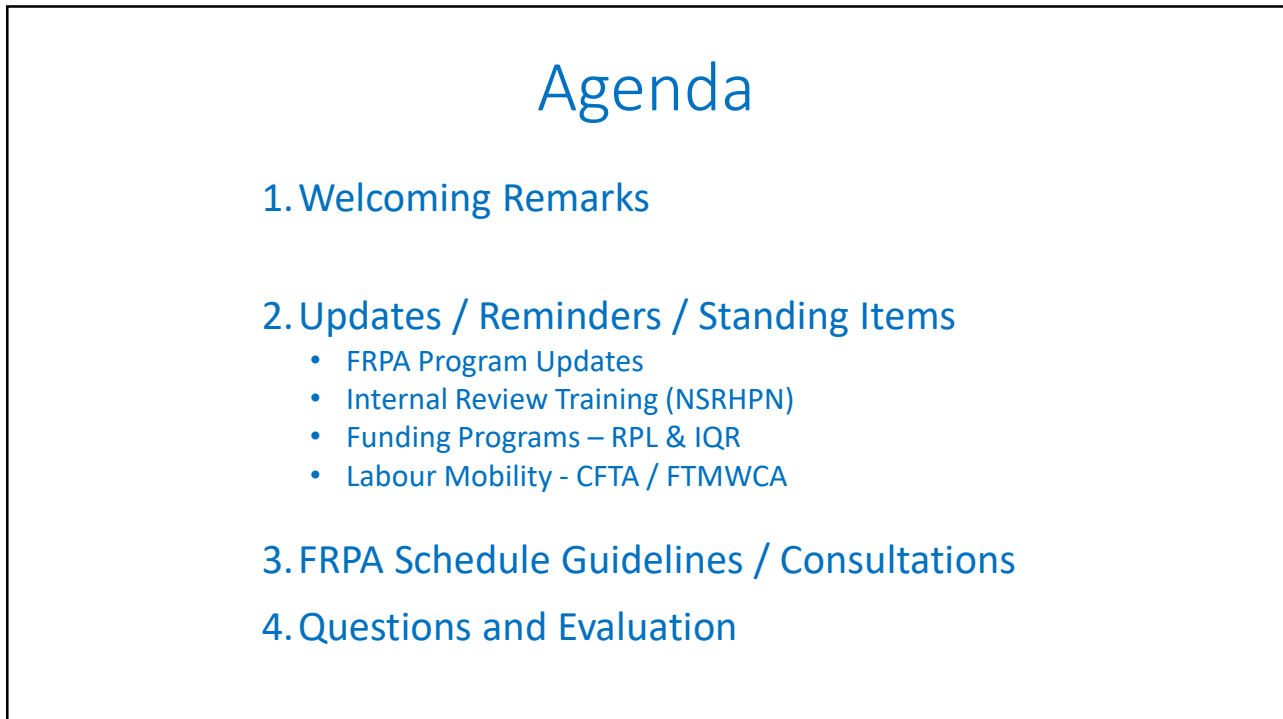


1



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Updates / Reminders / Standing Items

- FRPA Program Updates
- Internal Review Training (NSRHPN)
- Funding Programs – RPL & IQR
- Labour Mobility - CFTA / FTMWCA

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FRPA Schedule Guidelines

What's this all about?:

- The FRPA Schedules need to be updated:
 - 21 name changes under RHPA (+ others).
 - Time to review who should/should not be subject to the FRPA.
 - Schedules established over a decade ago (2015, amended in 2020 and 2022)
 - FRPA does not:
 - Define “Regulating Bodies” or “Occupations”
 - Provide guidance (RE: who's in / out)
- Need Guidelines → drafted and inviting your input.

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FRPA Schedule Guidelines

General Process (determining who's in/out):

FRPA Schedule Guidelines (criteria/process incl. consultations)

→ Draft recommendations

→ Consultations *[FRPA s.23]*

→ Final Recommendations *[FRPA s.14(1)(e)]*

→ Ministerial Discretion / Schedule Amendments *[FRPA s.21A(1)]*

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FRPA Schedule Guidelines

Duty to Consult:

- Required for substantive amendments (additions and removals)
- Not required for non-substantive changes (e.g. name updates)

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Two-Part Framework / 5 Criteria:

- Recommendations on Amendments based on:
 - A) Primary Eligibility (3 Criteria):**
 - Must meet FRPA definition of *“registration”*.
 - B) Discretionary (2 Criteria):**
 - used only to the extent that it is unavoidable
 - no legislated criteria for inclusion/exclusion.
 - informed by intent of the Act; and consultations.

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FRPA Definition of *“Registration”*:

(basis for guidelines)

*“registration” means the end result of a process by which an **applicant** seeks **authority** to*

- (i) engage in the practice of an **occupation** governed by a regulating body, whether such practice is independent, conditional or under supervision, **or***
- (ii) use a designation or certification granted by a regulating body,*

but does not include periodic renewals;

...The key words: ***“applicant”, “authority” and “occupation ...or”***

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Five Mandatory Criteria

All must be met for inclusion/retention:

Primary Eligibility:

1. Attached to Individual
2. Compulsory
3. Statutory Authority

1-4 based on FRPA
definition of
"Registration"

Discretion:

4. Occupational Status
5. No Compelling Exclusion

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#1 - Attached to Individual:

- Given the use of the word **"applicant"**, the **"registration"** must be issued to a specific individual.
- A registration may be subject to conditions (e.g. only valid while employed by a certain employer or within a geographic area) and still meet this criterion, provided it is issued for, and held by, an identifiable individual.

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#2 - Must be Compulsory:

- Given the use of the word **“authority,”** the **“registration”** must confer exclusive legal authority either:
 - (a) To engage in the practice of the occupation; or
 - (b) to use a protected title/designation or certification, or both.
- This criterion is met where legislation prohibits ‘(a)’ or ‘(b)’ without holding the registration in question.

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#3 - Statutory Authority:

- Given the use of the word **“authority,”** the regulatory body must have the statutory authority to grant or refuse the **“registration”** in question.
- This criterion is satisfied where the regulating body is legally empowered under statute to issue the “registration”.
- The existence of more than one body authorized by law to issue the same or equivalent registration does not affect this criterion.

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#4 - Occupational Status:

- Since “**occupation**” is not defined in the FRPA and the “**or**” makes it optional, some discretion, related to this criterion is unavoidable, including:
 - defining “occupation”; and
 - Determining weight of meeting (or not meeting) that definition.
- Intention of FRPA:
 - Applies primarily to occupations
 - Preserves the discretion of the Minister to include “non-occupations” in circumstances where it may be deemed in the public interest do so.

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#4 - Occupational Status:

Criterion:

“Must be an ‘**occupation**’ or have **compelling reasons** to include a ‘non-occupation’.”

→ Need definition of “occupation”

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#4 - Occupational Status:

- In establishing a definition of “occupation”, the following guiding principle is applied to reflect the intent of the FRPA:

Where individuals must invest significantly to qualify for registration, the registration process should be subject to fair registration practices.

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#4 - Definition of Occupation:

For the purposes of these guidelines, an “occupation” means a distinct field of practice subject to regulation by a regulating body, that is not limited to the performance of a single activity.

...and for greater certainty: ...(parts A, B and C...)

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#4 - Occupational Status:

For greater certainty:

- A) An “occupation” will generally be considered to exist where:
- **Qualifications Requirement** – Entry to practice requires education, training, experience, or a combination thereof, and these qualifications are assessed by the regulating body as part of the registration process; and
 - **Scope of Practice** – There is an accepted scope of practice—whether explicitly defined in legislation or otherwise generally recognized within the profession.

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#4 Occupational Status:

For greater certainty: ...

...

- B) The following will generally be considered to meet this definition:
- Professions governed by the RHPA;
 - Designated trades under the NSAA;
 - Established professions such as law, accounting, engineering, and teaching in public or institutional settings.

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#4 - Occupational Status:

For greater certainty: ...

...

C) Authorizations generally do not meet this definition if they:

- are limited to the performance of a single regulated task/activity;
- are embedded within a broader field of practice and are not themselves a distinct regulated field of practice; or
- do not require individuals to demonstrate, and be assessed against, defined qualifications as a condition of registration.

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#5 - No Compelling Exclusion:

Criterion: “Must not be any **compelling reasons** to exclude despite meeting criteria 1-4.”

- Having met the first 4 criteria, Criterion #5 serves as a narrow safeguard for exceptional/unforeseen circumstances.
- Subject to consultations with regulating bodies.

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FRPA Schedule Guidelines

“Compelling Reasons”:

- May justify:
 - Including non-occupations (**Criterion #4**)
 - Excluding otherwise eligible bodies/practices (**Criterion #5**)
- Examples:
 - Public safety considerations
 - Existing oversight regimes
 - Public interest

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FRPA Schedule Guidelines

Key Takeaways:

- FRPA Schedules require updating
- This includes both administrative and substantive changes
- Clear, consistent criteria have been drafted
- Consultation is a key part of the process
- Your input will directly inform recommendations

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FRPA Schedule Guidelines

Next Steps /Consultations:

- We will circulate for possible comment:
 - Draft FRPA Schedule Guidelines.
 - Draft list of proposed (non) amendments (Who's in/out) with:
 - rationale (5 criteria)
 - basis for reversing
 - Final recommendations and consultation outcomes sent to Minister → FRPA Schedule Amendments

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QUESTIONS?

THANK YOU!

Email: ReviewOfficer@novascotia.ca

Frank Reinhardt

FRPA Review Officer

Frank.Reinhardt@novascotia.ca

cell: 902 476 9781

Website: [Fair Registration Practices | novascotia.ca](https://www.novascotia.ca/fair-registration-practices)

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