

ACTION PLAN -YEAR 1 PROGRESS UPDATE

**NS TECHNICAL SAFETY DIVISION: CRANE OPERATORS
DEPARTMENT OF LABOUR SKILLS AND IMMIGRATION**

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	2023-02-01	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-01-22	2022-02-23	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			
<i>Sections 6, 7(a), (c), 9(a), 16(3)(a), (b) and (g)</i>					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	1 & 2	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <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 easily accessible in the public domain through print and electronic media. 	<p>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').</p> <p>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 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</p>	By June 1, 2021	<p>May be difficult to update qualifications, process and required documentation without amending the Act & 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>

		<p>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>		
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Regulator Action Plan updates for above noted Areas of non-compliance (“Questions 1 & 2”)		FRPA Review Officer Comments
<p>Update 1 (Due: Feb 1, 2022)</p>	<p>Technical Safety has drafted a Guide to Competency (the ‘Guide’) for applicants seeking a certificate of competency (certificate) and/or a crane operator license (license) for any of the classes of cranes regulated by the <i>Technical Safety Act</i> (the ‘Act’) and Crane Operators Regulations (the ‘Regulations’). The digital Guide* provides clear instructions to an applicant on the documentation that must accompany a complete application, registration requirements including proof of education, training and documented experience, an outline of the application process, and timelines. The Guide clearly identifies Divisional contacts and resources, education, training and experience requirements, 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 Technical Safety Regulated Crane Operator webpage. It is expected this information will be in the public digital domain by end of February 2022.</p> <p>The application requirements, equivalencies, processes, and timelines will be available on the website for Nova Scotia applicants, Canadian applicants residing outside NS, and international applicants.</p> <p>*Due to COVID-19 restrictions, focus is currently on digital information. Print materials will be generated for distribution when appropriate.</p>	<p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p>
<p>Update 2 (Due: Feb 1, 2023)</p>		

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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>	By June 1, 2021	A good plan to address the current gap in registration practices.

			<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>		
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Regulator Action Plan updates for above noted Areas of non-compliance (“Question 3”)		FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	Technical Safety has identified a recognized third party to conduct verification of credentials and equivalencies. By engaging the third-party service provider, Technical Safety will ensure that information regarding registration requirements including documentation and how requirements are to be met by international applicants is clear and easily accessible in the public domain through electronic media. 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 credentials has been developed and is undergoing a ‘plain language’ review. The webpage update is expected to be completed by end of February 2022.	As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)		

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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 	<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>	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.

	<p>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.</p> <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications 	<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 departments or agencies that may be involved in the certification and licensing processes for OOP applicants.</p>		<p>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.</p>
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	Regulator Action Plan updates for above noted Areas of non-compliance (“Question 4”)	FRPA Review Officer Comments
<p>Update 1 (Due: Feb 1, 2022)</p>	<p>The Technical Safety webpage will be updated to fully and clearly inform applicants who received their qualification outside NS but within Canada. As it does for applicants from Nova Scotia, the Guide provides clear instructions to an out-of-province applicant on the documentation that must accompany a complete application, registration requirements including proof of education, training and documented experience, an outline of the application process, and timelines. The Guide clearly identifies Divisional contacts and resources, education, training, and certification/qualification equivalencies for out-of-province applicants in accordance with the Canadian Free Trade Agreement, 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 Technical Safety Regulated Crane Operator webpage. It is expected this information will be in the public digital domain by end of February 2022.</p>	<p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p>
<p>Update 2 (Due: Feb 1, 2023)</p>		

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 9(b), 16(3)(c)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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.

		Regulator Action Plan updates for above noted Areas of non-compliance ("Question 6")	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	<p>Guide to Competency clearly identifies acceptable alternative documents. Successful application is supported by a checklist based on the regulatory requirements outlined in the guide.</p> <p>The Division is working with Communications Nova Scotia to finalize and post all required public information, Guide, and forms on the existing Technical Safety Regulated Crane Operator webpage. It is expected this information will be in the public digital domain by end of February 2022.</p> <p>*Due to COVID-19 restrictions, focus is currently on digital information on Technical Safety webpage and approved social media. Print materials will be generated for distribution when appropriate.</p>		As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)			

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 16(3)(h)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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: - how to request an accommodation 	<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>	By February 1, 2022	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

		<p>- guidelines regarding types of accommodations</p> <p>- ensure that practices are adaptable if a new situation arises</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>		<p>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 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 standards of the profession.
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	Regulator Action Plan updates for above noted Areas of non-compliance (“Questions 8 & 9”)	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	The Technical Safety Division has initiated the process of identifying a suitable existing government policy on how to support an applicant who may have a physical or mental disability and requires an accommodation when applying for a crane operator certification or license. If an appropriate policy does not exist, one will be drafted.	As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)		

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(a), (d), 16(3)(b) and (i)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	10 & 11	Areas of non-compliance to be addressed in an action plan are as follows:	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	By June 1, 2021	When the change of responsibilities is established with NSAA, they will be a third party. Ensure that this

	<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>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>	<p>relationship is clearly explained on the website, including the role that NSAA plays in the registration process, relevant links, etc.</p>
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	Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 10 & 11")	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	<p>Technical Safety has drafted a Guide to Competency (the 'Guide') for applicants seeking a certificate of competency (certificate) and/or a crane operator license (license) for any of the classes of cranes regulated by the <i>Technical Safety Act</i> (the 'Act') and Crane Operators Regulations (the 'Regulations'). The digital guide* provides clear instructions to an applicant on the documentation that must accompany a complete application, registration requirements including proof of education, training and documented experience, an outline of the application process, and timelines. The guide clearly identifies Divisional contacts and resources, education, training and experience requirements, decisions timelines including those for an internal review and/or appeal of a decision.</p> <p>The guide will clearly outline educational requirements; practical experience requirements; professional training program providers, locations, syllabuses, and exam schedules; passing grades required for certification exams stated in the Regulations. 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 by mail.</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>The Division is working with Communications Nova Scotia to finalize and post all required public information, guides, and forms on the existing Technical Safety Regulated Crane Operator webpage. It is expected this information will be in the public digital domain by end of February 2022.</p> <p>*Due to COVID-19 restrictions, focus is currently on digital information. Print materials will be generated for distribution when appropriate.</p>	<p>As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.</p>

Update 2 (Due: Feb 1, 2023)	

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 8(d) and 16(3)(k)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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.

	Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 13")		FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	<p>In February 2022, the Technical Safety webpage will clearly outline the information, supports, and referrals necessary for an unsuccessful applicant to be successful. The digital Guide will contain more detailed instructions and supports available to unsuccessful candidates.</p> <p>Contact will be made with the unsuccessful applicant by the Registrar, Chief Crane 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>		As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)			



ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(a), 10(1)(2)(4) and 16(3)(m)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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.

Regulator Action Plan updates for above noted Areas of non-compliance (“Questions 14”)		FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	<p>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.</p> <p>Once finalized, the policy and procedures will be clearly outlined in the public domain, including forms on the existing Technical Safety Regulated Crane Operator webpage and in the Guide.</p>	As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)		



ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 12 and 16(3)(j)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	16	Areas of non-compliance to be addressed in an action plan are as follows: <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.

		Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 16")	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	Delayed to spring 2022. The Technical Safety Division will adopt and/or develop policy and procedures for access to applicant records. Once finalized, the policy, procedures, timelines, and fees will be clearly outlined in the public domain, including forms on the existing Technical Safety Regulated Crane Operator 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 (Due: Feb 1, 2023)			

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 10(5) and 16(3)(n)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	17 & 18	Areas of non-compliance to be addressed in an action plan are as follows: <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 	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. 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. 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.	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.

	Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 17 & 18")	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	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 Regulated Crane Operator 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 (Due: Feb 1, 2023)		

ALIGNMENT WITH THE FRPA	OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES				
<i>Sections 10(3)</i>					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	19	Areas of non-compliance to be addressed in an action plan are as follows: <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.

	Regulator Action Plan updates for above noted Areas of non-compliance ("Question 19")	FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	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 Regulated Crane Operator 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 (Due: Feb 1, 2023)		

ALIGNMENT WITH THE FRPA	OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES
<i>Sections 11, 16(3)(p)</i>	

Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	20	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <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.

Regulator Action Plan updates for above noted Areas of non-compliance ("Questions 20")		FRPA Review Officer Comments
Update 1 (Due: Feb 1, 2022)	<p>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.</p> <p>Once finalized, the policy and procedures will be clearly outlined in the public domain, including forms on the existing Technical Safety Regulated Crane Operator webpage and in the Guide.</p>	As noted by the regulator, this area is a work in progress. Therefore, another update will be required until complete.
Update 2 (Due: Feb 1, 2023)		

DATE SUBMITTED BY REGULATING BODY:

2022-02-23

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:



JEFF DOLAN, EXECUTIVE DIRECTOR, TECHNICAL SAFETY

DATE REVIEWED BY THE FRPA REVIEW OFFICER:

2022-02-28

SIGNATURE OF THE FRPA REVIEW OFFICER:

2022-02-28

X 

Signed by: Frank Reinhardt