
2020 Annual Report

Fair Registration Practices Act

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Fair Registration Practices Act
2020 Annual Report
Department of Labour and Advanced Education
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Letter to the Minister

Minister of Labour and Advanced Education
3rd Floor, 1505 Barrington Street, Halifax, NS B3L 3K5

Dear Minister,

In accordance with Section 15 (1) of the Fair Registration Practices Act 2008, I am pleased to present the Annual Report for 2020 from the Review Officer for submission to the House of Assembly of Nova Scotia.

Sincerely,



Patricia Mertins
Review Officer
Fair Registration Practices Act
Department of Labour and Advanced Education

Executive Summary

Skilled people are needed to support a vibrant workforce. Regulated professions and trades support access to the workforce and have a direct impact on the health, safety, and quality of life in Nova Scotia. They protect the public interest, uphold specialized bodies of knowledge and practice, increase public access to services delivered by professionals, and are positioned to reduce barriers to labour mobility and international qualification recognition.

The goal of the *Fair Registration Practices Act* (FRPA) is to ensure that regulated professions are governed by registration practices that are transparent, objective, impartial and procedurally fair thus facilitating fair access to the workforce. The FRPA Annual Report provides an analysis of the implementation and the effectiveness of the Act with respect to fulfilling its mandate.

Activities in 2020 involved the review of registration practices of 13 regulating bodies and had a focus on delivering recommendations extending from the 2019 review of the FRPA legislation. New data collection tools and processes were developed to improve efficiency, and a new process was introduced to facilitate increased engagement between regulating bodies and government departments responsible for self-regulating legislation. Outreach and capacity-building activities focused on sharing information resulting from the review of legislation and introducing the new tools and processes.

Implementation of the Act in 2020 was impacted by the COVID-19 global pandemic. As businesses and life in general moved into a locked down, socially distanced means of operating, the FRPA Review Office had to adapt to new ways of working with regulators to continue to provide support for the delivery of fair registration practices. Interactions with regulators both one to one and in groups moved to a virtual format. Additionally, regulators faced unprecedented challenges which had an impact on the continuity of their registration practices and forced some to find new ways to administer licensure. Some unusual trends were noted in the annual data collection showing an overall decrease in applications to regulated professions in 2020 and a lower success rate for applications in the international stream. For this reason, a short survey was sent to Nova Scotia regulators to find out what, if any, impact there had been on their registration practices and what they did about it.

Despite challenges of the past year, membership in regulated professions in Nova Scotia has increased 3.5% and the number of internationally qualified registrants has increased 20% since 2016. Increased awareness of fairness and transparency in combination with a focus on labour mobility and international qualification recognition, has led some regulating bodies to expand their pathways to licensure and enabled some occupations to grow their membership to help meet demands of the labour market.

Implementation of the Act takes an in-depth look at the meaning of transparent, impartial, objective and procedurally fair registration practices and how this can impact fair access to regulated professions. Because of the Act, regulating bodies are aware of, and engage in, discussions about fair access. This creates an interest in continuous improvement, an openness to modernize the regulatory environment, and the resilience to respond to changing situations, such as a global pandemic. Overall, this demonstrates the Act is effective in achieving its goal.

The following pages summarize the fair access approach, documents data findings and results of the 2020 reviews, key activities including a synopsis of the Impact of COVID-19 survey, a look ahead to 2021, and concludes with a summary of what the Act is achieving.

Implementation of the Fair Registration Practices Act

The goal of the *Fair Registration Practices Act* (FRPA) is to ensure that regulated professions are governed by registration practices that are transparent, objective, impartial and procedurally fair. The FRPA helps ensure that individuals who apply for licensure in regulated professions are informed of the registration requirements they need to meet, and that applicants are treated consistently and fairly throughout the registration process.

The scope of the FRPA includes registration practices for all applicants to regulated occupations, including those who have qualified outside Canada. Section 3 of the FRPA recognizes the commitments the Nova Scotia Government made under the Canadian Free Trade Agreement (CFTA) between the Government of Canada and the governments of all provinces and territories of Canada to facilitate the free movement of persons, goods, services, and investments throughout Canada.

In Nova Scotia, regulatory authorities (also called regulating bodies or regulators) set the standards and regulate the activities for their occupation(s). The FRPA applies to 47 regulating bodies covering over 59 occupations and 21 trades. The regulating bodies are listed on Schedules A & B of the Act. Schedule A is a list of regulating bodies to whom government has delegated authority to self-regulate while Schedule B occupations are regulated directly by government.

The FRPA requires that a Review Officer be appointed to administer the Act, along with other employees as needed. The Review Officer:

- provides information and advice to help regulating bodies meet their obligations under the Act;
- establishes guidelines and helps regulating bodies understand and meet their reporting requirements;
- reviews the registration practices of regulating bodies for compliance with the Act;
- provides information and advice to government agencies, community agencies, colleges and universities, departments of government and others respecting matters under the Act;
- provides information and advice to the Minister on matters related to the administration of the Act; and
- prepares and submits to the Minister an annual report on the implementation and effectiveness of the Act.

The FRPA describes a regulating body's obligations to:

- provide clear and understandable information about registration practices and requirements, including: documentation required to be submitted with an application, assessment criteria, fees, and the length of time the registration process takes;
- respond to inquiries from applicants in a reasonable time;
- provide written confirmation to the applicant within a reasonable time whether registration is granted and provide reasons when registration is not granted;
- provide information regarding measures or programs that may assist the applicant to obtain registration in the future, where practical;
- provide applicants who are not granted registration with information regarding the regulating body's internal review process;
- provide applicants with access to their registration records, upon request;
- ensure that the internal review decision-makers are independent from the original decision and have received appropriate training on conducting an internal review; and
- provide regular reports to the Review Officer on their registration practices.

Section 16 of the Act details the review and reporting on registration practices. Every regulating body must review its registration practices and file a report on the results of the review with the Review Officer of the reporting period. The objective of the FRPA Review is to highlight compliant and draw attention to gaps in registration practices. The Review Officer provides information and advice to regulating bodies to continuously improve their registration practices, monitors emerging issues, identifies improvements, and creates opportunities to share best practices. This continuous improvement philosophy enables regulating bodies to set meaningful and achievable goals for improving registration practices.

Data Findings, 2020

Each year, Nova Scotia regulating bodies submit quantitative data about applications received and registration outcomes for the previous calendar year. With this data, the Review Officer can track regulating bodies' registration results over time, follow trends, and identify areas for improvement. The FRPA requires data be collected for three separate streams of applicants: those who qualified in Nova Scotia; those who qualified outside the province but within Canada (including those who transfer a license under the CFTA); and those who qualified outside Canada. The data findings will refer to these three streams as Nova Scotia, Domestic, and International applications.

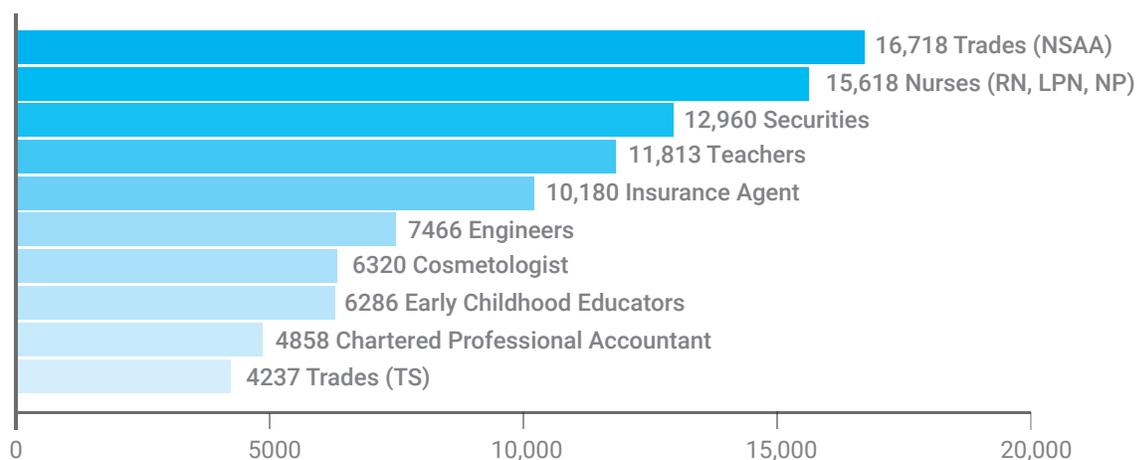
A new data collection tool was used to gather the registration data for 2020. This, and the inclusion of data from some new occupations, has had some impact on the reporting of data and comparison to previous years. Every attempt has been made to reconcile the data as needed. The following changes which have impacted the data collection should be noted:

- **Nova Scotia College of Nursing** – The three occupations (Registered Nurses RNs), Licensed Practical Nurses (LPNs), Nursing Practitioners (NPs) under this regulating body have combined their data for the 2020 reporting year. This is different from the way data was reported in previous years.
- **Nova Scotia College of Audiologists and Speech-Language Pathologists** – Established in 2019, this is the first year that the College has reported registration data for the occupations of audiologist and speech-language pathologist.
- **Trades** – Data has been combined for trade occupations issuing a certificate of qualification under the authority of the Technical Safety Act (Trades – TS), and trades designated compulsory under the Apprenticeship and Trades Qualification Act (Trades NSAA), except as otherwise noted. This is different from previous years when data for each trade occupation has been reported separately. Also, the Nova Scotia Apprenticeship Agency did not separate data for the three streams of applications and are therefore excluded from the figures reporting data for the specific application streams.

Membership

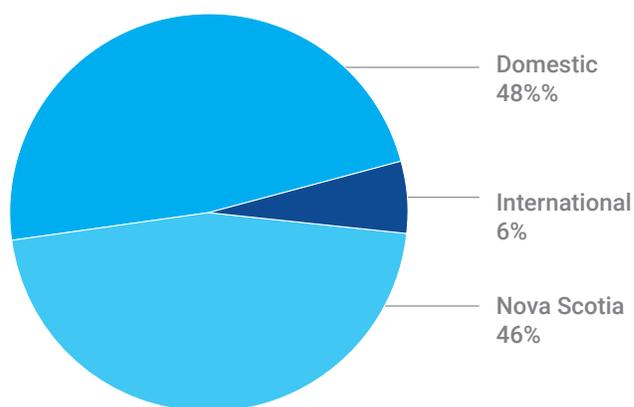
Data collected through the 2020 quantitative survey represents 125,787 registered members across 47 regulating bodies¹. The following figure shows the top 10 occupations with the highest number of members in Nova Scotia (Figure 1).

Figure 1 – Occupations with the highest number of members in 2020 (top 10)



In 2020, regulating bodies reported 13,663 new applications to the regulated occupations and trades in Nova Scotia. There were almost 16,000 new applications in 2019. Though there were fewer applications in 2020, distribution of applications between the three streams is similar to previous years with 46% of all applications in the Nova Scotia stream, 48% in the domestic stream and 6% in the international stream (Figure 2).

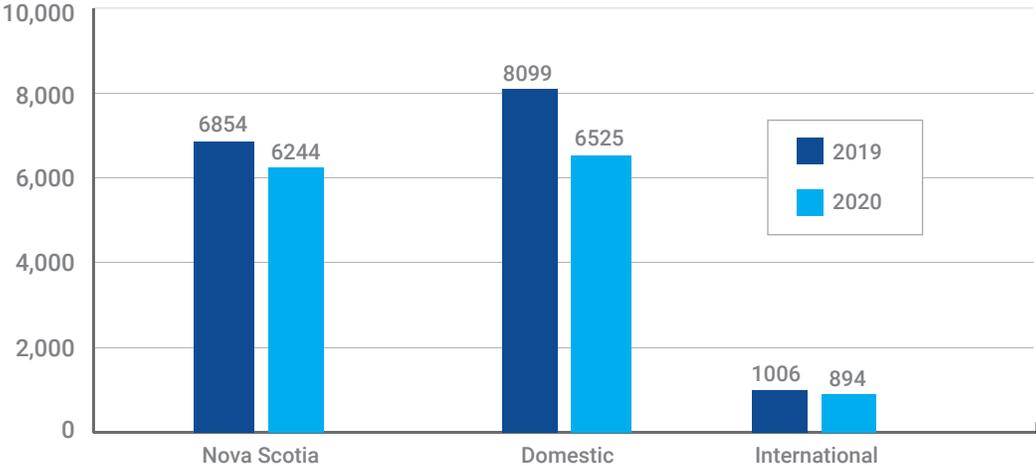
Figure 2 – Distribution of Applications by Stream in 2020



¹For a list of the regulating bodies that fulfilled annual data submission requirements per the FRPA for the 2020 calendar year, see Appendix A.

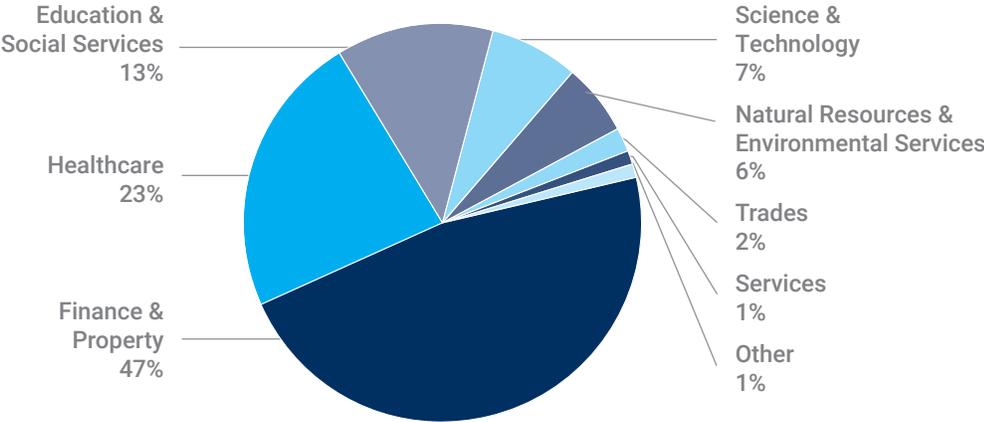
Compared to 2019 there has been a drop in the actual number of applications received in all three streams. This is different from previous years when an increase in the number of applications received has been typical. The difference is particularly evident by the drop in the number of domestic applications, as shown in the figure below (Figure 3).

Figure 3 – Actual number of applications by stream in 2019 and 2020



As seen below, the finance and property sector accounts for nearly half of the overall applications received in 2020 (Figure 4).

Figure 4 – Distribution of All Applications by Sector 2020²

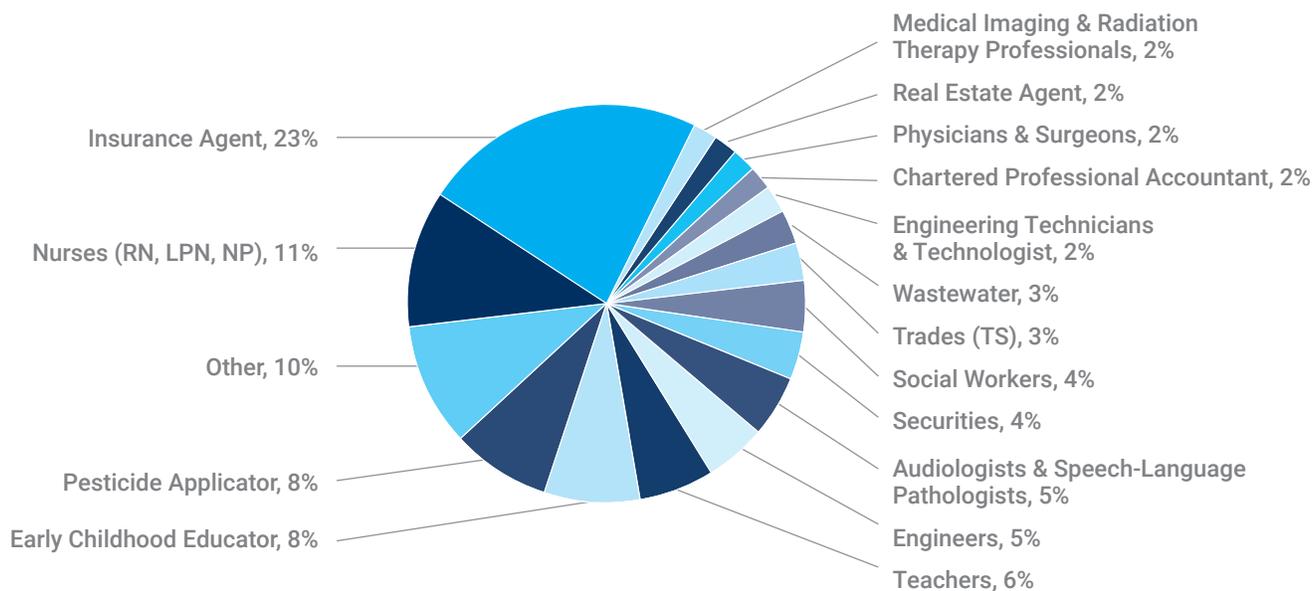


² For a list of the occupations that comprise these sectors, see Appendix B.

Nova Scotian Stream

Regulating bodies reported 5,615 successful applications in the Nova Scotia stream in 2020. Of these applications, Insurance Agents and Nurses represented the largest proportion of registrants with 23% and 11% of the registrations, respectively. (Figure 5).

Figure 5 – Occupation distribution for Nova Scotia registrants in 2020³

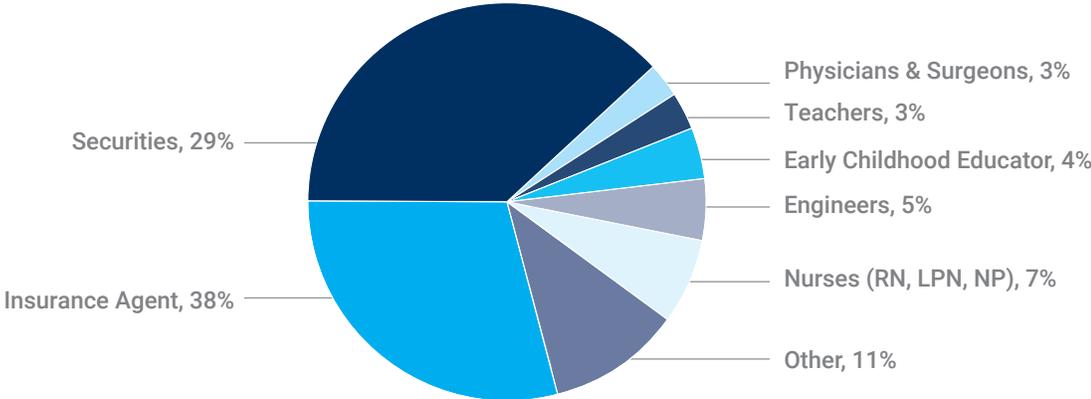


³There are 55 occupations in the 'Other' category, each representing less than 2% of the distribution of Nova Scotia registrants. 'Other' includes occupations from all sectors, for example: Pharmacists; Interior Designers; Geoscientists; Music Teachers; and Land Surveyors.

Domestic Stream

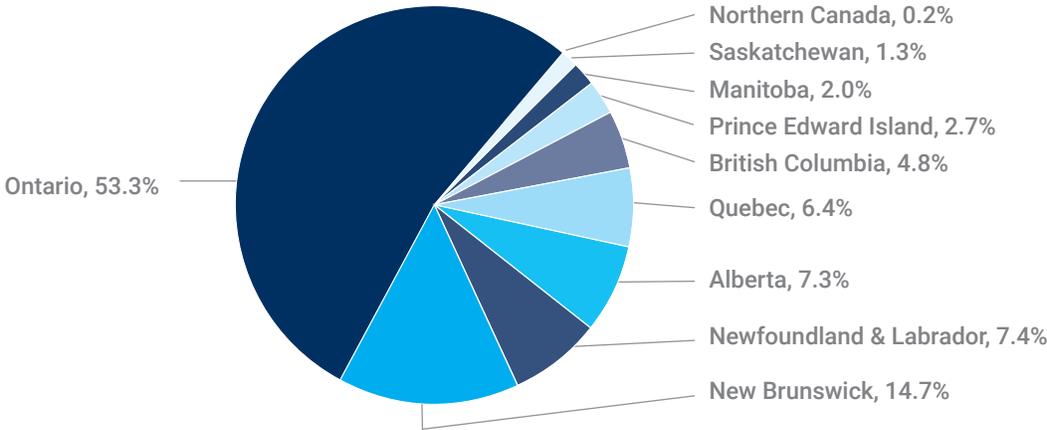
Regulating bodies reported 6,099 successful applications in the domestic stream in 2020. Of these applications, Insurance Agents and Securities represents the largest proportion of registrants with 38% and 29% of registrations, respectively (Figure 6).

Figure 6 – Occupation distribution for domestic qualified registrants in 2020⁴



Applications in the domestic stream came primarily from Ontario, Alberta, and other Atlantic provinces (Figure 7). This is a change from previous years with Alberta replacing Quebec as the next highest source region.

Figure 7 – Source provinces for domestic applications in 2020⁵



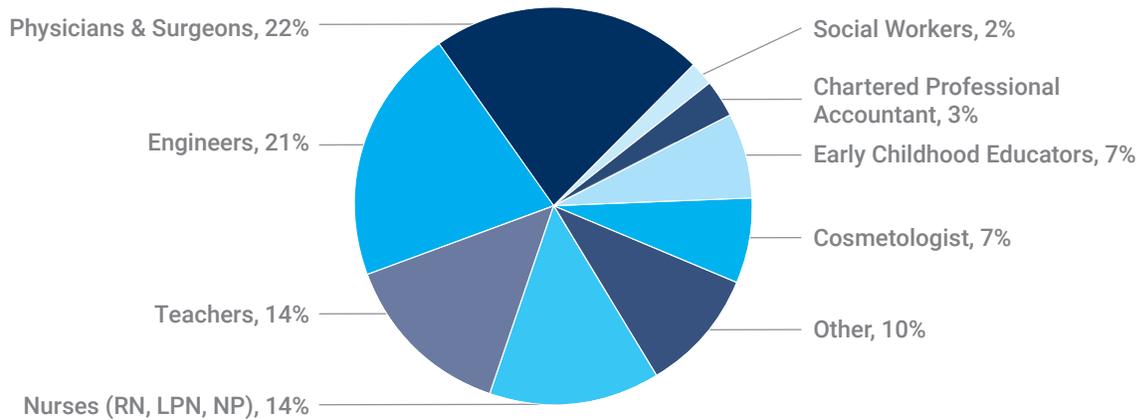
⁴There are 71 occupations in the 'Other' category, each representing less than 2% of the distribution for domestic registrants. 'Other' includes occupations from all sectors, for example: Paramedics; Agrologists; Real Estate Appraisers; Cosmetologists; and Foresters.

⁵Northern Canada includes Yukon, Northwest Territories and Nunavut.

International Stream

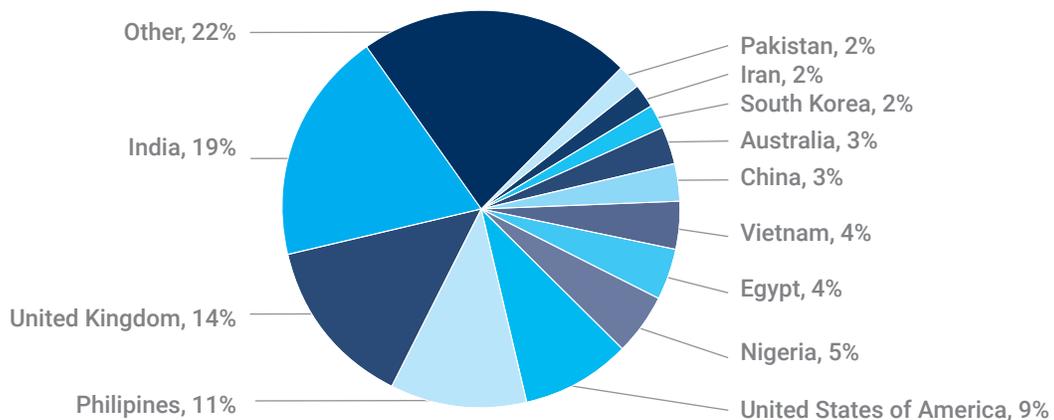
Regulating bodies reported 617 successful applications in the international stream in 2020. Of these applications, the majority were registered as physicians and engineers with 22% and 21% of registrations respectively (Figure 8).

Figure 8 – Occupation distribution for internationally qualified registrants in 2020⁶



Applications in the international stream came from 78 different countries. A third of these applications came from India and the United Kingdom (Figure 9).

Figure 9 – Source countries for applications in the international stream in 2020

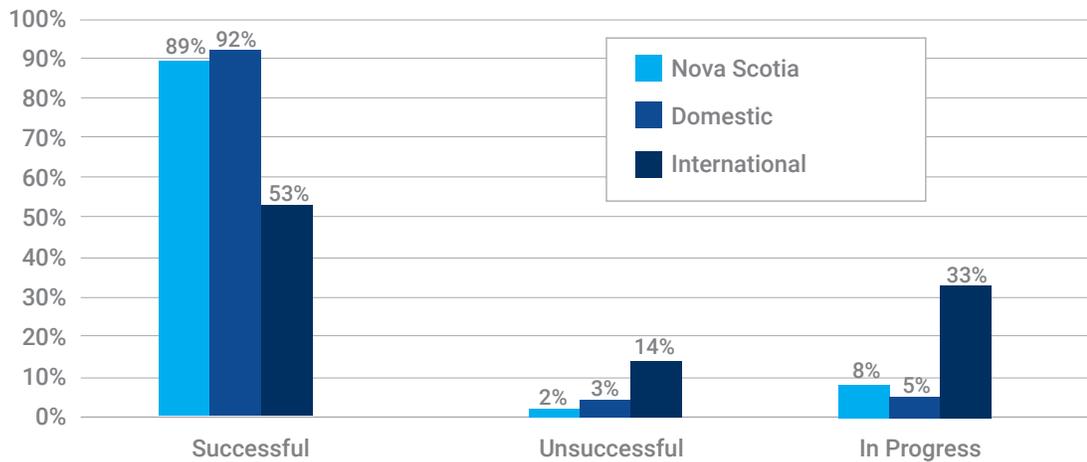


⁶There are 70 occupations in the 'Other' category, each representing less than 2% of the distribution for international registrants. 'Other' includes occupations from all sectors, for example: Paramedics; Agrologists; Real Estate Appraisers; Music Teachers; and Foresters.

Success rates and processing times

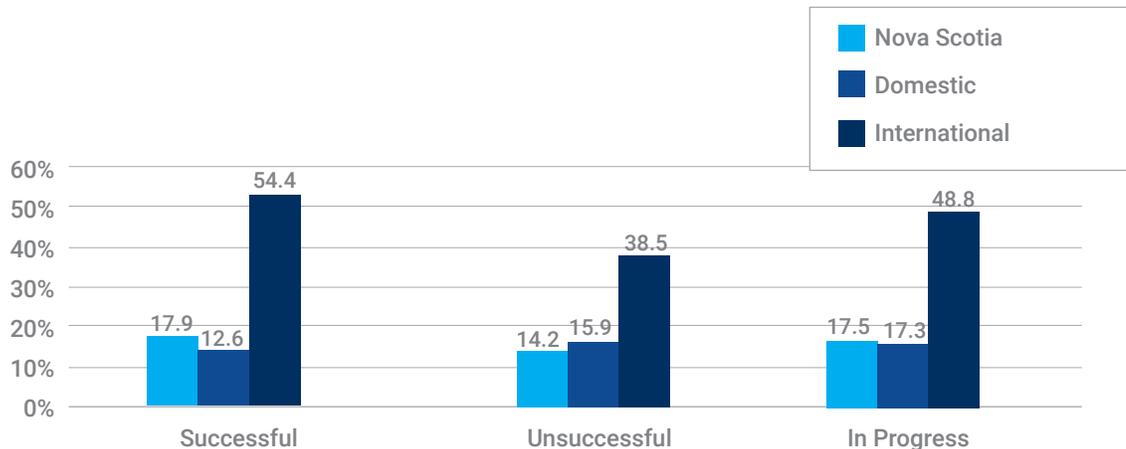
Processing applications in the international stream is challenging for both applicants and regulating bodies. Obtaining original documents, verification of credentials, identification and participation in gap training programs, access to qualifying exams, and language proficiency are examples of common barriers to licensure. If regulating bodies do not have clear processes in place for international qualification recognition or, applicants are not prepared for these processes, delays in the registration process occur. Data collected from 2020 shows that applications in the international stream experienced lower success rates than those in the Nova Scotia and domestic streams, with proportionately more applications in the international stream still in progress at the end of 2020 (Figure 10). Compared to data on success rates reported in 2019 the rate of success for applications in the international stream has fallen by 8% while the rate of an unsuccessful outcome for these applications has risen by 8%.

Figure 10 – Registration success rates for Nova Scotia, Domestic and International streams in 2020



Application processing time is the total time from the initial application submission, including third-party assessment where applicable, up until the registration decision is issued. Data reported shows that applicants in the international stream faced longer processing times, with an average processing time almost three times that of either the Nova Scotia or domestic streams (Figure 11). This figure also shows that in 2020 third-party assessments accounted for most of the processing time for the international stream.

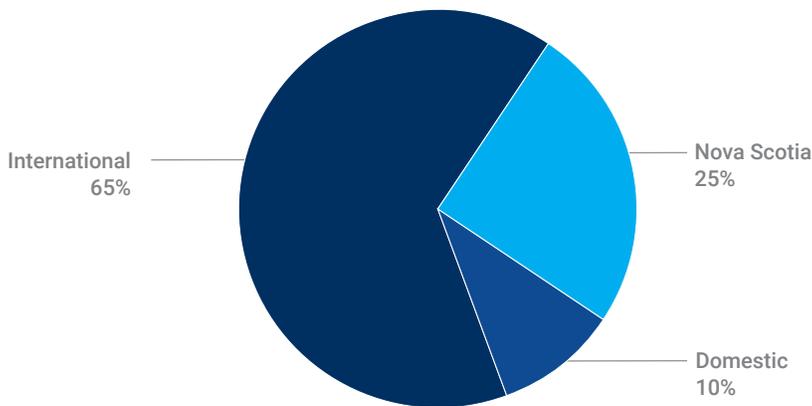
Figure 11 – Average Processing Time for Applications (in days)



Internal Reviews/Appeals

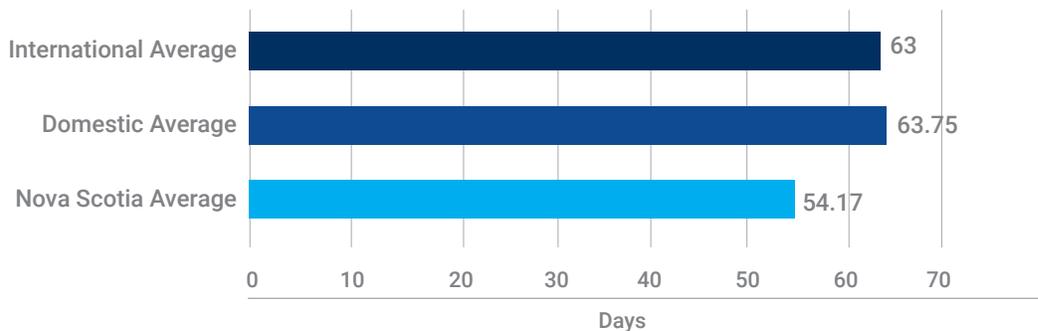
The FRPA requires that where an applicant is not granted registration that the regulating body provide an opportunity for the applicant to appeal that decision. Twenty appeals of registration decisions were undertaken by regulating bodies in 2020. Most of these appeals were raised by applicants in the international stream (Figure 12).

Figure 12 – Percentage of Internal Reviews by Application Stream



Processing time for an internal review refers to the total time for all stages of the internal review process, from the time the applicant makes a request for review of the decision until the time when the final decision is communicated to the applicant. Data reported regarding the 20 internal reviews shows that, on average, the length of the internal review process was similar for the international and domestic streams with a shorter average internal review processing time for applicants in the Nova Scotia stream (Figure 13).

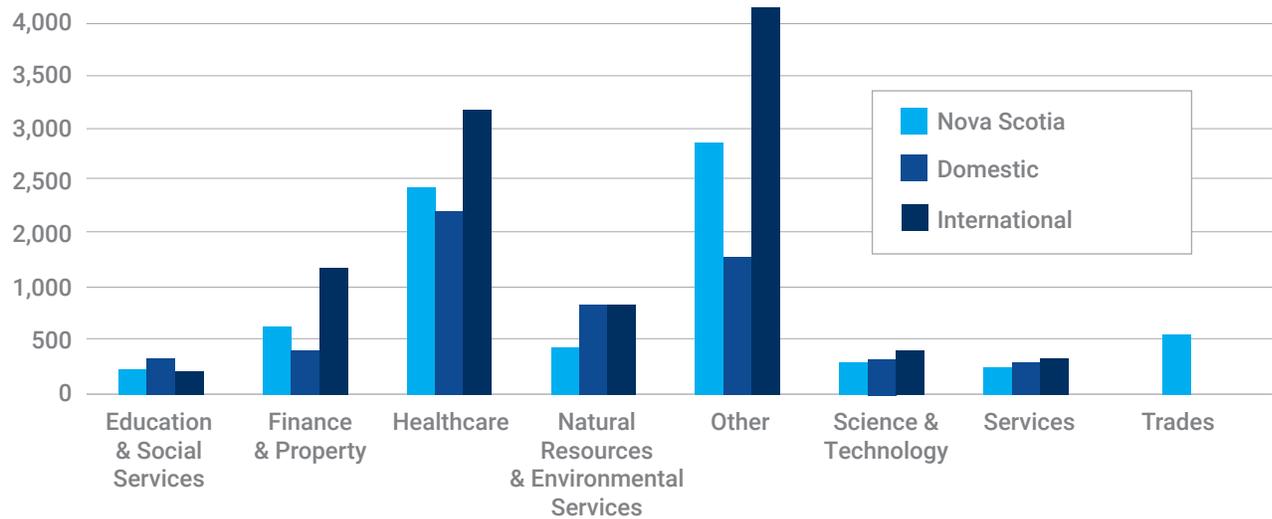
Figure 13 - Length of Internal Review Process (in Days)



Costs

Data is collected on costs that applicants incur during the registration process. These include costs paid to the regulating body as well as other costs that may be incurred as a part of the registration process, including third-party assessors. On average, third-party fees make up 66% of the total fees though registration costs vary widely between individual occupations and occupational sectors and across the different application streams. Data below shows that applicants in the international stream experience, on average, the highest fees associated with registration with third-party fees that are approximately 33% higher than the Nova Scotia or domestic streams. This is likely due to the additional requirements often associated with international qualification recognition (Figure 14).

Figure 14 – Average costs associated with registration by occupational sector (in dollars)



Results and the Impact of COVID-19

Results from the collection of 2020 registration data show some different trends from previous years. Unusual trends were noted by the drop in the number of applications in all three streams (Figure 3) and by the drop in the success rate of applications in the international stream (Figure 10).

Over the past year regulators have faced unprecedented challenges resulting from the global pandemic. In some cases, this has had an impact on the continuity of registration practices and finding new ways to administer licensure. It was noted in some comments made on the Annual Data Survey that COVID-19 had an impact on the 2020 registration data. For this reason, it was decided to send a short survey to Nova Scotia Regulators as a follow up to the Annual Data collection. The five-question survey collected information on the number of regulating bodies who reported an impact on their registration processes which they could relate to the pandemic, what those impacts were, and what they did to mitigate the impacts.

In total 30 responses were received from 47 regulating bodies. Twenty of the respondents indicated that their registration practices had been impacted by the pandemic. The most common impact, as indicated by 60% of the responses, was an interruption in exams and/or third-party assessments. This was followed by challenges associated with obtaining original documentation, as indicated by 35% of the responses. Other types of interruptions included in-person meeting/interviews, fees, and office management.

Typical means to mitigate these challenges included moving processes online, postponing portions of the registration process, waiving fees, relaxing timelines, and issuing conditional licenses. It was evident from the survey that this crisis is pushing some regulators to respond with more modern practices and challenging others to be creative in the way they administer licensure.

Professions under high demand during the pandemic responded particularly quickly with some creative solutions. The Medical Laboratory Technicians (MLTs) created an Emergency License for MLTs to return to work under restriction. They reached out to former qualified members to return to work under a restricted license. In this way they were able to increase the number of professionals ready to meet the sharp increase in labour market demand. The survey also noted that some regulating bodies did not begin to experience the impact until the last quarter of the year and anticipate that this delay and adaptations made at the end of the year could result in higher than usual applications in 2021.

All this indicates that unusual trends in data reported for 2020 is not likely to have a lasting impact on data results.

2020 Reviews

In addition to the gathering of quantitative data each year, certain Nova Scotia regulating bodies are required to submit a qualitative report on their registration practices. The Review Officer examines these reports in the context of FRPA compliance criteria to identify any gaps in registration practices. If during this review process items are deemed to be noncompliant, the regulating body is required to develop an action plan. 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 compliant, transparent, objective, impartial and procedurally fair registration practices, as required by the Act.

Every year the FRPA reviews provide information on the health of registration practices in Nova Scotia and give valuable insight into ways to work with and support regulating bodies to achieve compliance with the Act. Initial reviews often show significant gaps in registration practices. Though full compliance with the FRPA is the goal, it is important to consider the level of risk posed to the public by the absence of registration practices and place review findings in the context of individual regulating bodies. Though FRPA compliance standards are the same for all regulating bodies, not all regulating bodies are the same. The review of registration practices must take this into consideration if it is to have any impact on improvement and future outcomes.

There is variation between regulating bodies with regards to the way they demonstrate their registration practices. Assessment of registration practices is done through a paper-based reporting process, not by gathering information from applicants. This approach points primarily to gaps in the documentation of registration processes which may or may not relate to actual practice. For example, review of the Nova Scotia Apprenticeship Agency (NSAA) in 2020 revealed gaps in current processes that NSAA was already addressing through the development of an Apprenticeship Management System. Based on information gained through consultation, practices were found to be largely compliant.

On the other hand, a lack of awareness of registration practices in addition to a lack of documentation is an indicator that applicants may not have access to fair registration practices. These situations are often linked to smaller regulating bodies with fewer resources, poor governance structures, or other influencing factors. Understanding the individual challenges indicates the type of approach required. This could begin with raising awareness regarding the FRPA and involving the department that holds the authorizing legislation.

Since the launch of the review reporting process in 2013, 43 regulating bodies have completed an initial review of their registration practices. The FRPA directs the Review Officer to determine the date for the first review report to be filed by a regulating body. The Review Officer is to take into consideration circumstances unique to the regulating body, including the capacity of the regulating body to meet its obligations under the Act, as well as the degree of public risk involved and the registration year of the regulating body. From the time an initial review of the registration practices of a regulating body is launched, current legislation requires that subsequent reviews take place every two years. As a result, some regulating bodies have undergone multiple reviews while others have not been reviewed yet.

Reviews following the initial review, also provide information on the health of registration practices in Nova Scotia. These reviews tend to reveal an improvement in registration practices, as witnessed by the 2020 review of the Provincial Dental Board of Nova Scotia (PDBNS). PDBNS gave evidence that they had addressed all FRPA actions resulting from their previous review with the intention of focusing next steps on improvements that reach beyond minimum requirements of the FRPA.

It was also evident from the 2020 reviews that actions are not always taken when compliance issues resulting from a previous review have not been made clear or have been mixed with recommendations for improvement. This was the case for the review of the Association of Nova Scotia Land Surveyors (ANSLS) where it was necessary to revisit actions resulting from the previous review and determine why actions had not been addressed. Separation of actions indicative of noncompliance from recommended improvements will enable ANSLS to focus resources on the delivery of compliant registration practices. Reviews demonstrate that minimum compliance with the FRPA must be achieved before more enhanced practices can be undertaken and the best results are achieved when an individualized approach to continuous improvement is adopted.

While some regulating bodies strive to meet minimum standards, others are reaching beyond and demonstrate exemplary practices. For example, the Nova Scotia Dietetic Association, a regulatory body of just over 600 members wanted to find a more efficient and reliable way to assess applications that did not present with the typical credential. They have adopted a PLAR process to assess applicants' current knowledge and skill rather than relying on the credential assessment process which fails to provide specific information about gaps. The PLAR process provides an accurate analysis to identify if bridging is necessary and if so, specifically which gaps should be addressed. This exemplary practice fully informs applicants, helps them avoid unnecessary steps and enables a smooth pathway to licensure. This practice is a demonstration of objectivity and impartiality in the assessment process and helps produce successful outcomes for both the applicant and regulator.

In 2020 the review and evaluation of the FRPA legislation had an impact on the FRPA review schedule. A decision was made to pause the review schedule pending the development of revised processes and tools. Two initial reviews were already underway at the time this decision was made. The initial review of the registration practices of the Nova Scotia Apprenticeship Agency (NSAA) was continued to completion. The initial review of five trades in the Technical Safety Branch was transferred to the new review process and remained in progress at the end of 2020. In addition to the initial reviews that were underway at the time the review schedule was paused, there were 12 scheduled reviews already underway for regulating bodies who had previously been reviewed. These reviews were completed in 2020 (Table 1).

A further 9 initial reviews were launched in the fall of 2020 using the revised review questions template and review process. These reviews remained in progress at the end of 2020 and are expected to be complete in 2021.

Table 1 – FRPA Reviews Complete

Report	Regulating Body
Initial Review	• Nova Scotia Apprenticeship Agency
Second Review	• Association of Professional Engineers of Nova Scotia
Second Review	• Nova Scotia College of Physiotherapists
Second Review	• Nova Scotia Board of Examiners in Psychology
Second Review	• Nova Scotia College of Medical Laboratory Technologists
Third Review	• Cosmetology Association of Nova Scotia
Third Review	• Nova Scotia Barristers' Society
Third Review	• Nova Scotia College of Social Workers
Third Review	• Nova Scotia Dietetic Association
Third Review	• Nova Scotia Real Estate Commission
Third Review	• Provincial Dental Board of Nova Scotia
Third Review	• Registered Professional Foresters Association of Nova Scotia
Fourth Review	• Association of Nova Scotia Land Surveyors

Two initial reviews completed in 2019 had raised questions regarding the capacity to self-regulate. In 2020 the Nova Scotia Registered Barbers Association (NSRBA) was required to complete an interim Action Plan and Progress Update. Since authority for the Registered Barbers Act lies with LAE, the Corporate Policy Division has worked with the NSRBA to help develop robust policies to support the implementation of better registration practices. In September NSRBA submitted an interim Progress Update to show progress was being made on policy development. Further progress updates will be expected in 2021.

To address concerns raised in 2019 regarding the registration practices of the Nova Scotia College of Counselling Therapists (NSCCT), the FRPA Review Office provided information and advice to help guide the development of better registration practices. The NSCCT legislation is the responsibility of the Department of Health and Wellness who has been working with NSCCT to address concerns pertaining to governance. A new review of the NSCCT registration practices using a revised Review Questions Template was launched ahead of schedule, in 2020.

The FRPA Review Reports are published online at **Fair Registration Practices - Reports | novascotia.ca**

Overall, the 2020 reviews show an improvement in registration practices and a better understanding of the FRPA. Reviews also point to a need to respect the individuality of regulating bodies and ensure that messages related to compliance and improvement are clear.

Implementation of the Act

Implementation of the FRPA requires processes and tools that help measure the effect that the Act is having on registration practices. To help optimize this impact, the 2019 review of the FRPA legislation recommended that attention be focused on several key areas for improvement including:

- amending the review cycle;
- reviewing data collection tools and processes to improve efficiency;
- developing clear definitions, requirements, and compliance standards; and
- facilitating increased engagement with government departments responsible for legislation relevant to regulating bodies.

In keeping with these recommendations, in 2020 attention was focused on the development of and implementation of new processes and tools to improve implementation of the Act, thereby supporting regulating bodies to meet their obligations under the Act. Notable activities for 2020 included the following.

Amending the Review Cycle

The 2019 review of the FRPA legislation identified challenges associated with the currently legislated two-year review reporting schedule. As noted earlier in this report, though the review reporting process has been underway since 2013, not all occupations have had an initial review of registration practices. This has been linked to a resource issue in that there is only one Review Officer and over 59 occupations. Though launching an initial review is done at the discretion of the Review Officer, once an initial review has taken place subsequent reviews are required to take place on a two-year schedule resulting in a cumulative effect of sustaining both an initial review and subsequent two-year review cycle. A single review takes several months to complete so the two-year review cycle also becomes a regulatory burden for regulating bodies. For this reason, a Report and Recommendation has been submitted to Cabinet to amend the Act by reducing the frequency by which regulating bodies are required to submit reports on registration practices from every two to every five years. Reducing the number of years between reviews should not have a negative impact on implementation of the Act since most gaps in registration practices are discovered in the initial review and a process to obtain updates on outstanding actions has been implemented as part of the revised FRPA review process.

Data Collection Tools and Processes

In 2020 a FRPA Process Review Project was conducted within the Skills and Learning Branch to build better processes and tools in response to recommendations extending from the 2019 review of the FRPA legislation. While this project was conducted internally, regulating bodies were engaged in an advisory capacity throughout the development phase. The first phase of the project focused on the review process and information gathering tools. The result was re-designed standard operating procedures with clarity

regarding staff roles. Two information gathering tools were re-designed: 1) the annual quantitative data gathering tool was reduced from a 12 to an eight-question template; 2) the qualitative review of registration practices information gathering tool was reduced from a 31 to a 20-question template. Additionally, an Action Plan template and process was designed to be used as a follow-up information gathering tool for the qualitative data collection process. The annual data gathering tool was piloted early in 2021 and gathered data for the 2020 calendar year. Nine initial reviews using the new Review Questions Template were launched in the fall of 2020.

Two web-based data gathering mechanisms were developed in 2013 by a third-party provider, one to collect the annual quantitative data and the other to collect qualitative data when a full review of registration practices was required. Neither of these data gathering mechanisms will be used for the roll out of the revised questions templates. The revised annual data survey was conducted using Select Survey in 2021 and the revised qualitative survey is being piloted using a protected Word document. Reactions to the pilot data gathering mechanisms will be monitored.

Definitions, Requirements and Compliance Standards

The first phase of the FRPA Process Review Project has resulted in improved clarity regarding requirements pertaining to the FRPA review reporting process. Questions on both the quantitative and qualitative data gathering tools were re-worded using clear and concise language, including definitions as needed. Most importantly, questions were designed to gather information that has a clear link to compliance criteria. Each question has been mapped to the relevant section(s) of the FRPA. For the quantitative data collection regulators were provided with a resource that shows the linkages between each question and the FRPA so that they would know what data they should be tracking to fulfill data requirements of the FRPA.

The qualitative Review Questions Template has been designed to probe the status of registration practices of the regulating body under review and includes the relevant FRPA compliance criteria with each question. The review of registration practices requires a detailed information gathering process to ensure that information on current registration practices is accurately represented, and to identify gaps in registration practices which would result in an action plan to rectify any issues that may have been identified with compliance. The process may take anywhere from three to six months to complete if an action plan is required. An Action Plan Template has been developed to monitor progress toward compliance on an annual basis. Reactions to the Questions Template and interpretation of the questions will continue to be monitored to determine if further refinement of questions or process will be needed.

Phase two of the FRPA Process Review Project was on-going at the end of 2020: review of the website developed by the third-party provider and development of tools to support the Review Officer with respect to issuing compliance orders under section 17(1) of the FRPA.

Facilitating Engagement with Government

The 2019 review of the FRPA legislation recommended prioritizing the facilitation of engagement between the regulating body and the department responsible for the governing legislation. In 2020 a review of the authorizing legislation for the regulating body under review became a part of the FRPA review process. The Review of Legislation is a resource to help the Review Officer understand the legislative context of the regulating body's registration practices and helps identify any potential areas of concern or incongruence with the FRPA. The purpose of the review is to examine the registration portion of the legislation to:

1. Determine if governing legislation does not permit the Regulating Body to comply with the FRPA, as described in s.17(2).
2. Highlight any issues that could impact the review of registration practices.

To facilitate better engagement between the responsible government department and the regulating body, at the end of the review process the Review of Legislation was sent to the policy division of the relevant government department along with a link to the published report, and a brief overview of the FRPA reporting process. In some cases, this led to further discussion between the Review Officer and the government department, as well as the government department and the regulating body, helping to facilitate better engagement between the two parties.

Considerations for Future Implementation

Implementation of the FRPA sometimes results in unexpected discoveries and information that should be considered to ensure that the FRPA continues to fulfill its purpose.

In the fall of 2020 fourteen reviews were launched with government regulators using the new Review Questions Template. This was an initial review of registration practices for these occupations. The reviews were still underway at the end of 2020 but are revealing some challenges unlike those experienced with the self-regulating bodies. This has given rise to some new perspectives, raised questions about the differences between self-regulated and government regulators, and highlighted a need to consider whether government regulators may need a different type of support to build fair registration practices. Some challenges and indicators for future consideration are outlined below.

Awareness of the FRPA

Government regulators who administer registration practices are often unaware of requirements of the FRPA. A civil servant is appointed to conduct the registration process as a part of their job responsibilities, but it appears that this is often happening without training regarding the obligations of a regulating body under the FRPA. Staff assigned to the task have been challenged to respond to questions in the review template resulting in a staff person with more authority becoming involved part way through the process. This has resulted in delays. It is becoming evident that there is a limited understanding of labour mobility and the commitment the province has made under the Canadian Free Trade Agreement to facilitate the free movement of persons throughout Canada. This has ultimately led to some government regulators questioning whether they should be subject to the FRPA. Further consideration must be given to these challenges and how to work with government regulators to facilitate a better understanding of their obligations under the FRPA.

Schedules A & B

Work with government regulators has raised the question of how an organization is assigned to Schedules A and B of the FRPA. The Act applies to regulating bodies but does not define a regulating body other than to point to Schedules A and B. There is no policy or decision-making criteria to confirm when an organization should be assigned to the FRPA. Some guidance can be found in the **Policy on Self-Regulation 10310-01.pdf (novascotia.ca)** to help determine assignment to Schedule A. Schedule B is more of a challenge. Ministers of each relevant department are named; however, it does not reference specific occupations. This lack of clarity has created some confusion which requires further consideration and clearer direction moving forward.

Processes and tools developed in 2020 have addressed recommendations resulting from the 2019 review of the FRPA legislation and improved implementation of the Act. Steps taken have increased clarity in the way information on registration practices is gathered from regulating bodies, and standards have been put in place as a transparent measurement for compliance. At the same time, 2020 has identified some previously undetected areas for improvement. This shows that implementation must continue to be a fluid process evolving to meet unexpected challenges if it is to continue to provide information on the effectiveness of the Act in helping to ensure that registration practices are transparent, objective, impartial and procedurally fair.

Outreach and Capacity Building Activities

Outreach and capacity building activities increase awareness of the Act, inform regulating bodies about expectations and best practices and, help build relationships that facilitate collaboration regarding registration practices.

Outreach and capacity building activities help support regulating bodies and are organized by the FRPA Review Officer and staff of the RPL/LM Unit. In 2020 opportunities for collaboration and development included the FRPA Advisory Committee, breakfast meetings, newsletters and professional development opportunities as described in the following sections.

FRPA Advisory Committee

The FRPA Advisory Committee is a vehicle for communication, advice and support between Nova Scotia's regulating bodies and Government. The Advisory Committee consists of representatives from a broad spectrum of regulating bodies. Chaired by the Review Officer, the Advisory Committee meets on an 'as needed' basis to identify key issues, review and discuss material related to the implementation of the FRPA, and help inform decisions and/or policy that directly impacts regulating bodies.

In February of 2020 advisory committee members were presented with the results of the FRPA Legislative Review to discuss their reactions and next steps. During the meeting, the long-standing commitment of many of the members (some involved since 2012) was acknowledged. The results of the Legislative Review and plans to move forward indicate that the FRPA is entering a new phase of implementation. A decision was made to invite other regulating bodies to form a new advisory committee to provide feedback on the FRPA Review Process Project, described above.

FRPA Breakfast Meetings

FRPA Breakfast Meetings provide a forum for regulating bodies to network, share best practices, and get information on implementation of the FRPA. Additionally, the Breakfast Meetings are a venue through which the integrated approach to promoting fair access to regulated professions can be supported. At each meeting, the FRPA Review Officer provides updates and information on tools, resources, processes, and related projects. In addition, information supporting implementation of the FRPA by promoting workers' mobility rights, international qualification recognition, and recognition of prior learning is sometimes presented by other members of the RPL/LM Unit.

In 2020, the meeting format for the FRPA Breakfast Meetings changed. Just prior to the first booked Breakfast Meeting of the year a province-wide lockdown was announced in response to the emergence of the COVID-19 pandemic. There was a pause while plans were made to find a safe way to continue collaboration during the pandemic. The Breakfast Meeting was rescheduled for May using Zoom. There were 39 in attendance, and many commented on the convenience of being able to attend from any location. The topic for the meeting was the FRPA Legislative Review – summary of findings and next steps. In this meeting regulating bodies were invited to volunteer for an Advisory Committee to provide feedback regarding revisions being made to the FRPA questions templates, both the annual data survey and the review survey.

In September, another meeting was planned with regulating bodies, once again using Zoom. This meeting was an introduction to the revised FRPA reporting process and there were 42 in attendance. New review

procedures were presented along with the new Review Questions Template. Regulating bodies had an opportunity to see the new tools and ask questions. There was also an introduction to the FRPA Website Project and regulating bodies were asked to participate in an upcoming survey to gather feedback on how regulating bodies interact with the FRPA websites.

In December, a third meeting was booked using the Zoom software. This was an opportunity to introduce the revised questions for the FRPA Annual Data Collection. This survey is conducted early in the new year collecting data on the previous calendar year. The data gathering tool (Select Survey) was introduced and the eight survey questions were explained in detail. There were 50 in attendance, and it was a very interactive session with lots of questions. At the end of the meeting a resource was made available to regulating bodies highlighting the types of data they should be tracking and linking these requirements directly to the FRPA.

In both September and December, a short survey was conducted at the end of the meeting to collect feedback from those in attendance regarding their reactions to the meeting and interests in other topics of discussion. The response to meeting using the Zoom software has been very positive. Attendance has been higher than in previous years. Many have expressed a desire to continue with this format even after we are able to facilitate large social gatherings once again. Response to the meeting topics has been positive with appreciation for the focus on topics most relevant to the delivery of fair registration practices. Many suggestions have been made for other topics that could be explored in future meetings or related professional development events, including an interest in training for assessors who make licensure decisions.

FRPA Newsletter

The purpose of the FRPA Newsletter is to provide general updates, as well as reminders of upcoming FRPA Breakfast Meetings, current issues, training, and conferences. In the past newsletters have been distributed quarterly, a few weeks prior to the next Breakfast Meeting. In 2020 there were three newsletters distributed. There was no newsletter in one quarter while information was being collected on the value of the newsletter distribution. Regulating bodies indicated that they appreciate the value of the newsletter communication, and the quarterly distribution resumed. The newsletter is sent to regulating bodies via e-mail.

FRPA Review Kick-off Meetings

A kick-off meeting with multiple regulating bodies is held at the beginning of each review cycle. Small groups of regulating bodies who are due to report on their registration practices are invited to attend. Information is presented on the background and context of the FRPA review process, the schedule and tools that facilitate the process, and the review questions. Regulating bodies have opportunities to ask questions and prepare themselves for the review process. Three FRPA review kick-off meetings were conducted in 2020.

Looking Ahead

There are several initiatives planned for 2021 and include the FRPA reviews, completion of the FRPA website project, development of tools to support the issuance of compliance orders, other activities that will support implementation of the Act, as well as several outreach and capacity-building events.

FRPA Review Reports

- Completion of 15 FRPA Initial Reviews using the new Review Questions Template
- Launch 7 FRPA Initial Reviews
- Launch 4 FRPA Reviews
- Collect 29 Interim Updates on Action Plans in Progress

Nova Scotia regulating bodies who currently have an action plan in progress are accountable for the delivery of fair registration practices. The FRPA Review Officer will reach out to regulating bodies with action plan items resulting from their last FRPA review. An Action Plan Update Template is being developed and will be populated with the agreed upon action items for regulating bodies to provide a brief status update.

Activities

- **FRPA Website Project** - As part of Phase 2 of the FRPA Process Review Project a review of the FRPA website that was developed by a third-party provider will be completed. The goal will be to create a one-stop shop for regulating bodies to obtain information, resources, template policies, reports, and contact information to assist them with the provision of fair registration practices.
- **Develop Compliance Tools** - Tools will be developed to support the issuance of compliance orders process. Under section 17(1) of the FRPA the Review Officer has the authority to issue a compliance order. A Compliance Issuance Policy was developed and approved in 2019 but tools to support the implementation of this policy are still needed.
- **Capacity Building Events** - Capacity building activities for 2021 will focus on monitoring ways in which the new processes and tools are being used and supporting regulating bodies to understand and use new tools as they are intended. Professional Development events will also be planned for 2021 to explore topics in depth with subject matter experts.

Planned Improvements

Lessons learned from implementation of the Act in 2020 points to the need to develop new strategies and tools to support the work of the FRPA Review Officer.

- **FRPA Toolkit for Regulating Bodies** – to help NS regulating bodies understand and meet their obligations under the Act, a plain language resource focusing on the fair registration practices code will be developed.
- **Criteria for Schedules A & B** – to define decision-making criteria used to determine whether an occupation should be subject to the FRPA.
- **Work with government regulators** – to develop a strategy for work with government regulators who are subject to the same obligations as self-regulating bodies but need a different type of support to meet those obligations.

What the Act is Achieving

Membership in the regulated professions in Nova Scotia has increased by 3.5% since 2016. Although some of this growth may have occurred regardless of fairness legislation, the following evidence shows that implementation of the Act has facilitated awareness and increased fair access to regulated professions.

Despite the drop in the success rate reported in 2020, the number of registrants in the international stream has increased by 20% since 2016. Much of this can be attributed to the Act which places expectations on regulating bodies to have fair registration practices in place for applicants who received their qualifications outside of Canada. Internationally trained individuals face a variety of challenges gaining employment in their regulated occupation such as: not having prior international learning and experience recognized; not being able to access customized bridge or gap training including Canadian work placements, mentorships, and internships; limited connections in the job market; and a lack of English and workplace specific language skills.

Information collected through the FRPA reviews, and the annual data survey shows that many regulating bodies have developed alternative pathways to registration that facilitate international qualification recognition. For instance, in their 2020 FRPA Review Engineers Nova Scotia (ENS) described some alternatives now accepted as proof that the licensure requirement for internationally trained applicants to have 1-year of Canadian work experience has been fully met. Alternatives include a variety of on-line seminars and a bridging program featuring a 3-month work placement with a Nova Scotia employer. Meeting the one year of experience in a Canadian work environment can be a challenge for those who have not yet or have recently immigrated to Canada. The new acceptable alternatives for meeting registration requirements allows internationally trained individuals to obtain licensure as a professional engineer more efficiently and effectively.

The Act has focused attention on the need for more pathways to licensure for all streams of applicants, not just the internationally qualified, allowing greater access to regulated professions. Information collected through the FRPA reviews, and the annual data survey shows a relationship between an expansion in pathways to licensure and an increase in the number of members since 2016. This has enabled some regulating bodies to help meet a growing market demand for their profession. For example, early childhood educators have experienced an increased demand for their services due to the introduction of pre-primary programs and projected growth in regulated childcare. Adoption of multiple pathways to registration and development of recognition of prior learning processes has enabled membership in this occupation to increase by 52% since 2016. This shows that the FRPA legislation is inspiring regulating bodies to develop multiple pathways to registration and increase access to regulated professions in Nova Scotia.

In addition to the significant impact that the Act is having on approaches to labour mobility and internal qualification recognition, other benefits related to fair access have been noted. Outreach and capacity-building activities as well as reviews of registration practices take an in-depth look at the meaning of transparent, impartial, objective and procedurally fair registration practices and how this can impact fair access to regulated professions. Because of the Act, regulating bodies are aware and engage in discussions about fair access. This creates an interest in continuous improvement, an openness to modernize the regulatory environment, and resilience to respond to changing situations, such as a global pandemic. Overall, this demonstrates that the Act is effective in achieving its goal.

Appendix A

Regulating Bodies that Submitted Annual Data

List of Nova Scotia Regulating Bodies that fulfilled annual data submission requirements for the 2020 Calendar Year:

Interior Designers of Nova Scotia	Nova Scotia Dental Technicians Association
Association of Nova Scotia Land Surveyors	Nova Scotia Dietetic Association
Engineers Nova Scotia	Nova Scotia Institute of Agrologists
Geoscientists Nova Scotia	Nova Scotia Real Estate Commission
Nova Scotia Board of Registration of Embalmers and Funeral Directors	Nova Scotia Registered Barbers Association
Chartered Professional Accountants of Nova Scotia	Nova Scotia Registered Music Teachers Association
College of Dental Hygienists of Nova Scotia	Nova Scotia Securities Commission
College of Occupational Therapists of Nova Scotia	Nova Scotia Veterinary Medical Association
College of Paramedics of Nova Scotia	Provincial Dental Board of Nova Scotia
College of Physicians and Surgeons of Nova Scotia	Registered Professional Foresters Association of Nova Scotia
Cosmetology Association of Nova Scotia	TechNova Certified Technology Professionals Society
Denturist Licensing Board of Nova Scotia	Department of Education & Early Childhood Development
Licensed Professional Planners Association of Nova Scotia	Office of Teacher Certification
Midwifery Regulatory Council of Nova Scotia	Early Childhood Educator Classification Services
Nova Scotia Association of Architects	Department of Environment & Climate Change:
Nova Scotia College of Medical Imaging and Radiation Therapy Professionals	Onsite Sewage Disposal System Installer
Nova Scotia Real Estate Appraisers Association	Pesticide Applicator
Nova Scotia Barristers' Society	Petroleum Storage Tank Installer
Nova Scotia Board of Examiners in Psychology	Water and Wastewater Operator
Nova Scotia College of Audiologists and Speech-Language Pathologists	Well Digger/Driller & Pump Installer
Nova Scotia College of Chiropractors	Department of Finance and Treasury Board
Nova Scotia College of Counselling Therapists	Department of Labour and Advanced Education
Nova Scotia College of Dispensing Opticians	Nova Scotia Apprenticeship Agency
Nova Scotia College of Medical Laboratory Technologists	Technical Safety
Nova Scotia College of Nursing	Department of Lands and Forestry
Nova Scotia College of Optometrists	Timber Scalers
Nova Scotia College of Pharmacists	Hunting and Fishing Guides
Nova Scotia College of Physiotherapists	Department of Service Nova Scotia and Internal Services
Nova Scotia College of Respiratory Therapists	Hearing Aid Salesperson
Nova Scotia College of Social Workers	Mortgage Brokers

Appendix B

Nova Scotia's Occupations by Sector

Healthcare	Audiologist Chiropractors Counselling Therapist Dental Assistant Dental Hygienist Dental Specialist Dental Technician or Technologist Dentist Denturist Dietician Nutritionist Hearing Aid Practitioner Licensed Practical Nurse Medical Laboratory Technologist	Medical Radiation Technologist Midwife Nurse Practitioner Occupational Therapist Optician Optometrist Paramedic Pharmacist Physician Physiotherapist Psychologist Registered Nurse Respiratory Therapist Speech-Language Pathologist
Services	Cosmetologist Embalmer or Funeral Director	Interior Designer Registered Barbers
Education and Social Services	Early Childhood Educator Music Teacher	Social Worker Teacher
Science and Technology	Agrologist Engineer	Engineering Technician or Technologist Geoscientist
Trades	Amusement Devise Mechanic (TS) Automotive Service Technician (NSAA) Blaster (NSAA) Boilermaker (NSAA) Bricklayer (NSAA) Communications Technician (TS) Construction Electrician (NSAA) Elevator and Lift Mechanic (TS) Gas Fitter (TS) Mobile Crane Operator (TS) Motor Vehicle Body Repairer (NSAA)	Oil Heat System Technician (NSAA) Plumber (NSAA) Power Engineer (TS) Refrigeration and Air Conditioning Mechanic (NSAA) Service Station Mechanic (NSAA) Sprinkler System Installer (NSAA) Steamfitter Pipefitter (NSAA) Tower Crane Operator (TS) Truck and Transport Mechanic (NSAA) Welder (TS)S
Finance and Property	Chartered Professional Accountant Insurance Broker Adjuster Mortgage Broker Public Accountant	Real Estate Agent Real Estate Appraiser Securities
Natural Resources & Environmental Services	Land Surveyor Forester Hunting and Fishing Guides Timber Scaler Pesticide Applicator	Petroleum Storage Tank Installer Onsite Sewage Disposal System Installer Pump Installer Water and Wastewater Operator Well Digger/Driller
Other	Architect Lawyer	Licensed Professional Planner Veterinarian

