) | Third party training provider being sought for the <i>Technical Safety Act</i> Administrator, who will conduct internal reviews. Delayed to spring 2022. The Technical Safety Division will adopt and/or develop policy and procedures for internal review of registration decision. Third party training providers are being sought for the <i>Technical Safety Act</i> Administrator, who will conduct internal reviews. Once finalized, the policy and procedures will be clearly outlined in the public domain, including forms on the existing Technical Safety webpage and in the Guide. | As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete. |
| Update 2<br>(Due: March 9, 2023) |  |  |

DATE SUBMITTED BY REGULATING BODY: 2022-03-24

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:



**DATE REVIEWED BY THE FRPA REVIEW OFFICER:**

Click or tap to enter a date.

**SIGNATURE OF THE FRPA REVIEW OFFICER:**

2022-03-30

X 

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Signed by: Frank Reinhardt