
Technical Safety Division: Department of
Labour & Advanced Education – Elevating
Device Mechanics

Fair Registration Practices Act (FRPA)
Review Report
March 2021

Province of Nova Scotia



EXECUTIVE SUMMARY

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

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

The Technical Safety Division (the “Division”) is reviewing the existing Elevators and Lifts General Regulations (the “Regulations”) under the *Elevators & Lifts Act* (the “Act”). The Act was repealed with the passing of the new *Technical Safety Act* in 2008, however the provisions of the new legislation that repeal the Act have not been proclaimed. Therefore, the Act remains in effect. Once the Regulations are appropriately revised for inclusion under the encompassing *Technical Safety Act* as planned, the provisions repealing the *Elevators & Lifts Act* can be proclaimed. This situation may have had an impact on the FRPA review in which findings show a lack of well-defined practices and an absence of publicly available information on registration practices for Elevating Device Mechanics.

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

- Provide information in a clear and understandable form to individuals, including individuals qualified in another jurisdiction in Canada, as well as those who received their qualifications outside of Canada. This will include clear instructions on what documentation must accompany applications;
- Develop guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant’s control;
- Provide information about any support provided to applicants during the registration process;
- Develop a policy on how to work with applicants who may require accommodations during the registration process;

- Document all criteria that are used to assess whether requirements for certification have been met;
- Develop and document a clearly defined process under which requests for access to records will be considered;
- Establish a process for internal review of the registration decision that is compliant with the FRPA, include timeframes and the provision to provide written decisions with reasons;
- Develop a process to ensure that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision; and
- Develop a plan and document training provided to individuals who make internal review decisions.

These actions are accompanied by a commitment to increase transparency by ensuring that registration practices are in plain language, fully accessible and available in the public domain. The Technical Safety Division has committed to implementing actions associated with transparency by December 2021. Since most current registration practices lack clear definition, work on process and policy development is being prioritized and is expected to be complete by July 2021. All other actions will be addressed by February 2022.

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

Sincerely,



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

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I: INTRODUCTION

1.1. THE FAIR REGISTRATION PRACTICES ACT

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

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

1.2. OVERVIEW OF THE REGULATING BODY

The Technical Safety Division of the NS Department of Labour and Advanced Education works with its partners and stakeholders to achieve compliance with safety legislation, regulations, and adopted standards for fuel installations, electrical installations, boilers and pressure equipment, power engineering, amusement devices, elevating devices, and crane operations. Regulatory compliance is achieved by engaging with stakeholders to set the requirements, promoting education and awareness of the requirements and how to comply, verifying that compliance is being achieved through inspections and other means, and enforcing compliance when required. To work in a regulated Technical Safety trade or occupation, an applicant may be required to seek authority to engage in the practice of an occupation or use a designation, license, or certification granted by the Technical Safety Division. A link to the Technical Safety Division website can be found [here](#). The Technical Safety Division is reviewing the existing Elevators and Lifts General Regulations (the “Regulations”) under the Elevators & Lifts Act (the “Act”). The Act was repealed with the passing of the new Technical Safety Act in 2008, however the provisions of the new legislation that repeal the Act have not been proclaimed. Therefore, the Act remains in effect. Once the Regulations are appropriately revised for inclusion under the encompassing Technical Safety Act as planned, the provisions repealing the Elevators & Lifts Act can be proclaimed.

Elevator Mechanic Certificate of Competency

The Nova Scotia *Elevators and Lifts Act* (the ‘Act’) defines an elevator mechanic as a person who has a working knowledge of this Act and the Elevator and Lifts General Regulations (the ‘Regulations’), including the applicable code document, respecting the elevating device upon which the mechanic is assigned to work and who is the holder of a certificate of competency issued

pursuant to the Act. No person shall construct, install, alter, repair, maintain, service, inspect, examine or test an elevating device unless that person holds a certificate of competency issued under this Act; or is a mechanic in training under the supervision of a person who holds a certificate of competency.

Classes and Scope of Certificates of Competency

Class A designates a mechanic working for or as a registered contractor in constructing, installing, altering, repairing, maintaining, servicing, inspecting, examining, and testing elevating devices, and covers all classes of elevating devices with the exception of passenger ropeways. Class A Certificate of Competency requires successful completion of a 4-year program of practical skills and theoretical training as provided by the Canadian Elevator Industry Education Program or another equivalent educational program acceptable to the Chief Inspector.

Class B designates a mechanic working for or as a registered contractor solely in constructing, installing, altering, repairing, maintaining, servicing, inspecting, examining, and testing lifts for persons with physical disabilities, and is restricted to stair chair lifts, stair platform lifts and vertical platform lifts.

Class B Certificate of Competency requires successful completion of a 2-year training program similar to the program described in clause (a), or another equivalent educational program or sections of a program acceptable to the Chief Inspector.

Class C Certificate of Competency, which designates a mechanic working for or as a registered contractor solely in constructing, installing, altering, repairing, maintaining, servicing, inspecting, examining, and testing passenger ropeways.

Class C Certificate of Competency requires documented proof of at least 5 years of work in constructing, installing, altering, repairing, maintaining, and servicing passenger ropeways, with a minimum of 1000 hours of work per year, an affidavit from the applicant's employer verifying the applicant's competency to carry out their duties as a passenger ropeway mechanic, including but not limited to any practical skills gained from technical training the applicant may have taken, and successful completion of the lift mechanic training courses approved by the passenger ropeway industry and the Chief Inspector.

Registered Contractors

A Class A, B, or C registered contractor is designated a contractor who is involved in the regulated work designated by a Class A, B, or C Certificate of Competency, or employs mechanics with a Class A, B, or C Certificate of Competency.

A fourth class, Class D, designates a registered contractor who is solely involved in examining all classes of elevating devices designated in these regulations except passenger ropeways, and holds, or employs a person who holds, in lieu of a Class A or B certificate of Competency, a Qualified Elevator Inspector Certification issued by the National Association of Elevator Safety Authorities.

The link to Nova Scotia Department of Labour and Advanced Education (LAE) Elevators and Lifts web page is found [here](#). The application for an Elevator Mechanic Certificate of Competency (also referred to as an Elevator Mechanic Licence) is downloadable a link on the LAE Elevator and Lifts page [here](#).

II: ANALYSIS OF REGISTRATION PRACTICES

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

The Technical Safety Division responses to the FRPA Review Survey regarding registration practices for Elevating Device Mechanics are detailed below, along with the Review Findings determined by the Review Officer in accordance with the Act.

SECTION I: INFORMATION AND REGISTRATION PROCEDURES

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

QUESTION 1

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

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

**RESPONDENT
ANSWER**

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

An applicant for an Elevator Mechanic Certificate of Competency submits their completed and signed application [form](#) to the office of the Chief Elevator Inspector by mail or in person with the required payment in the form of a cheque or money order payable to the Minister of Finance in the amount of \$66.35. The completed form is to include the applicant's personal details, education, elevating device education, experience, qualification, and technical references with copies of all relevant diplomas and certificates attached. The applicant must also confirm that they are familiar with the *Nova Scotia Elevators and Lifts Act* and General Regulations, and understand their obligations stated therein. Upon receipt, the application is date stamped and given to the chief inspector for approval. Once approved, the application is sent via interdepartmental mail to the Technical Safety Senior support clerk, who will enter the applicant's information and approved classification code into the provincial system, process the application fee, print a competency card, and mail it to the applicant.

The Regulations state that the Chief Inspector may issue a certificate of competency upon receipt from the applicant of:

- (a) a completed application in the [form](#) prescribed by the Chief Inspector;
- (b) proof that the applicant meets the qualification requirements for the class of certificate for which they are applying:
 - Class A Certificate of Competency - successful completion of a 4-year program of practical skills and theoretical training as provided by the Canadian Elevator Industry Education Program or another equivalent educational program acceptable to the Chief Inspector.
 - Class B Certificate of Competency - successful completion of a 2-year training program similar to the program described in clause (a), or another equivalent educational program or sections of a program acceptable to the Chief Inspector.
 - Class C Certificate of Competency - documented proof of at least 5 years of work in constructing, installing, altering, repairing, maintaining and servicing passenger ropeways, with a minimum of 1000 hours of work per year, an affidavit from the applicant's employer verifying the applicant's competency to carry out their duties as a passenger ropeway mechanic, including but not limited to any practical skills gained from technical training the applicant may have taken, and successful completion of the lift mechanic training courses approved by the passenger ropeway industry and the Chief Inspector.
- (c) if the applicant is not an inspector, the certificate of competency application fee prescribed in Schedule A of the Regulations.

The Chief Inspector may also issue a Class A Certificate of Competency to a person who worked in constructing, installing, altering, repairing, maintaining or servicing elevating devices prior to the coming into force of Elevator and Lifts General Regulations, if the person provides documented evidence that they have been working as described during a continuous period up to the effective date these regulations, for a total of at least 10 000 hours of work,

RESPONDENT ANSWER	<p>Please provide the additional information in the grid below (if you have a published document, or even an associated policy, please provide the link to that published document/policy). Documents need to be provided for each license/certification type, if applicable.</p>		
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants with information about their registration practices, including the registration process and documents that applicants are required to submit during the process; and the respondent's answer describes the registration requirements and the process for meeting them. <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does <i>not</i> provide applicants with information about their registration practices, specifically, the registration process and documents that applicants are required to submit during the process; or the respondent's answer does <i>not</i> describe the registration process and the process for meeting them. 		
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>		
	<p>OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)</p>	<p>LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE</p>	<p>LINK TO PUBLISHED DOCUMENT, IF APPLICABLE</p>
<ul style="list-style-type: none"> Application for a Certificate of Competency (Elevator Mechanic and passenger ropeway licence application) 	<ul style="list-style-type: none"> Application for a certificate of competency 	<ul style="list-style-type: none"> https://novascotia.ca/lae/equipmentsafety/docs/Elevator-Mechanic-Licence-Application-form-5.pdf This document can be used for Class A, Class B and Class C mechanics the requirements are outlined in the Elevators and Lifts General regulations. 	
<ul style="list-style-type: none"> Issue or renewal of a certificate of competency, per year: \$66.35 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> https://novascotia.ca/sns/paal/lae/paal254.asp 	
<ul style="list-style-type: none"> Elevators and Lifts Act 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> https://nslegislature.ca/sites/default/files/legc/statutes/elevator.htm 	
<ul style="list-style-type: none"> Elevator and Lifts General Regulations 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> https://novascotia.ca/just/regulations/regs/ealgen.htm 	

COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: Requirements for registration have been partially explained. Qualifications and process are described, but documentation requirements to prove qualifications are not clear. The application form is required but what documentation is required to prove education and training? What documentation would be required to apply with work experience rather than education? To be complaint with the FRPA regulating bodies must have clear information about registration practices, including what documentation of qualifications must accompany an application.
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QUESTION 2

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

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

RESPONDENT ANSWER

Select all that apply:

- Paper (hard copy) in the form of a fact sheet/pamphlet or handbook
- Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)
- Email
- Website
- Other: **explain your communication process if not listed above** There is an informal agreement between the educators and Technical Safety. The educators are the Union (IUEC 125) and NS Apprenticeship Agency. A certificate is issued by the educators called CEIEP (Canadian Elevator Industry Education Program) for completion of the program and the union validates the experience hours for the individual mechanic. They are verbally instructed by the educators to contact the Technical Safety for an application. Once the application is completed, the CEIEP is received, and the validation of the hours is provided by the union, the Certificate of Competency is then issued to the successful applicant.

COMPLIANCE CRITERIA

Compliant:

- The regulating body makes requirements for registration available to applicants (they select at least 1 response option); and
- the respondent's answer describes how the requirements for registration are made available to applicants.

Not compliant:

- The regulating body does *not* make requirements for registration available to applicants (they do not select any response options); or
- the respondent's answer does *not* describe how the requirements for registration are made available to applicants.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- Compliant
- Not compliant

COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: Other than the application form, information regarding the certificates of competency (requirements, process, documents) is not available to applicants in an accessible manner. Communication appears to be through a third party. The information described explains some details regarding the registration process, prior to application. To be compliant with the FRPA regulating bodies must provide information to applicants in a clear and understandable form, including information on what documentation of qualifications must accompany an application.
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QUESTION 3

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

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

RESPONDENT ANSWER

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

LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE	PROCESS DOCUMENTED YES/NO	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
<ul style="list-style-type: none"> Class A, Class B and Class C Certificate of Competency under s. 16(1)(3)(b) of Regulations 	Yes	<ul style="list-style-type: none"> For Class A&B and if all documentation supporting the education is not available the applicant would be referred to NSAA for the option to write a trade qualifying exam. For Class C there is no current process, and the Technical Safety team is currently reviewing the processes and options. 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> https://nsapprenticeship.ca/skilled-workers/immigrants

COMPLIANCE CRITERIA

Compliant:

- The respondent's answer indicates whether a registration/application process is different (response = "yes" or "no").
- If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = "yes"), the respondent describes those differences.

Not compliant:

- The respondent's answer does *not* indicate whether a registration/application process is different (no response, either "yes" or "no").
- If there are any differences in the registration/application process for applicants who have received their qualifications outside of Canada (response = "yes"), the respondent's answer does *not* describe the differences.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

Compliant

	<input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: According to the response there is a process to recognize international qualifications - referral to NSAA regarding Class A & B. Though internationally qualified could apply for Class A with qualifications as per 16(1)(3)(b), the process is under development. Are there other requirements for the process that may be different, such as translation? To be compliant with the FRPA regulating bodies are required to provide information in a clear and understandable form to individuals who received their qualifications outside of Canada.

QUESTION 4

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

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

RESPONDENT ANSWER

Please provide a separate answer per licence/certification type:

LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE
<ul style="list-style-type: none"> Class A, Class B and Class C 	yes	<p>If the applicant holds a licence in another jurisdiction in Canada for similar work, a Nova Scotia licence would be issued as per the CFTA. The applicant would complete the application for a certificate of competency and submit this to the chief inspector along with proof of their current licence.</p> <p>If the applicant has work experience in another jurisdiction and does not yet hold a licence this would be referred to NSAA and would follow the apprenticeship process.</p>

COMPLIANCE CRITERIA

Compliant:

- The respondent's answer describes a registration/application process, that is aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia.

Not compliant:

- The respondent's answer describes a registration/application process, that is *not* aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- Compliant
- Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

The response regarding CFTA applicants describes a compliant process. There is nothing on the application form to indicate that there is certificate-to-certificate recognition for someone registered in another jurisdiction. The application form does not ask for proof of the current license. It is not clear how experience from another jurisdiction is recognized or under what circumstance a person would be referred to NSAA. To be complaint with the FRPA regulating bodies must provide information in a clear and understandable form to individuals who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction (CFTA transfers).

QUESTION 5

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

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

RESPONDENT ANSWER

Yes

No

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

Fee amount can be found in Schedule A – Prescribed Fess, of the [Regulations](#), Item 3: ‘Issue or renewal of a certificate of competency, per year.....\$66.35’, and on the LAE Elevators and Lifts [website](#): ‘Issue or renewal of a certificate of competency, per year: \$66.35’

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

LAE website <https://novascotia.ca/sns/paal/lae/paal254.asp> and Regulations <https://novascotia.ca/just/regulations/regs/ealgen.htm>

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

\$66.35 per year; issue and/or renewal

COMPLIANCE CRITERIA

Compliant:

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

Not compliant:

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

REVIEW FINDINGS

To be completed by the FRPA Review Office:

Compliant

Not compliant

**COMMENTS:
REVIEW
FINDINGS**

Comments, to be completed by the FRPA Review Office:

Challenging to find without specific direction, but the information is available.

QUESTION 6

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

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

RESPONDENT ANSWER

Yes

No

If yes, please explain the process:

If an applicant cannot verify work experience and training outlined in the Regulations there is no pathway for certification. If the applicant is able to show proof of 10,000 hours worked in the trade they would qualify to write the Nova Scotia Apprenticeship Agency (NSAA) trade qualifying exam for an elevator mechanic qualification.

Note: Elevating Device Mechanic A & B have been designated as [trades](#) by the NSAA Board and, going forward, the elevator mechanic training and qualification pathway will be overseen by the NSAA which has been deemed a program acceptable to the chief inspector as provided by the Regulations

COMPLIANCE CRITERIA

Compliant:

- The regulating body advises applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; and
- the respondent's answer describes any such alternative information.

Not compliant:

- The regulating body does *not* advise applicants on alternative information that applicants may provide when they cannot obtain documentation of their qualifications for reasons beyond their control; or
- the respondent's answer does *not* describe the alternative information.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

Compliant

Not compliant

COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: Response describes a process, but not the alternative information. To be compliant with the FRPA regulating bodies have guidelines that describe expectations regarding documentation and alternatives that would be acceptable when documentation cannot be obtained (high school diploma, post-secondary diploma, elevating devise program, etc.) Application form refers to 'reproductions' as sufficient evidence. Best practice would include original documents as a first choice and verified reproductions/course descriptions, etc. as an alternative. Note: this review is based on current practices.
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QUESTION 7

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

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

RESPONDENT ANSWER	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> When required</p> <p>If yes or when required, what types of support are provided to applicants during the registration/application process? Applicants are informed on the requirements and provided an interpretation of the Act and Regulations by the Chief Inspector or Registrar.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none">The respondent's answer includes information about any support they provide to applicants during the registration process. <p>Not compliant:</p> <ul style="list-style-type: none">The respondent's answer does <i>not</i> describe any support they provide to applicants during the registration process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The response indicates support would only be available when required. Neither the application form nor website have contact information for applicants to access this support. To be compliant with the FRPA regulating bodies provide information about the supports they provide to applicants during the registration process in an accessible manner and at all times.</p>

QUESTION 8

Do you have a policy and/or process on how to work with an applicant during the registration/application process that may have a physical or mental disability and requires an accommodation when registering/applying? If applicable, please provide a link to your policy and/or process. This is for the registration/application process only and not a workplace accommodation.

Alignment with FRPA: *Section 16(3)(h)*

Note: A physical or mental disability includes any persons with a disability (consisting of a physical, cognitive, or mental impairment), that presents a persistent barrier to securing and/or retaining work. For more information visit the following links to the applicable Government of Nova Scotia legislation:

https://nslegislature.ca/legc/bills/62nd_3rd/3rd_read/b059.htm

<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

Examples of accommodations for this purpose can include, but is not limited to:

- Assistance in completing application forms
- Provision of additional time provided to complete exams
- Provision of an application in braille
- Provision of audio-visual equipment
- In person meetings/interviews/hearings
- Other accommodations such as paper color, larger font, etc.

**RESPONDENT
ANSWER**

Yes

No

N/A

If yes, provide a description of the policy/process? (if you have a link to a published policy/process, please include in your response)

If no, what would the process be if an accommodation were to be required?

The Technical Safety Division adheres to the applicable provincial and federal legislation, as well as the policies and processes of the Nova Scotia Public Service on how to work with an applicant during the registration/application process who may have a physical or mental disability and requires an accommodation when registering/applying.

	<p>If N/A, please explain why this is not applicable to your registration/application process / practices?</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> The respondent's answer includes a description of any existing accommodation policies for applicants with a physical or mental disability. <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent's answer does <i>not</i> describe any existing accommodation policies/processes for applicants with a physical disability or mental disability.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The answer refers to applicable provincial and federal legislation as well as policies and processes of the NS Public Service but does not describe any existing accommodation policies/processes for applicants with a physical or mental disability. Ensuring impartial registration practices for all applicants and compliance with the FRPA requires that the regulating body document a description of the accommodation practices (how to request and guidelines pertaining to types of accommodations) they make available to applicants.</p>

QUESTION 9

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

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

RESPONDENT ANSWER

Yes

No

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

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

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

COMPLIANCE CRITERIA

Compliant:

- NA

Not compliant:

- NA

REVIEW FINDINGS

To be completed by the FRPA Review Office:

NA

NA

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

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

SECTION II: ASSESSMENT CRITERIA AND COMMUNICATION OF DECISION PROCESSES

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

QUESTION 10

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

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

RESPONDENT ANSWER

Yes

No

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

Section 16 of the Regulations and the online application form.

See response to Question 1

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

COMPLIANCE CRITERIA

Compliant:

- The respondent’s answer describes how/where the criteria for meeting the requirements of registration/application are documented; and
- the respondent’s answer describes the role of any third-party assessors.

Not compliant:

- The respondent’s answer *does not* describe how/where the criteria for meeting the requirements of registration/application are documented; or
- if a third party is used for assessment, the respondent’s answer *does not* describe the role of the third-party assessors.

REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The response refers to the Regulations and the application form. Neither of these describe how/where the criteria for meeting the requirements of registration are documented. The Regulations give the Chief Inspector a considerable amount of discretion. Criteria used for assessment are unclear. Criteria include all standards for practical skills and technical training such as: What diploma, certificate or degree is required? What are acceptable education programs? What are equivalent educational programs? What mechanics exam is required, with what pass mark? Is there an elevator curriculum? Are a certain number of experience hours in various categories required: construction, maintenance, service, etc.? The trade qualifier exam appears to be administered by a third party, NSAA. This role has not been described. To be compliant with the FRPA regulating bodies must have in place transparent and objective assessment criteria to determine eligibility for registration including benchmarks for all requirements of registration and outline the role of any third-party assessors.</p>

QUESTION 11

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

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

RESPONDENT ANSWER	<p>Select all that apply</p> <p><input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</p> <p><input checked="" type="checkbox"/> Email</p> <p><input checked="" type="checkbox"/> Website</p> <p><input type="checkbox"/> Other, explain your communication process if not listed above:</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none">The regulating body provides applicants with a description of the criteria used to assess whether they meet the requirements for registration (they select at least 1 response option). <p>Not compliant:</p> <ul style="list-style-type: none">The regulating body does <i>not</i> provide applicants with a description of the criteria used to assess whether they meet the requirements for registration (they do not select any response options).
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The Regulations and application form (both available on the website) are referred to in the previous question but neither of these detail assessment criteria. To be transparent and compliant with the FRPA the regulating body must provide applicants with a description of the criteria that will be used to determine if they are eligible for registration.</p>

QUESTION 12

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

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

RESPONDENT ANSWER	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.): If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.): Reasoning provided to applicant upon request.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why. Not compliant: <ul style="list-style-type: none">The regulating body does <i>not</i> provide applicants who are not granted registration with a written decision that includes the reason(s) why.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: The response indicates that reasons for registration decisions are only provided when requested by an applicant. To be compliant with the FRPA regulating bodies demonstrate objective and procedurally fair registration practices when they always provide applicants who are not granted registration with a written decision that includes the reason(s) and inform the applicant of their right to appeal the registration decision.

QUESTION 13

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

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

RESPONDENT ANSWER

Yes

No

If yes, what types of supports/referrals/information do you provide to unsuccessful applicants after a decision has been communicated?

For individuals utilizing the NSAA process, additional, focused training would be provided in areas where improvement is necessary. The NSAA trade qualifier process is a current process. If the applicant was unsuccessful in passing the trade qualifier exam, NSAA would provide direction where additional education is needed.

COMPLIANCE CRITERIA

Compliant:

- The regulating body provides, if applicable, information to unsuccessful applicants that may assist them in obtaining registration at a later date; and
- the respondent's answer describes any other supports/referrals/information provided to unsuccessful applicants.

Not compliant:

- The regulating body does *not* provide, if applicable, information to unsuccessful applicants that may assist them in obtaining registration at a later date; or
- if the regulating body does provide any other supports/referrals/information to unsuccessful applicants (response = "yes"), the respondent's does *not* describe this supports/referrals/information.

REVIEW FINDINGS

To be completed by the FRPA Review Office:

Compliant

Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

Though not specifically mentioned in response to this question, information gathering in the remainder of the review indicates that applicants who are not successful are referred to NSAA who may administer a qualifier exam or provide training, as needed.

SECTION III: INTERNAL REVIEW/APPEAL PROCESS

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

QUESTION 14

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

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

RESPONDENT ANSWER

Yes

No

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

Inspectors, including the Chief Inspector, in the [Elevators and Lifts](#) Inspection Services Section of the [Technical Safety Division](#) are responsible for ensuring compliance with the Act. Any person aggrieved by a decision, condition or order issued by the Chief Inspector, may appeal, in writing, within 30 days to the Elevators and Lifts Appeal Board.

The Elevators and Lifts Appeal Board may conduct a hearing orally or in writing. It has the power to:

- confirm, vary, or revoke the decision or order appealed;
- refer a matter back to the Chief Inspector for reconsideration with or without direction; or
- make any decision that the Chief Inspector could have made

All decisions of the Elevators and Lifts Appeal Board are in writing and are supported by reasons. Decisions of the Board are final and binding and not open to review except in the case of an error of law or jurisdiction.

Elevator and Lifts Appeal Board information, process, contacts, Act and Regulations, and [secure enquiry](#) form are found online [here](#).

Recruitment for the formal 3-member adjudicative Elevator and Lifts Appeal Board continues to recruit for its third and final necessary vacancy - elevator device owner or representative. Opportunity is currently posted on the NS Agencies, Boards and Commissions [website](#).

	<p>In the interim, appeals are to be made to the Chief Administrator:</p> <p>Contact Information</p> <p>Elevators and Lifts Appeal Board Chief Administrator Tel: (902) 424-5675 E-mail: Diana.Hartley@novascota.ca</p> <p>If no, what do you do if an internal review/appeal is requested?</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; and • the respondent’s answer includes a description of the internal review process, including how it is communicated to applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; or • the respondent’s answer does <i>not</i> include a description of the internal review process, including how it is communicated to applicants.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>An internal review/appeals process is available on the website but is not specifically communicated to applicants who have not been granted registration. Opportunities for applicants to make further submissions are not described. To be compliant with the FRPA the regulating body must provide applicants who are not granted registration with information about the internal review process, including opportunities the applicant has to provide new information and to make submissions with respect to an internal review.</p>

QUESTION 15

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

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

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the timeframe that an applicant has, to initiate the internal review/ appeal process (in days)? Any person aggrieved by a decision, condition or order issued by the Chief Inspector, may appeal, in writing, within 30 days to the Elevators and Lifts Appeal Board
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">• The regulating body has established a timeframe within which they must provide applicants with an internal review/appeal; and• the respondent's answer includes a timeframe. Not compliant: <ul style="list-style-type: none">• The regulating body has <i>not</i> established a timeframe within which they must provide applicants with an internal review/appeal; or• the respondent's answer does <i>not</i> include a timeframe.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: The applicant has 30 days from a decision to appeal, but there is no established timeframe within which applicants are provided with an internal review/appeal. "Where a regulating body does not grant registration to an applicant, the regulating body shall provide an internal review process within a reasonable time and shall inform the applicant of the internal review process and of the procedures and time frames for the internal review."

QUESTION 16

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

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

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

QUESTION 17

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

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

RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">The respondent's answer states that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal. Not compliant: <ul style="list-style-type: none">The respondent's answer does <i>not</i> state that no one who has acted as a decision maker for a registration decision has also acted as a decision maker in an internal review/appeal.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: There is no clear statement to avoid conflict of interest. Matters may be referred back to the chief inspector. In the absence of an Appeal Board matters are referred to the Chief Administrator. To be compliant with the FRPA the regulating body will ensure that no one who acted as a decision-maker in respect of a registration decision may act as a decision-maker in an internal review of the same decision.

QUESTION 18

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

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

RESPONDENT ANSWER	<p>Explain the process:</p> <p>Inspectors, including the Chief Inspector, in the Elevators and Lifts Inspection Services Section of the Technical Safety Division are responsible for ensuring compliance with the Act. Any person aggrieved by a decision, condition or order issued by the Chief Inspector, may appeal, in writing, within 30 days to the Elevators and Lifts Appeal Board.</p> <p>The Elevators and Lifts Appeal Board may conduct a hearing orally or in writing. It has the power to:</p> <ul style="list-style-type: none">- confirm, vary or revoke the decision or order appealed;- refer a matter back to the Chief Inspector for reconsideration with or without direction; or- make any decision that the Chief Inspector could have made <p>All decisions of the Elevators and Lifts Appeal Board are in writing and are supported by reasons. Decisions of the Board are final and binding and not open to review except in the case of an error of law or jurisdiction.</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none">• The respondent's answer explains any process that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process. <p>Not compliant:</p> <ul style="list-style-type: none">• The respondent's answer does <i>not</i> explain the process (if they have one in place) that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process.
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p>

The current legislation allows for the appeals board to refer the matter back to the Chief Inspector as an option which is not a process that will ensure that the appeal decision maker will be different from the original decision maker. To be compliant with the FRPA the applicant must be offered a review of the registration decision that is internal to the regulating body and ensure that internal review decision-makers are different from the original decision-maker(s).

QUESTION 19

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

Alignment with FRPA: *Section 10(3)*

RESPONDENT ANSWER	Explain how the results are provided and if the results include reasons (also include how the timeframe is written and communicated to the applicant): All decisions of the Elevators and Lifts Appeal Board are in writing and are supported by reasons. Decisions of the Board are final and binding and not open to review except in the case of an error of law or jurisdiction. No timeframe is stated.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">The internal review decision maker provides applicants with a written decision that includes reasons and a timeframe. Not compliant: <ul style="list-style-type: none">The internal review decision maker does <i>not</i> provide applicants with a written decision that includes reasons and a timeframe.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: Decisions are provided in writing with reasons but there is no established time frame for this process. To be compliant with the FRPA the regulating body will ensure that internal review decision makers provide applicants with a written decision that includes reasons within a reasonable time.

QUESTION 20

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

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

RESPONDENT ANSWER	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, explain what training is required for the decision makers for internal reviews/appeal: Formal adjudicative training will be provided to the Elevator and Lift Appeal Board upon recruitment. Currently the appeals board is not functioning because there are no standing members. Technical Safety is currently trying to reinstate this board through recruitment of membership.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">• The regulating body provides training to individuals who make internal review decisions; and• the respondent's answer describes the training. Not compliant: <ul style="list-style-type: none">• The regulating body does <i>not</i> provide training to individuals who make internal review decisions; or• the respondent's answer does <i>not</i> describe the training.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	Comments, to be completed by the FRPA Review Office: The response indicates that when there is an appeals board, training is provided. There is no description of the training provided. FRPA Section 11: A regulating body shall ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review.

III: OTHER NOTES

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

The following was noted during the review of registration practices for Elevating Device Mechanics:

- Elevating Device Mechanics A & B have been designated as trades by the Nova Scotia Apprenticeship Agency (NSAA) Board. Going forward the elevator mechanic training and qualification pathway will be overseen by NSAA. It will be important to ensure that this is clear to applicants and that all pathways to licensure are accessible and on a public website.

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

IV: ACKNOWLEDGEMENTS:

The Technical Safety Division hereby declares that the information contained in this report is a true and accurate representation of current registration practices of the organization and agrees to take action to address items of non-compliance as per the following Action Plan.

DATE: April 14, 2021

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X *JMD*

APPENDIX A: ACTION PLAN

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

NAME OF REGULATING BODY: Technical Safety Division, NS Department of Labour & Advanced Education: Elevating Devise Mechanics

DATE SUBMITTED BY REGULATING BODY: 2021-02-26

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	2021-02-24	2022-03-09	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-02-24	Click or tap to enter a date.			

ACTION PLAN:

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(3)(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	1 & 2	<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 Division will review and update the current criteria, qualifications, processes, and required documents required by the Regulations for an applicant to obtain an Elevator Mechanic Certificate of Competency (“certificate”), including, but not limited to, proof of relevant work experience, an affidavit from employer verifying competency and training, and proof of successful completion of approved education, training, and examination approved by the Chief Elevator Inspector (“Chief Inspector”).</p> <p>The clear instructions will be available in the public domain for individuals seeking to obtain from the Chief Inspector an elevator mechanic certificate of competency for Class A, Class B, or Class C designations. Although during the review, the requirements and processes appeared to be articulated clearly there was a lack in clarity for the documentation that the applicant must submit. The focus would be to develop the appropriate packages and present in a way that is clear to the public domain.</p> <p>The Division will clarify the current regulatory application process, requirements, and timelines with instructions for obtaining a certificate. A complete, updated list of all requirements and documents an applicant must submit will be explained clearly and in plain language in the public domain for an applicant or other interested party on the Labour and Advanced Education (LAE) Technical Safety website,</p>	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>A good plan to address the current gap in registration practices.</p>

			<p>downloadable PDF, and printed hard copy, and in any other manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the <i>Fair Registration and Practices Act</i> (FRPA).</p> <p>The updated Technical Safety Elevators & Lifts section contact information will also be made available digitally (website) and hard copy so that applicants and other interested parties can contact the office for assistance or to make an inquiry. An informational update will be sent to Technical Safety elevating device stakeholders to inform them of the updates.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including the NS Apprenticeship Agency (NSAA), known stakeholders, and industry associations to ensure that all information in the public domain is clear, accurate, and consistent.</p> <p>Updates on legislative changes and any impact on registration practices will be provided on the next FRPA Action Plan Progress Update.</p>			
Update 1						
Update 2						
Update 3						
Update 4						

ALIGNMENT WITH THE FRPA	OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES
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Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)

	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	3	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information regarding registration requirements and how requirements are to be met by applicants who received their qualifications outside of Canada is clear and easily accessible in the public domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>The process for internationally qualified applicants to gain their certificate as required by the Act and Regulations will be clearly explained and communicated in the public domain through the website and in print. The process, qualifications, and documentation required to validate their past experience, education, training, and qualifications will be clearly listed for the applicant in the public domain. The application for the various certificate classes (A, B & C) will be clarified.</p> <p>In situations where a prior learning assessment of an international applicant may be required by the Regulations, instructions on the process, timing, and requirements for obtaining an assessment as part of the application process will be clearly explained in the public domain with the Division contact information. The clarity and details of the trade qualifier process with NSAA will be part of process.</p> <p>The explanation for international applicants will include, but not necessarily be limited to, process instructions, documents, fees, and other valid forms of verification the applicant would need to submit for consideration of equivalency and assessment of prior learning.</p> <p>Should verbal, written, or reading translation services be required by an applicant, the Division will provide information on how to access the services to facilitate the international application process for applicants who received their qualifications outside of Canada.</p>	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>Regulations don't currently identify a prior learning assessment (PLA) pathway. The current option for an alternative pathway appears to be 16(3)(b). This could evolve as a PLA process but would need to be defined and developed. This may require consultation with NSAA as indicated in the Action Plan.</p>
Update 1					

Update 2						
Update 3						
Update 4						

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	4	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants who received their qualification outside NS but within Canada is clear and easily accessible in the public domain through print and electronic media. - ensure that information about registration requirements and how requirements are to be met by applicants registered in another Canadian jurisdiction are based on certificate-to-certificate recognition and are clear and easily accessible on the public 	<p>Technical Safety will update digital (website) and print information in the public domain to clearly explain the process and criteria for an applicant from another province or territory to obtain a Nova Scotia elevator mechanic certificate of competency under the provisions of the Canadian Free Trade Agreement (the “CFTA”). This will include an elevator mechanic application and transfer and verification process for licences/certificates held in other Canadian jurisdictions. Compliance with the CFTA is required by NS Technical Safety for the applicant and their educational, qualification and/or practical experience equivalencies. Under the CFTA a license and/or certification should be granted on the basis of the applicant’s current certification, without requirement for additional material assessment, training, or experience This will be clearly explained in plain language in the public domain.</p> <p>Where a license/certificate does not exist for their originating jurisdiction within Canada and the applicant is looking to apply for an elevator mechanic certificate of competency, a process will be developed in partnership with the NSAA to evaluate past experience, training, and qualifications. The process will be</p>	<p>June 1, 2021 – process and document development.</p> <p>Nov 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>A good plan to address the current gap in registration practices.</p>

		<p>domain through print and electronic media.</p> <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications 	<p>communicated to industry stakeholders and be available for access in the public domain in a clear manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the FRPA. The process clarity will be added for those which have experience in another jurisdiction but do not yet hold a license/certification in that jurisdiction.</p> <p>The development of such an evaluation process will require a review of other Canadian jurisdictions to determine how individuals are regulated in their originating jurisdiction and integrate aspects that will allow FRPA requirements to be met.</p>		
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 9(b), 16(3)(c)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	6	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control 	<p>Technical Safety will develop a process to accept alternative information when the required documents cannot be obtained by the applicant and submitted with the application for reasons beyond the applicant's control. Examples of these alternatives could be a sworn affidavit or notarized statement in lieu of the original required document. The list of required documents and acceptable alternatives will be clearly listed, as well as the updated processes to follow when original documents cannot be obtained. This information will be made clearly available in the public domain.</p>	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>A good plan to address the current gap in registration practices.</p>
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(e), 16(3)(k)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	7	<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 any support provided to applicants during the registration process is clear and easily accessible in the public domain through print and electronic media. 	<p>Technical Safety will ensure that information about any support provided to applicants during the application process is clear and easily accessible in the public domain through print and electronic media. This will include contact information in order to seek any additional support during the application/registration process for any inquiries relating to coaching, referrals, explanation of registration requirements. Every attempt will be made to ensure clear communication of the process in the public domain but in the event further clarity is required by the applicant the support options will be in place, including translation services where needed.</p>	<p>July 15, 2021 – process and document development.</p>	<p>A good plan to address the current gap in registration practices.</p>
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 16(3)(h)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	8 & 9	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a description of the accommodation practices for applicants which includes: <ul style="list-style-type: none"> - how to request an accommodation. - guidelines regarding types of accommodations - ensure that practices are adaptable if a new situation arises 	<p>Technical Safety will develop a policy on how to work with an applicant during the application process that may have a physical or mental disability and requires an accommodation when applying for an elevator mechanic certificate of competency. The accommodation policy will also be adaptable should a new situation arise, such as translation services.</p> <p>Based on existing government policies, the Division's adaptable policy will ensure clearly explained, fair, and impartial application processes for all applicants, which will be made available in the public domain.</p> <p>Applicants who may require an accommodation will be provided access to contact information and instructions for requesting an accommodation in digital, print, and any other form (audio), that the applicant may require.</p> <p>The Division will ensure that all reasonable accommodations are a modification or adjustment to the application process or the environment that enables a qualified applicant with a disability to be considered for certification that will not:</p> <ul style="list-style-type: none"> • cause "undue hardship" to the application or examination process, • bypass occupational requirements, or • compromise accepted safety standards of the profession. 	<p>Nov 1, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	A good plan to address the current gap in registration practices.
Update 1					
Update 2					



Update 3						
Update 4						

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

Update 3						
Update 4						

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES				
<i>Sections 8(c), 10(1)</i>						
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments	
Action required	12	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a process to ensure that applicants who are not granted registration are provided with a written decision that includes the reasons why registration has been denied - ensure that information about the internal review process is provided to applicants who have not been granted registration. 	The Division will develop a clear process that is accessible in the public domain and outlines the obligations to communicate the reasons for an unsuccessful application. There will also be details on the right to appeal and the process the applicant may follow for such an appeal including but not limited to the process will include descriptions of process and how to request a review, parties involved, timelines, and how review decisions are communicated expected.	<p>Jul 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	Not all of this process needs to be in the public domain. When an applicant is denied registration, they should be contacted in writing with reasons provided, including information on the internal review process. This can be an internal workflow process. Information on the internal review process should be available in the public domain.	
Update 1						
Update 2						
Update 3						
Update 4						

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(a), 10(1)(2)(4) and 16(3)(m)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	14 & 15	<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 existing Act and Regulations has provisions for an applicant to seek and receive an internal review or appeal of a decision made by the Chief Inspector but there is work required in clearly defining procedures, timeframes, etc. The work will also include making such information available and clear/easily accessible in the public domain through print and electronic media.</p> <p>Provisions for an internal review by the Administrator of the <i>Technical Safety Act</i> will also be applicable to the elevator mechanic certificate in the longer-term once the Regulations are included under the <i>Technical Safety Act</i>.</p> <p>The short-term action will be to develop and implement a transparent process for review of application decisions and make that clearly known and accessible in the public domain for applicants who wish to appeal decisions. The process will include descriptions of process and how to request a review, parties involved, timelines, and how review decisions are communicated expected.</p> <p>The interim action will facilitate compliance with the FRPA ensuring that applicants who wish to appeal a registration decision have a process to do so.</p>	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>The interim action will facilitate compliance with the FRPA ensuring that applicants who wish to appeal a registration decision have a process to do so.</p>
Update 1					

Update 2						
Update 3						
Update 4						

ALIGNMENT WITH THE FRPA	OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES
<i>Sections 12 and 16(3)(j)</i>	

	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	16	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - develop and document a clearly defined process under which requests for access to records will be considered, including: <ul style="list-style-type: none"> - the process by which an applicant may make a request - any limitations with regards to access - any fees associated with the request 	The Division will develop a clear process for which a request by an applicant for access to their records will be considered. The options available, the request process, timelines, limitations to access, associated fees, and possible outcomes will be made transparently available in the public domain, digitally and in print.	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 10(5) and 16(3)(n)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	17 & 18	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document the process that is used to ensure that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision. - include in the description of the internal review process a statement to the effect that no one who acted as a decision maker in a registration decision may act as a decision maker in an internal review of the same decision 	<p>The existing Act and Regulations have provisions for an applicant to seek and receive an internal review or appeal of a decision made by the Chief Inspector. The existing regulations identifies that the appeals board can refer the decision back to the chief which is not compliant with the FRPA.</p> <p>The long-term solution will be to utilize the provisions for an internal review by the Administrator of the <i>Technical Safety Act</i> once the Regulations are included under the <i>Technical Safety Act</i>.</p> <p>The short-term action will be to develop process to ensure that no one who acted as a decision-maker in an application decision may act as a decision-maker in an internal review of the same decision. A description of the internal review process and a statement clarifying that no one who acted as a decision maker in an application decision may act as a decision maker in an internal review of the same decision will be accessible in the public domain.</p>	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	<p>The interim action will facilitate compliance with the FRPA ensuring that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision.</p>
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 10(3)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	19	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that the internal review process includes a requirement for decision makers to provide applicants with a written decision that includes reasons - the internal review process describes the timeframe for a decision to be communicated to the applicant 	The Division will develop a process and set timelines for communicating a written internal review decision and supporting reasons to the applicant in accordance with the Act, Regulations and the FRPA. The process will be made available in the public domain (digital and print) and will clearly state the timeframes for the applicant to submit a review request, the review process, and decision to be communicated to the applicant.	<p>July 15, 2021 – process and document development.</p> <p>Dec 1, 2021 – publishing to public domain (including print/website etc.)</p>	Reasons for not over-turning a registration decision would be based on policy and regulated requirements, not the FRPA. Communicating an internal review decision does not need to be in the public domain. Reference to when and how communication happens can be a part of the internal review policy which is published in the public domain.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 11, 16(3)(p)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	20	<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 seek out and complete appropriate training for an internal review process for the decision-maker.	September 30, 2021	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					