
Technical Safety Division: Department of
Labour & Advanced Education – Gas
Technician/Operator & Oil Burner Technician

Fair Registration Practices Act (FRPA)
Review Report
February 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 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 for Gas Technician/Operator and Oil Burner Technician and an action plan to address some high priority gaps moving forward.

This review began by looking into the registration practices for Gas Technicians and Operators. During the review, it was discovered that the Technical Safety Division also issues licenses to Oil Burner Technicians. This license type was not identified separately but has registration practices like other technician license types, including the application form. Actions moving forward include the Oil Burner Technician license type.

The Technical Safety Division used this review process as an opportunity for self-audit and to identify areas for improvement. 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). Twelve 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;
- Provide information setting out any fees for registration, even if those fees are \$0;
- 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;
- 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 most actions associated with transparency by June 2021. Actions that require some process and policy development 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 February 2022.

Sincerely,



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

TABLE OF CONTENTS

I: INTRODUCTION	1
1.1. THE FAIR REGISTRATION PRACTICES ACT	1
1.2. OVERVIEW OF THE REGULATING BODY	1
II: ANALYSIS OF REGISTRATION PRACTICES	2
III: OTHER NOTES	33
IV: ACKNOWLEDGEMENTS:	34
APPENDIX A: ACTION PLAN	35

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, under the *Technical Safety Act* and Fuel Safety Regulations (Regulations), issues a license required for a qualified individual to perform the regulated work of a gas technician (gas fitter), oil burner technician, or gas operator. The regulated work authorized by the licenses is defined by the [Regulations](#) and on the license application form found on the LAE Technical Safety website [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 the Gas Technicians and Gas Operators 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).

The application form for a gas operator or gas technician license is available on the [LAE Fuel Safety - Permits web page](#).

- Applicants complete the section(s) that apply to the gas technician or gas operator license that they are seeking to obtain.
- The application requires documentation of training as well as any additional practical experience that may be required. Approved training programs are listed on the [LAE Fuel Safety Section web page](#).
- The applicant must provide proof satisfactory to the chief inspector that the applicant holds a class of gas operator certificate of competency that corresponds to the class of gas operator licence applied for.
- Gas Technicians must complete the Nova Scotia Apprenticeship program to obtain the required certificate of competency.
- The fees for the licenses and payment options are stated on the application form.
- The applicant has the option to mail, fax, or submit the completed application [online](#) for processing which goes directly to SNS.
- Once SNS receives and enters the applicant data and documentation in the system and processes the payment, the applicant's information is assigned to the Fuel Safety Section for review and approval.
- The Chief Inspector and/or Registrar review the task list assigned by SNS for approval.
- The Chief Inspector may impose any terms or conditions on a gas operator licence that the Chief Inspector considers necessary.
- Once approved by Fuel Safety, the data is assigned back to SNS task list.
- SNS will issue and print the licence and receipt of payment for the applicant/licensee on behalf of Fuel Safety.

Steps and requirements for applying for a gas technician or gas operator license are also listed in sections 58 and 71 of the Regulations.

RESPONDENT ANSWER 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.

OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)	LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
• Gas Technician 1	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Gas Technician initial application • Gas Technician Renewal application
• Gas Technician 2	<ul style="list-style-type: none"> • Initial license application • License renewal application 	• Same as above
• Gas Operator Class B	<ul style="list-style-type: none"> • Initial license application • License renewal application 	• Same as above
• Gas Operator Class C	<ul style="list-style-type: none"> • Initial license application 	• Same as above

		<ul style="list-style-type: none"> • License renewal application 		
	<ul style="list-style-type: none"> • Gas Operator Class D 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class E 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class F 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G1 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G2 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G3 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G4 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G5 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G6 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
	<ul style="list-style-type: none"> • Gas Operator Class G7 	<ul style="list-style-type: none"> • Initial license application • License renewal application 	<ul style="list-style-type: none"> • Same as above 	
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.
<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>There is no description of the requirements for each license type (training, exam, experience, etc.). The application form refers to a Gas Technician III and oil burner technician (other license types?). The purpose of the application form is not clear. It appears to be used to apply for a license/certificate of competency, but perhaps it is also to be used to apply for examination. The registration process is not clear. There is a difference between the technician and the operator process. Technicians complete training through NSAA. Not sure at what point in the process this is done. Regulations refer to a PLAR process, but it is not described. Regulations outline a multiple step process for Operators: apply for the exam; complete the exam; apply for a certificate of competency; apply for a license. There is no description of this process. Documentation requirements are unclear. There is no list of documentation of qualifications that must accompany an application (documentation required to prove training and practical experience, successful completion of exam). To be complaint with the FRPA regulating bodies must have clear information about registration practices, what documentation of qualifications must accompany an application, and an explanation of how the requirements for registration are to be met.</p>

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	<p>Select all that apply:</p> <p><input type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input checked="" 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 checked="" type="checkbox"/> Other: explain your communication process if not listed above The applicant may call to get details on how to apply. Contact information for the Registrar and Fuel Safety Section are found on the Fuel Safety Section web page. The process is also detailed in the Regulations. </p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • 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. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> make requirements for registration available to applicants (they do not select any response options); or • the respondent’s answer does <i>not</i> describe how the requirements for registration are made available 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> Applicants can access an application form, a list of approved training programs, legislation, and contact information. There is no plain language information available in the public domain for applicants interested in registration requirements, the process, or a list of documentation of qualifications that must accompany an application. Although a Technical Safety rep can be contacted for information, clear and understandable information regarding documentation requirements and the registration process is not accessible for</p>

applicants. 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.]

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
• Gas operators	• No	• No difference	• No	•
• Gas Technicians	• No	• No difference	• No	•

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

Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

Response indicates internationally qualified applicants must follow the same registration process and are subject to the same documentation requirements. At the very least an international applicant will have different documents as evidence of their qualification. Could these be assessed for equivalency? An alternative registration process should be available for international applicants, along with any other information pertaining to the differences such as documentation requirements. Could an applicant begin this process outside Canada? What documents would an international applicant need to submit to be considered sufficiently equivalent? Are there any other requirements 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
• Gas Operators	• No	•
• Gas Technicians	• No	•

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 online approved training programs refers to training in other parts of the country. That being the case, some applicants may have partially qualified elsewhere and wish to complete the process in NS. There should be a process to assess any prior learning and experience for credit toward the NS registration process. There is no process described for those who are certified Gas Technicians and Operators in another Canadian jurisdiction, as required under the CFTA - certificate should be granted on the basis of the applicant’s current certification, without requirement for additional material assessment, training or experience. 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.

The applicable licensing fees are listed on the downloadable application form and in the Technical Safety Fee Regulations. |

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

https://novascotia.ca/lae/fuelsafety/docs/Fuel_Safety_Initial_Application.pdf

<https://novascotia.ca/just/regulations/regs/tsfees.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.

Gas technician licence fees

The fees related to gas technician licences are as follows:

- for an application for an initial gas technician licence or for a liquid propane endorsement (for 1 year)..... \$33.20
- for renewal of a gas technician licence and any endorsements (per year)..... \$33.20

Fuel Safety certificate of competency fees

The fees related to FS certificates of competency are as follows:

- for an application for an FS certificate of competency, not including applicable training fees,
- in a class other than class F.....\$72.90
- in class F.....\$33.20
- for a duplicate FS certificate of competency in any class.....\$19.95

	<p>Gas operator licence</p> <p>The fees related to gas operator licences are as follows:</p> <ul style="list-style-type: none"> ○ for an initial application for a gas operator licence (for 1 year), in a class other than class F.....\$53.10 ○ for an initial application for a gas operator licence (for 1 year), in class F.....\$33.20 ○ for renewal of an FS gas operator licence in any class, the same fee as set out in clause (a) or (b) for an initial application for a licence in that class.]
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <ul style="list-style-type: none"> • 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. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> 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 <i>not</i> state the fees.
<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>[Response describes fees required to apply for a gas technician license, a certificate of competency, a gas operator license, and renewal. Application to be examined for a certificate of competency requires a fee which is not described. To be compliant with the FRPA regulating bodies provide information in accessible, clear, and understandable manner setting out any fees for registration.]</p>

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:

[]

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:

[There is no description of acceptable alternative information to ensure that every application is managed in an impartial way. 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 (technical training, etc.)]

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

Yes

No

When required

If yes or when required, what types of support are provided to applicants during the registration/application process?

Fuel Safety will provide support to an applicant on the following:

- sections they must complete to apply for an operator or technician licence
- documents they need to submit and any additional documents the applicant feels may be relevant
- where to drop off in person if they wish
- where to find the applications
- different license types/classes
- how to contact training providers
- cost to take a training course
- reason why one needs to be licenced in Nova Scotia
- difference between apprentice trade qualifications and a licence, and
- how to apply if the applicant is unemployed

COMPLIANCE CRITERIA

Compliant:

- The respondent's answer includes information about any support they provide to applicants during the registration process.

Not compliant:

- The respondent's answer does *not* describe any support they provide to applicants during the registration process.

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:

[]

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?

[]

	<p>If N/A, please explain why this is not applicable to your registration/application process / practices?</p> <p>[]</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 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?

[]

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)?

The requirements for meeting the registration is identified in the Regulations as well as the approved training program document listed on the Fuel Safety Section website.

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

All applicants for a Gas Operator license must submit proof of training from an approved third-party training provider. The Chief Inspector reviews submissions from training providers for approval and audits the training program on an informal basis.

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

To be completed by the FRPA Review Office:

	<input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The response does not describe the criteria for meeting requirements of registration/licensure. There is information on approved training courses and regulations include practical requirements and the examination pass mark. Competencies are noted in regulations. Regulations use unclear language for some assessment criteria, such as: section 58(e) information about the individual’s training, experience and qualifications other than those required by section 59; section 59(2) the chief inspector may accept the successful completion of a prior learning assessment...if chief inspector considers it warranted. Also, sections 71 & 76 say the chief inspector may impose any terms and conditions that the chief inspector considers necessary. What criteria would be used to make a decision in exceptional situations? Regulating bodies have formal agreements with any third party used as a part of their assessment process and are responsible to ensure the third party uses fair assessment processes. 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.</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 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 checked="" type="checkbox"/> Other, explain your communication process if not listed above: The application identifies the criteria to the applicant which is an indicator that the documents are reviewed to verify the applicant has met the requirements of the Regulations. If the applicant requires clarification, Fuel Safety will provide an email referencing the regulations and any additional information.</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>Criteria used to assess an application are more specific than the requirements for registration. These are the decision-making criteria. Links to approved training programs are accessible to applicants from the Fuel Safety website. Although applicants can contact the Fuel Safety Division for more information, all elements of the decision-making process</p>

(pass marks, competencies, etc., including exceptions) should be available to applicants in an accessible manner, and at all times. To be transparent and compliant with the FRPA the regulating body must provide applicants with a plain language description of the criteria that will be used to determine if they are eligible for registration and/or licensure.

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

Yes

No

If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.):

[A letter is (e)mailed to the applicant with the reasons why the application was denied.]

If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.):

[]

COMPLIANCE CRITERIA

Compliant:

- The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why.

Not compliant:

- The regulating body does *not* 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:

Compliant

Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

[]

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?

[This would only be communicated if the applicant contacts Fuel Safety for more information on the reason for denial. Where appropriate, the applicant would be directed to the approved training providers or NSAA.]

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:

[]

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.

[]

If no, what do you do if an internal review/appeal is requested?

[]

COMPLIANCE CRITERIA

Compliant:

- 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.

Not compliant:

- The regulating body does *not* provide an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; or

	<ul style="list-style-type: none"> 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>The response indicates that currently there is no internal review process available for applicants who wish to appeal the registration decision. To be compliant with the FRPA regulating bodies must have a documented internal review process and provide it to applicants who are not granted registration. The process must include a description of 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

Yes

No

If yes, what is the timeframe that an applicant has, to initiate the internal review/ appeal process (in days)?

[]

COMPLIANCE CRITERIA

Compliant:

- 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:

- The regulating body has *not* established a timeframe within which they must provide applicants with an internal review/appeal; or
- the respondent's answer does *not* include a timeframe.

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:

[In the absence of a documented internal review process, there is currently 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

Yes

No

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.)

COMPLIANCE CRITERIA

Compliant:

- 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.

Not compliant:

- The regulating body does *not* have a process under which requests for access to records are considered; or
- the respondent's answer does *not* provide a description of the process.

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 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.]

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

- Yes
 No

COMPLIANCE CRITERIA

Compliant:

- 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:

- The respondent's answer does *not* 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:

- Compliant
 Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

In the absence of a documented internal review process, there is currently no statement to say that internal review decision-makers are separate from the initial decision-makers. 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

Explain the process:

N/A

COMPLIANCE CRITERIA

Compliant:

- 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.

Not compliant:

- The respondent's answer does *not* 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

To be completed by the FRPA Review Office:

Compliant

Not compliant

COMMENTS: REVIEW FINDINGS

Comments, to be completed by the FRPA Review Office:

In the absence of a documented internal review process, there is currently no process to ensure that the initial decision maker is different from the internal review 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): <input type="checkbox"/> N/A
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: <input type="checkbox"/> In the absence of an internal review process, there is currently no process to communicate results of an internal review to the applicant. To be compliant with the FRPA regulating bodies ensure that internal review decision makers provide applicants with a written decision that includes reasons within a reasonable time. <input type="checkbox"/>

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

Yes

No

If yes, explain what training is required for the decision makers for internal reviews/appeal:

| |

COMPLIANCE CRITERIA

Compliant:

- The regulating body provides training to individuals who make internal review decisions; and
- the respondent's answer describes the training.

Not compliant:

- The regulating body does *not* provide training to individuals who make internal review decisions; or
- the respondent's answer does *not* describe the training.

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:

| In the absence of an internal review process, there is currently no training plan available. 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 Gas Technicians/Operators & Oil Burner Technicians:

- Based on the response to Question 7 the Technical Safety Division offers good support to applicants during the registration process. This information should be made more accessible on the Fuel Safety website along with contact information. Other information in the review indicates that translation services may be available for applicants. This should be added to the list of supports and how to access them.

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 templates and example policies on items that are required for compliance under the Act. (example: Accepting Alternative Information to Required Documentation). Sample policies and templates can be requested from the Review Officer at any time or by visiting the FRPA website: [Resources for Regulatory Bodies | FRPA \(novascotia.ca\)](https://www.novascotia.ca/frpa/resources-for-regulatory-bodies)

IV: ACKNOWLEDGEMENTS:

The Technical Safety Division, NS Department of Labour & Advanced Education: Gas Technicians/Operators and Oil Burner Technicians 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:

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X Jeff Dolan, Executive Director, Technical Safety

March 15, 2021

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: Gas Technician/Operator & Oil Burner Technician

DATE SUBMITTED BY REGULATING BODY: 2021-01-29

ACTION PLAN TIMELINES:

TIMELINES FOR ACTION PLAN PROGRESS UPDATES					
	Action Plan Deadline	Action Plan Progress Update 1	Action Plan Progress Update 2	Action Plan Progress Update 3	Action Plan Progress Update 4
Due Date	2021-01-29	2022-02-28	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-01-29	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.

ACTION PLAN:

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
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 Technical Safety Division (the ‘Division’), under the <i>Technical Safety Act</i> and Fuel Safety Regulations (Regulations), issues a license required for a qualified individual to perform the regulated work of a gas technician/gas fitter, oil burner technician, or gas operator defined by the Regulations. Certifications required for gas operators to obtain a license are issued by the Division. Individuals seeking to apply for a technician license must first complete the Nova Scotia Apprenticeship Agency (NSAA) program to obtain the required certification for that trade.</p> <p>The Division will review and update the current application form(s) and process(es) to provide clear, plain language instruction to applicants regarding the necessary education, training, training, qualifications, documentation, and fee(s) required for each type and class of technician license or operator certification and/or license under the Act and Regulations.</p> <p>An explanation with clear instructions for obtaining a certificate and/or license and a complete list of all requirements and documents an applicant must submit for each certificate and/or license type (Gas Technician 1,2, all classes of Gas Operator, and Oil Burner Technician) will be provided digitally and in print in the public domain for an applicant or other interested party on the Labour and Advanced Education (LAE) Technical Safety website, downloadable PDF, and printed hard copy, and in any other manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the Fair Registration and Practices Act (FRPA).</p>	June 1,2021 Information available on the Technical Safety website	A good plan to address the current gap in registration practices.



			<p>The current Technical Safety Fuel Safety section contact information will also be made available digitally and hard copy so that applicants and other interested parties can contact the office for assistance. An informational update will be sent to Technical Safety Fuel Safety 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 Service NS and NSAA to ensure that all information in the public domain is clear, accurate, and consistent.</p>		
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	3	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information regarding registration requirements and how requirements are to be met by international applicants is clear and easily accessible in the public domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>Where the Act and Regulations stipulate that the certification and/or licensing process may be different for international applicants, the Division will clearly explain the difference for the applicant in the public domain. Where equivalencies for stated provincial or Canadian requirements may be accepted by the Chief Fuel Inspector, examples of international equivalencies will be provided as well as the contact information for the Division where the applicant can seek further clarification on the accepted international equivalencies.</p> <p>In situations where a prior learning assessment of an international applicant may be required by the Regulations, the process, timing, and requirements for obtaining an assessment as part of the application process will be clearly explained in the public domain.</p> <p>The explanation for international applicants will include, but not necessarily be limited to, the documents the applicant would need to submit for consideration of equivalency and assessment of prior learning.</p> <p>Should verbal, written, or reading translation services be required by an applicant, the Division will provide information on how to access to the services to facilitate the international application process for applicants who individuals who received their qualifications outside of Canada.</p> <p>The Technical Safety Fuel Safety website and printed materials will be updated so that the requirements, processes, and supports are available to the applicant in the public domain, and coordinated with other government departments or agencies such as NSAA that may be involved in the certification and licensing processes.</p>	June 1,2021 Information available on the Technical Safety website	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 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	4	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - 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 domain through print and electronic media. - provide clear instructions on what documentation must accompany applications 	<p>The application requirements in the Act and Regulations for individuals who are certified/licensed in another Canadian province/territory will be reviewed against the Canadian Free Trade Agreement (CFTA) to ensure they are aligned and compliant. The division will develop a process for out-of-province applicants and any necessary regulatory amendments will be made.</p> <p>Any differences in the requirements for out-of-province (OOP) applicants will be clearly explained by province or territory for the affected applicant in the public domain. Where there are no differences, this will also be clearly stated.</p> <p>For OOP applicants where differences may exist, the application process and forms, qualification requirements, documents, and other necessary information will be clearly explained in the public domain.</p> <p>Compliance with the CFTA is required by NS Technical Safety for the OOP applicant and their educational, qualification and/or practical experience equivalencies. Under the CFTA, a license and/or certification should be granted on the basis of the applicant's current certification or license, without requirement for additional material assessment, training, or experience This will be clearly explained in plain language in the public domain. The Division will provide the CFTA information in a clear and understandable form to applicants who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction.</p>	June 1,2021 Information available on the Technical Safety website	<p>A good plan to address the current gap in registration practices.</p> <p>Should there be a misalignment between regulations and the CFTA, an exemption under the CFTAIA can be sought as an interim measure to allow compliance with the CFTA.</p>



			The Technical Safety Fuel Safety website and printed materials will be updated so that the requirements, processes, and supports are available to the OOP applicant in the public domain, and coordinated with other government departments or agencies that may be involved in the certification and licensing processes for OOP applicants.		
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 7(f), 16(3)(d)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	5	<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 setting out any fees for registration is clear and easily accessible in the public domain through print and electronic media. 	<p>Changes to the updated application form and digital/print information in the public domain will include fees for each type or license and/or certification as per the Regulations and Technical Safety Fee Regulations.</p> <p>The explanation for applicants will include the applicable fees, a breakdown of how the fees apply, and payment options. This explanation will be available in the public domain (i.e. website).</p>	June 1,2021	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 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>The Division will develop a process to accept alternative information when the required documents cannot be obtained and submitted with the application for reasons beyond the applicant's control. i.e. a sworn or notarized statement in lieu of original required document from a school that has closed.</p> <p>A detailed list of required original or authenticated documents will be available to applicants digitally or in print in the public domain along with acceptable forms of alternative information when the required documents cannot be provided (high school diploma, technical training certificate, etc.). Contact information for the Division will be in the public domain should the applicant wish to discuss other suitable forms of alternative qualifiers.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including Service NS and NSAA to ensure that all information regarding document requirements and acceptable alternatives is in the public domain and is clear, accurate, and consistent.</p>	August 1,2021	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 16(3)(h)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	8 & 9	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a description of the accommodation practices for applicants which includes: <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>The Division will develop a policy on how to work with an applicant during the application process that may have a physical or mental disability and requires an accommodation when applying for a Fuel Safety certification or license. 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 to all applicants and available in the public domain.</p> <p>Applicants who may require an accommodation will be provided access to contact information and instructions for requesting an accommodation in digital, print, and any other form (audio), that the applicant may require.</p>	February 1, 2022	<p>The need for translation services would not be considered a disability that requires accommodation. Translation services are a support that the regulating body might provide to any applicant throughout the registration process (as per Q. 7, above). The following information may provide some clarity in planning to move forward with this action.</p> <p>Person with a Disability: An individual with a disability is a person with a physical or mental impairment that limits one or more major life activities that the average person in the general population can perform.</p> <p>Reasonable Accommodation: Reasonable accommodation is defined as a modification or adjustment to the</p>



						application process or the environment that enables a qualified applicant with a disability to be considered for certification that will not: <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.
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)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	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. 	<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 Fuel Safety certification and licensing including, but not limited to exam marks, work experience requirements.</p> <p>Made available in the public domain in digital and print form, how the regulatory requirements must be met will be clearly explained to the applicant. This will include but will not be limited to; educational requirements; practical experience requirements; professional training program providers, locations, syllabuses, and exam schedules; passing grades required for certification exams stated in the Regulations.</p> <p>Elements of the applicant process such as prior learning assessments and other criteria will be objective and clearly explained for applicants. All eligibility assessment criteria will be transparently available to applicants in the public domain, both digitally on the website and by e-mail upon request, and in print.</p> <p>In situations where a third-party, or contractor, is used for exam marking or other applicant assessments, applicants will be informed of their role in the process. The Division will also ensure that formal agreements are in place with all third-party assessors to ensure that fair assessment practices are being upheld.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including NSAA to ensure that all information regarding process requirements is in the public domain and is transparent, accurate, and consistent.</p>	August 1,2021	<p>A good plan to address the current gap in registration practices.</p> <p>Another way that applicants can relate to the criteria used to assess whether requirements for certification have been met, is by an occupational/competency standard. A detailed description of what a person needs to know and be able to do informs applicants about what is required to be eligible for this occupation. Details would include any expectations around passing grades, etc.</p>



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 Division will update its existing published processes for internal review of a decision by the Administrator as defined and outlined in the Act.</p> <p>The criteria for requesting a review, the definition of an “aggrieved person” pursuant to the Act and eligible to request an internal review by the Administrator, the internal review process; forms of reviews available to the Administrator, and outcomes will be clearly explained and made available in the public domain on the Division website and in print.</p> <p>All aspects and rules that apply to an internal review defined in the Regulation will be clearly stated in plain language in the public domain. Information will be provided in the public domain that clarifies the Utility and Review Board (UARB) is the external appeal board established under the Act and the reasons for which a review or appeal may proceed to the UARB.</p> <p>The documented process will include the means by which an individual may seek a review of a decision related to their application for a certificate or license, and the steps they must follow. This information will be transparently available on the Divisional website and included in any decision letter issued by the Chief Inspector. The communicated process will include the deadline for the applicant to seek a review, time allotted for the review to be undertaken, opportunities to present new information and make submissions, and how and when the review decision will be communicated to the applicant.</p>	August 1, 2021	<p>A good plan to address the current gap in registration practices.</p> <p>You may need to reconsider the timeline. It appears that a clear explanation of the internal review process will be made available on the website before the matter of decision-makers is settled (September 2021).</p>
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 12 and 16(3)(j)					
	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: - 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.	September 1,2021	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 Act currently does not automatically disqualify the Administrator from conducting the review if they were previously involved in the matter that is the subject of the internal review, provided their involvement is disclosed to the applicant as soon as the Administrator is aware and before the Administrator proceeds with the review.</p> <p>The Review Officer has advised that, to be compliant with the FRPA, regulating bodies (need to) ensure that no one who acted as a decision-maker in respect of (an application) decision may act as a decision-maker in an internal review of the same decision.</p> <p>To preserve the Administrator’s ability to conduct an internal review, an internal policy will be created to ensure the Director, Compliance and Inspections is the most senior person in the Division involved in an application or other matter that could potentially be the subject of a later review and decision by the Administrator.</p>	September 1,2021	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(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 how and when the applicant may submit a review request, the review process, decision to be communicated to the applicant, and associated timeframes.	February 1,2022	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 11, 16(3)(p)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	20	Areas of non-compliance to be addressed in an action plan are as follows: <ul style="list-style-type: none"> - ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review. - develop a plan and document training provided to individuals who make internal review decisions 	The Division will outline the process and develop/deliver approved internal review/appeal training to the decision-maker(s)/ Administrator.	December 1,2021	A good plan to address the current gap in registration practices.
Update 1					
Update 2					
Update 3					
Update 4					