
Technical Safety Division: Department of
Labour & Advanced Education – Power
Engineers

Fair Registration Practices Act (FRPA)
Review Report
April 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 Power Engineers and an action plan to address some high priority gaps moving forward.

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). 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;
- 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;
- 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 and support for applicants by December 2021. Work on accommodations practices and development of a FRPA compliant internal review process is expected to be complete by April 2022.

This report also draws attention to the LAE Trade Regulation Framework whereby the responsibility for issuing the certificate of qualification is to be transferred from Technical Safety to the Nova Scotia Apprenticeship Agency. Responsibilities for licensing the occupation will be retained by Technical Safety. This change may impact registration practices moving forward and information regarding progress will be anticipated with the action plan update in one year.

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 April 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](#).

In Nova Scotia, anyone who wants to be certified to operate boilers, refrigeration compressors, air or other gas compressors, must have a power engineer certificate. This section contains information on approved programs, course descriptions, testing details, study guides and the certification process. This section also contains the regulations respecting Power Engineers, and information on adherence.

The license categories for Power Engineers and Plant Operators are:

Power Engineer Class 1



Power Engineer Class 2

Power Engineer Class 3

Power Engineer Class 4

Refrigeration Plant Operator Class 1

Refrigeration Plant Operator Class 2

Compressor Plant Operator

Unfired Boiler Plant Operator

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 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).

Information on certification requirements for education, technical training, practical experience, exam locations and processes, fees, and the appeal process is found on the power engineers page of the Technical Safety website, in the Regulations, or by contacting the Technical Safety Division by phone, e-mail, in writing, or in person. The Power Engineers web page ([Power Engineers | novascotia.ca](http://PowerEngineers.novascotia.ca)) provides the following information, access to forms, and links to updated information including approved training programs and exam schedules:

- Certification and licensing requirements under the Regulations
- Certificate of Qualification application form, requirements, and process
- Approved training programs
- Application to rewrite an exam
- Examination reference syllabus for the certificate of qualification for Power Engineers and Plant Operators.
- Appeals of Decisions
- Legislation and Regulations

The process for a power engineer/operator license application is as follows:

1. Applicant submits an application for certificate of qualification found on the Power Engineers web page.
2. A complete application includes submission of fee and documents (technical training, practical test, certificates, diplomas, degree, transcripts) as listed on the application form.
3. The applicant can mail, fax or hand deliver for registration
4. Registrar receives application and date stamps
5. Registrar searches data base to verify duplicate applicant or not
6. If no, registrar will enter the details from the application into the database to register the applicant, this will assign a unique identifier to the applicant. If yes, a new licence is entered under the same unique identifier
7. The application is then given to the chief inspector for review and approval
8. The chief will return the application to the registrar after the review

9. If approved, the registrar will schedule the applicant for exams as per the application. If not approved, a correspondence letter is mailed to the applicant with reasons why and what the next steps the applicant can take, including how to request a review of the decision, or appeal.

10. Although our Regulations states there are two ways to obtain a licence and certification for power engineers and plant operators, NS does not currently have an apprenticeship pathway (NS Apprenticeship Agency pathway to be created and rolled out in 2021)

11. Approved programs are listed on our website; these approved programs are reviewed by our chief inspector every three years for approval

12. If an applicant submits a training certificate from one of the approved programs, they applicant will receive a reduction in regulated hours. This is noted with the approved programs listed on our website

13. The role of the regulatory body is to review and ensure that every applicant has met all requirements of the regulations leading to the certification and licencing under the Power Engineers Regulations.

14. Both the chief and the registrar review the applications. Both the chief and the registrar sign the Certificate of Qualification once the applicant has met all requirements and successful on examination

15. This link has all the documents and information or will provide links to other sites for information <https://novascotia.ca/lae/equipmentsafety/engineer.asp> The process and form for applying for a power engineer/plant operator certificate of qualification can be downloaded from the Power Engineer: Certificate of Qualification page on the LAE Technical Safety website (<https://novascotia.ca/lae/equipmentsafety/engineer.asp>).

Requirements for obtaining a Power Engineer 1st Class in Nova Scotia:

- Must hold a current/valid Standardized 2nd Class Power Engineer Certificate or Qualification/License,
- Must have achieved minimum practical experience/firing time, documented and signed by the plant's Chief Engineer, according to one of the following:
 1. 30 months (4,980 hours) experience working as the Chief Power Engineer of a registered boiler plant at the 2nd Class level,
 2. 30 months (4,980 hours) experience working as a Shift Power Engineer at a registered boiler plant at the 1st Class level,
 3. 42 months (6,972 hours) experience working as an Assistant Shift Power Engineer at a registered boiler plant at the 1st Class level,
 4. 15 months (2,490 hours) of the type of experience described in 1, 2 or 3 above, and 30 months (4,980 hours) experience designing, constructing, installing, repairing or maintaining equipment of a registered boiler plant at any level of 1st to 4th Class level,
 5. 15 months (2,490 hours) of the type of experience described in 1, 2 or 3 above, and hold an engineering degree in either mechanical or chemical disciplines,
- Must write and pass the eight examinations administered by the province through the Standardization of Power Engineers Examination Committee (national body),
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Power Engineer,

- Payment of fee

Requirements for obtaining a Power Engineer 2nd Class in Nova Scotia:

- Must hold a current/valid Standardized 3rd Class Power Engineer Certificate or Qualification/License,
- Must have achieved minimum practical experience/firing time, documented and signed by the plant's Chief Engineer, according to one of the following:
 1. 24 months (3,984 hours) experience working as the Chief Power Engineer of a registered boiler plant at the 3rd Class level,
 2. 24 months (3,984 hours) experience working as a Shift Power Engineer at a registered boiler plant at the 2nd Class level,
 3. 24 months (3,984 hours) experience working as an Assistant Shift Power Engineer at a registered boiler plant at the 1st Class level,
 4. 12 months (1,992 hours) of the type of experience described in 1, 2 or 3 above, and 24 months (3,984 hours) experience designing, constructing, installing, repairing, or maintaining equipment of a boiler plant,
 5. 12 months (1,992 hours) of the type of experience described in 1, 2 or 3 above, and hold an engineering degree in either mechanical or chemical disciplines,
- Must write and pass the six examinations administered by the province through the Standardization of Power Engineers Examination Committee (national body),
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Power Engineer,
- Payment of fee

Requirements for obtaining a Power Engineer 3rd Class in Nova Scotia:

- Must hold a current/valid Standardized 4th Class Power Engineer Certificate or Qualification/License,
- Must have achieved minimum practical experience/firing time, documented, and signed by the plant's Chief Engineer, according to one of the following:
 1. 12 months (1,992 hours) experience working as the Chief Power Engineer of a registered boiler plant at the 4th Class level,
 2. 12 months (1,992 hours) experience working as a Shift Power Engineer at a registered boiler plant at the 3rd Class level,
 3. 12 months (1,992 hours) experience working as an Assistant Shift Power Engineer at a registered boiler plant at the 2nd Class level,
 4. 6 months (996 hours) of the type of experience described in 1, 2 or 3 above, and 18 months (2988 hours) experience designing, constructing, installing, repairing, or maintaining equipment of a boiler plant,

5. 6 months (996 hours) of the type of experience described in 1, 2 or 3 above, and successful completion of a course in power engineering acceptable to the Chief Inspector, leading to an interprovincial 3rd Class power engineer certificate of qualification

6. 6 months (996 hours) of the type of experience described in 1, 2 or 3 above, and hold an engineering degree in either mechanical or chemical disciplines,

7. 6 months (996 hours) of the type of experience described in 1, 2 or 3 above, and 12 months (1,992 hours) experience as a Chief Power Engineer in an unfired boiler plant,

8. 6 months (996 hours) of the type of experience described in 1, 2 or 3 above, and 12 months (1,992 hours) experience as a Shift Power Engineer in an unfired boiler plant.

- Must write and pass the four examinations administered by the province through the Standardization of Power Engineers Examination Committee (national body),
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Power Engineer,
- Payment of fee

Requirements for obtaining a Power Engineer 4th Class in Nova Scotia:

- Must hold a current/valid Standardized 4th Class Power Engineer Certificate or Qualification/License,
- Must have achieved minimum practical experience/firing time, documented, and signed by the plant's Chief Engineer, according to one of the following:
 1. 12 months (1,992 hours) experience training to operate a registered boiler plant at the 4th Class level,
 2. 12 months (1,992 hours) experience training to operate at a registered heating plant at the 4th Class level,
 3. 6 months (996 hours) of the type of experience described in 1 or 2 above, and 12 months (1,992 hours) experience designing, constructing, installing, repairing, or maintaining equipment of a boiler plant,
 4. 6 months (996 hours) of the type of experience described in 1, or 2 above, and successful completion of a course in power engineering acceptable to the Chief Inspector, leading to an interprovincial 4th Class power engineer certificate of qualification
 5. 3 months (498 hours) of the type of experience described in 1 or 2 above, and hold an engineering degree in either mechanical or chemical disciplines,
 6. 6 months (996 hours) of the type of experience described in 1 or 2 above, and 12 months (1,992 hours) experience training in the operation of an unfired boiler plant,
- Must write and pass the two examinations administered by the province through the Standardization of Power Engineers Examination Committee (national body),
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Power Engineer,

- Payment of fee

Requirements for obtaining a Refrigeration Plant Operator at the 1st Class in Nova Scotia:

- Must have achieved minimum practical experience, documented, and signed by the plant's Chief Engineer, according to one of the following:
 1. 24 months (3,984 hours) experience working as the Chief Plant Operator of a registered refrigeration plant at the 2nd Class level,
 2. 24 months (3,984 hours) experience working as a Shift Plant Operator at a registered refrigeration plant at the 1st Class level,
 3. 12 months (1,992 hours) of the type of experience described in 1 or 2 above, and 24 months (3,984 hours) experience designing, constructing, installing, repairing, or maintaining equipment of a refrigeration plant,
 4. 12 months (1,992 hours) of the type of experience described in 1 or 2 above, and hold an engineering degree in either mechanical or chemical disciplines,
- Must write and pass the examination administered by the province
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Operator/Power Engineer,
- Payment of fee

Requirements for obtaining a Refrigeration Plant Operator at the 2nd Class in Nova Scotia:


- Must have achieved minimum practical experience, documented, and signed by the plant's Chief Engineer, according to 1 or 2 below:
 1. 12 months (1,992 hours) experience training in the operation of a registered refrigeration plant at the 2nd Class level,
 2. 3 months (498 hours) of the type of experience described in 1 above, and hold an engineering degree in either mechanical or chemical disciplines,
 3. Holds a valid certificate of qualification as a Refrigeration and Air Conditioning Mechanic that has been issued under the NS Apprenticeship and Trades Qualifications Act, or an equivalent certification
- Must write and pass the examination administered by the province
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Operator/Power Engineer,
- Payment of fee

Requirements for obtaining a Compressor Plant Operator in Nova Scotia:

- Must have achieved minimum practical experience, documented, and signed by the plant's Chief Engineer, according to one of the following:
 1. 12 months (1,992 hours) experience training to operate air or gas compressor equipment in a registered compressor plant,
 3. 6 months (996 hours) of the type of experience described in 1 above, and 12 months (1,992 hours) experience designing, constructing, installing, repairing, or maintaining equipment of a compressor plant,
 4. 3 months (498 hours) of the type of experience described in 1 above, and hold an engineering degree in either mechanical or chemical disciplines,
- Must write and pass the examination administered by the province
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Operator/Power Engineer,
- Payment of fee

Requirements for obtaining an Unfired Boiler Plant Operator in Nova Scotia:

- Must have achieved minimum practical experience/steaming time, documented, and signed by the plant's Chief Engineer, according to one of the following:
 1. 12 months (1,992 hours) experience training to operate boiler equipment in a registered unfired boiler plant,
 3. 6 months (996 hours) of the type of experience described in 1 above, and 12 months (1,992 hours) experience designing, constructing, installing, repairing, or maintaining equipment of an unfired boiler plant,
 4. 3 months (498 hours) of the type of experience described in 1 above, and hold an engineering degree in either mechanical or chemical disciplines,
- Must write and pass the examination administered by the province
- Complete the application as required above, including tabulation of practical experience time attested to by the registered plant's Chief Operator/Power Engineer,
- Payment of fee

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>		
	<p align="center">OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)</p>	<p align="center">LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE</p>	<p align="center">LINK TO PUBLISHED DOCUMENT, IF APPLICABLE</p>
	<ul style="list-style-type: none"> • Power Engineering Class 1 thru 4 and refrigeration plant operator 	<ul style="list-style-type: none"> • Standardization of Power Engineer Examination Committee Policy 	<ul style="list-style-type: none"> •  SOPEEC Policy.pdf
	<ul style="list-style-type: none"> • Power Engineering and Operators 	<ul style="list-style-type: none"> • Power Engineers Regulations 	<ul style="list-style-type: none"> • Power Engineers novascotia.ca
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 <input checked="" type="checkbox"/> Not compliant</p>		
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>Requirements and process have `been described. Documentation required to accompany an application for each license types has not been described or listed in the chart provided. For example: what documentation is required to prove you have an engineering degree, or is proof required? To be complaint with the FRPA regulating bodies must have clear information about registration practices, including what documentation of qualifications must accompany an application</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> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook<input checked="" type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)<input checked="" type="checkbox"/> Email<input checked="" type="checkbox"/> Website<input checked="" type="checkbox"/> Other: explain your communication process if not listed above. Answers to questions and/or requests for information are provided through in-person/virtual meetings, telephone, or email. This is provided by the Chief Inspector or the Registrar. The application can be found at: Applicationforcertificateofqualification.pdf (novascotia.ca)
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> <ul style="list-style-type: none"><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>Application form is available online but is shared with Crane Operators resulting in a lack of clarity with respect to the specific occupation it applies to. The website link provided in Question 1 leads to a registration page where not all links are up to date. For example, on the website Regulation Consultations leads to an overview of LAE and the Power Engineer Apprentice logbook has outdated information. Two links lead to SNS websites that include grade 12 or equivalent as a requirement with no mention of technical training as an option. Based on the response to question 1, grade 12 is not a requirement. Information on registration requirements is confusing and is not provided to applicants in a transparent way. 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.</p>

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
• Power Engineer Classes 1 thru 4	• No	•	• Yes	• Power Engineers novascotia.ca
• Refrigeration, Unfired Boiler and Compressor Plant Operator	• No	•	• Yes	• Power Engineers novascotia.ca

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:

Information on the differences in the registration process, including information pertaining to equivalencies and documentation requirements must be made available to applicants in a clear and understandable form prior to the beginning of the registration process. This may include information on whether the process can be started prior to arrival in Canada and any translation requirements that may be relevant. 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
	• Standardized 1 st Class Power Engineer	• No	•
	• Standardized 2 nd Class Power Engineer	• No	•
	• Standardized 3 rd Class power Engineer	• No	•
	• Standardized 4 th Class Power Engineer	• No	•
	• Provincial Refrigeration Plant Operator, 1 st Class	• Yes	• This is a provincial license governed by the Power Engineers Regulations and is applicable to NS. Not all jurisdictions in Canada regulate refrigeration plants
	• Provincial Refrigeration Plant Operator, 2 nd Class	• Yes	• This is a provincial license governed by the Power Engineers Regulations and is applicable to NS. Not all jurisdictions in Canada regulate refrigeration plants
	• Provincial Compressor Plant Operator	• Yes	• This is a provincial license governed by the Power Engineers Regulations and is applicable to NS. Not all jurisdictions in Canada regulate compressor plants
• Provincial Unfired Boiler Plant Operator	• Yes	• This is a provincial license governed by the Power Engineers Regulations and is applicable to NS. Not all jurisdictions in Canada regulate unfired boiler plants	
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • 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. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent’s answer describes a registration/application process, that is <i>not</i> aligned with the CFTA, for applicants who have received their qualifications or are already registered outside of Nova Scotia. 		
REVIEW FINDINGS	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>		
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office:</p> <p>The response does not describe a streamlined registration process for those who have been certified in another Canadian jurisdiction even though the first four Power Engineer Classes meet a national standard as per the SOPEEC Policy (question 1). To be aligned with the CFTA a certificate should be granted on the basis of the applicant’s current certification, without requirement for additional material assessment, training or experience. Though there are differences in the process/documentation requirements for the last four license types, these have not</p>		

been described. There is no explanation publicly available. 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.

Listed on website, in Technical Safety Fees Regulations, and fees also published directly on the application form.

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

[Power Engineers | novascotia.ca](#) [Technical Safety Fees Regulations - Technical Safety Act \(Nova Scotia\)](#)

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 for Certificate of Qualification (one-time fee per certificate), \$66.35 for the license (renewed annually), \$39.80 per exam

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:

Information is difficult to find and not clear. Application form indicates a license issuance is \$132.70 while a transfer from another jurisdiction is \$66.35. Neither of these fees are mentioned in Regulations. To be compliant with the FRPA regulating bodies provide information in accessible, clear, and understandable manner setting out any fees for registration.

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain the process: Power Engineers/Operators can be verified through other Canadian Jurisdictions and through contact with Chief Engineers/operators of registered plants throughout Canada. Foreign applicant must provide documents in accordance with the national policy as follows: Requirements for Foreign Applicant Assessment; <ul style="list-style-type: none"> • Copy of power engineer certification or equivalent issued by foreign jurisdiction. The credentials must be legible, verifiable and if necessary, translated to English or French • Copy of the Foreign Jurisdictions qualification system or Regulations for power engineers showing the different levels of progression • Copy of Educational qualification or equivalent • Proof of Practical Experience
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • The regulating body does <i>not</i> 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 <i>not</i> describe the alternative information.
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: Processes described relate to documentation requirements for applicants certified in another jurisdiction or those qualified internationally, but do not describe a process to accept alternative information when the required documentation cannot be obtained, regardless of the applicant type. 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, technical training certificate,

etc.) Application form refers to 'copies' as sufficient evidence. Best practice would include original documents as a first choice and authenticated copies/course descriptions, etc. as an alternative.

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?

Explanation of requirements and regulation

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:

Access to information regarding supports is not clear. There is no contact information or description of supports available on the website/invitation to contact the regulator with questions. 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.

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)



Duty to Accommodate.pdf

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

An applicant desiring accommodation would need to provide a written request to the Chief Inspector outlining the need for accommodation, what accommodation would be desired, potential implications if accommodation is not granted, and any documentation supporting the need for accommodation (such as doctor's note). We will need to provide better clarity on what the process would be if an accommodation were to be required.

If N/A, please explain why this is not applicable to your registration/application process / practices?

COMPLIANCE CRITERIA	<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.
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 Duty to Accommodate PDF indicates that accommodations can be made for examinations. Considerations for other types of accommodation is a work in progress. 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?

Employ an impartial, unbiased individual to translate an exam if in multiple choice format. Long answer/essay exams would be more difficult to mark where the person correcting the exam would need to know the language, the occupation's knowledge base and the content of the exam.

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)?

Power Engineers Regulations

Examination eligibility

66 (1) An individual who applies to take an examination leading to a PE certificate of qualification must meet 1 of the following educational requirements:

- (a) successful completion of grade 12 from a high school in the Province, or the equivalent;
- (b) successful completion of a course in power engineering acceptable to the PE chief inspector that is
 - (i) at the same level as the type and class of PE certificate of qualification the examination for which the individual is applying, and
 - (ii) approved by the PE chief inspector as equivalent to clause (a).

(2) Except as provided in subsection (3), an applicant for examination must hold a PE certificate of qualification that is no lower than 1 class lower than the class of PE certificate of qualification that the examination is leading toward.

(3) Subsection (2) does not apply to an applicant for an examination leading to an entry level class of PE certificate of qualification.

Applying for examination

67 (1) An individual may apply to take an examination leading to a PE certificate of qualification by submitting a completed application form together with all of the following to the PE chief inspector:

- (a) payment of the applicable PE fees;
- (b) proof of the applicant's identity;
- (c) the examination requested, including the type and class of PE certificate of qualification the examination is leading toward;
- (d) proof satisfactory to the PE chief inspector that the applicant meets the eligibility requirements in Section 66;

- (e) proof satisfactory to the PE chief inspector that the applicant has completed the practical experience required for the type and class of PE certificate of qualification the examination applied for is leading toward, including written verification of their practical experience from the chief engineer or chief plant operator of the plant where they obtained the experience.

Months of practical experience calculated

61 For the practical experience required in Sections 62 to 65, 166 hours of practical experience is equal to 1 month of practical experience and any more hours of experience acquired in a month cannot be carried over to another month.

Practical experience for interprovincial power engineer certificates of qualification

62 (1) An applicant for an interprovincial first class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 30 months' experience as a chief power engineer in a second class boiler plant;
- (b) 30 months' experience as a shift power engineer in a first class boiler plant;
- (c) 42 months' experience as an assistant shift power engineer in a first class boiler plant;
- (d) 15 months of the type of experience described in clauses (a), (b), or (c), and 30 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;
- (e) 15 months of the type of experience described in clauses (a), (b) or (c), and a degree in mechanical or chemical engineering.

(2) An applicant for an interprovincial second class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 24 months' experience as a chief power engineer in a third class boiler plant;
- (b) 24 months' experience as a shift power engineer in a second class boiler plant;
- (c) 24 months' experience as an assistant shift power engineer in a first class boiler plant;
- (d) 12 months of the type of experience described in clauses (a), (b), or (c), and at least 24 months' experience designing, constructing, installing, repairing or maintaining the equipment of a boiler plant;
- (e) 12 months of the type of experience described in clauses (a), (b) or (c), and a degree in mechanical or chemical engineering.

(3) An applicant for an interprovincial third class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 12 months' experience as a chief power engineer in a fourth class boiler plant;
- (b) 12 months' experience as a shift power engineer in a third class boiler plant;
- (c) 12 months' experience as an assistant shift power engineer in a second class boiler plant;
- (d) 6 months of the type of experience described in clauses (a), (b) or (c), and at least 18 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;

- (e) 6 months of the type of experience described in clause (a), (b) or (c), and successful completion of a course in power engineering acceptable to the PE chief inspector leading to an interprovincial third class power engineer PE certificate of qualification;
- (f) 6 months of the type of experience described in clause (a), (b) or (c), and a degree in mechanical or chemical engineering;
- (g) 6 months of the type of experience described in clause (a), (b) or (c), and 12 months' experience as a chief power engineer in an unfired power boiler plant;
- (h) 6 months of the experience described in clause (a), (b) or (c), and 12 months' experience as a shift power engineer in an unfired power boiler plant.

(4) An applicant for an interprovincial fourth class power engineer certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 12 months' experience training to operate a fourth class fired power boiler plant;

- (b) 12 months' experience training to operate a fourth class heating boiler plant;
- (c) 6 months of the type of experience described in clause (a) or (b), and at least 12 months' experience designing, constructing, installing, repairing or maintaining equipment of a boiler plant;
- (d) 6 months of the type of experience described in clause (a) or (b), and successful completion of a course in power engineering acceptable to the PE chief inspector leading to an interprovincial fourth class power engineer certificate of qualification;
- (e) 3 months of the type of experience described in clause (a) or (b), and a degree in mechanical or chemical engineering;
- (f) 6 months of the type of experience described in clause (a) or (b), and 12 months' experience training in the operation of any unfired power boiler plant

Practical experience for refrigeration plant operator certificates of qualification

63 (1) An applicant for a Provincial first class refrigeration plant operator certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 24 months' experience as a chief plant operator of a second class refrigeration plant;
- (b) 24 months' experience as a shift plant operator of a first class refrigeration plant;
- (c) 12 months of the type experience described in clauses (a) or (b), and at least 24 months' experience designing, constructing, installing, repairing or maintaining equipment of a refrigeration plant;
- (d) 12 months of the type of experience described in clauses (a) or (b), and a degree in mechanical or chemical engineering.

(2) An applicant for a Provincial second class refrigeration plant operator certificate of qualification or an interprovincial second class refrigeration plant operator certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 12 months' experience training in the operation of refrigeration equipment in a refrigeration plant;
- (b) a refrigeration and air conditioning mechanic certificate of qualification issued under the *Apprenticeship and Trades Qualifications Act*, or an equivalent certification;
- (c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Practical experience for compressor plant operator certificate of qualification

64 An applicant for a Provincial compressor plant operator certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 12 months' experience training to operate air or gas compressor equipment in a compressor plant;
- (b) 6 months of the type of experience described in clause (a), and 12 months' experience designing, constructing, installing, repairing or maintaining equipment of a compressor plant;
- (c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Practical experience for unfired power boiler plant operator certificate of qualification

65 An applicant for a Provincial unfired boiler plant operator certificate of qualification must meet 1 of the following practical experience requirements:

- (a) 12 months' experience training to operate boiler equipment in any unfired power boiler plant;
- (b) 6 months of the type of experience described in clause (a), and 12 months' experience designing, constructing, installing, repairing or maintaining the equipment of any unfired boiler plant;
- (c) 3 months of the type of experience described in clause (a), and a degree in mechanical or chemical engineering.

Standardization of Power Engineer Examination Committee Policy

Power Engineer – Second Class;

1. Military Naval Marine Engineers who hold a Certificate 3A (with verified documented boiler operating experience rated as stipulated by the jurisdiction’s regulation)
2. First/Second Class STCW Marine Engineer Officer steam endorsed
3. First/Second Class STCW Marine Engineer Officer (Motor) with documented experience at First/Second Class level. (with verified documented boiler operating experience rated as stipulated by the jurisdiction’s regulation)

Power Engineer- Third Class

1. Military Naval Marine Engineers who hold a Certificate 2A. (with verified documented boiler operating experience rated as stipulated by the jurisdiction’s regulation)
2. Third Class STCW Marine Engineer Officer steam endorsed
3. Third Class STCW Marine Engineer Officer (Motor) with documented experience at Third Class level. (with verified documented boiler operating experience rated as stipulated by the jurisdiction’s regulation)

Power Engineer Fourth Class

1. Military Marine Engineers who are QL5 Qualified
2. Fourth Class STCW Marine Engineer Officer steam endorsed
3. Fourth Class STCW Marine Engineer Officer (Motor) with documented experience at Fourth Class Level. (with verified documented boiler operating experience rated as stipulated by the jurisdiction’s regulation)
4. Foreign qualified power engineers with documented relevant experience in the operation of power boilers or heating boilers

Refrigerator Plant – “B” Class

1. STCW Marine Engineer (any level) Officer steam or motor endorsement with documented experience in Refrigeration of the type and capacities stipulated by the Jurisdictional Regulations
2. Military Naval AMOC certificate 1. With Verified documented experience in Refrigeration of the type and capacities stipulated by the Jurisdictional Regulations
3. Foreign documented experience in Refrigeration of the type and capacities stipulated by the Jurisdictional Regulations

Compressor Operator

1. TCW Marine Engineer (any level) Officer steam or motor endorsement

- with documented experience in air and gas Compression of the type and capacities stipulated by the Jurisdictional Regulations
2. Military Naval Certificate 1 with verified documented experience in air and gas Compression of the type and capacities stipulated by the Jurisdictional Regulations
 3. Foreign verified documented experience in air and gas Compression of the type and capacities stipulated by the Jurisdictional Regulations

NOTES:

Requirements for Foreign Applicant Assessment;

- Copy of power engineers certification or equivalent issued by foreign jurisdiction. The credentials must be legible, verifiable and if necessary translated to English or French
- Copy of the Foreign Jurisdictions qualification system or Regulations for power engineers showing the different levels of progression
- Copy of Educational qualification or equivalent
- Proof of Practical Experience

Types of Propulsion Systems/ Naval Power Engineers Certificates:

Certificate #A (*Example 3A*) - Steam-Turbine-Driven Power Plant and Propulsion System

Certificate #D - Combined Gas Turbine (COGOG) Power Plant and Propulsion System

Certificate #E - Combined Diesel and Gas Turbine (CODOG) Power Plant and Propulsion

Policy To Accept Foreign Qualification And Experience

Purpose

Considering that each jurisdiction has its own policies and procedures which may or may not be under their regulation, it is difficult to establish a national foreign qualification / experience policy. The purpose of this policy is to provide a set of rules that each jurisdiction can adopted when their policy on this matter is under review. Eventually, national policy can be established.

Scope of Policy

This policy does not apply to people having Naval marine or Transport Canada marine qualifications and certifications.

Recommended Acceptance Policy and Process


It is the applicants responsibility to provide supporting documentation and reference contact information for verification. Verification reference information includes education institutes' letter, website and e-mail address and previous

	<p>employers' corporation letters, website and e-mail address. Non English and French key documents, if provided, need to be translated into English or French.</p> <p>If there is a third-party assessor utilized in the process, briefly describe the role of that assessor: No 3rd party assessor is utilized in this process. However, if an equivalency evaluation were required, a body external to Technical Safety will be employed to assess the equivalence of the qualifications of the applicant</p>
COMPLIANCE CRITERIA	<p>Compliant:</p> <ul style="list-style-type: none"> • 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. <p>Not compliant:</p> <ul style="list-style-type: none"> • The respondent's answer <i>does not</i> 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 <i>does not</i> 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 <input checked="" type="checkbox"/> Not compliant</p>
COMMENTS: REVIEW FINDINGS	<p>Comments, to be completed by the FRPA Review Office: The response is a reiteration of regulated requirements as opposed to the assessment criteria or the standard an applicant will have to meet to be successful. For example, as per the Regs 'a course acceptable to the PE chief inspector'. What is 'an acceptable course'. There is a lot of discretionary power given to the PE chief inspector. To ensure objective decision making the criteria used to determine success (e.g. approved programs, equivalencies, exam pass marks and competencies) must be documented. The standard for practical experience is defined in regulations. It appears that the SOPEEC Policy provides a list of equivalencies for various classes of certification. Regarding third parties – if there is or could be one involved, applicants must be informed of this prior to application, including the role the third party plays in the assessment process. SOPEEC is a third party since they set the standard for, develop, and distribute the national exams (with input from agreeing jurisdictions). 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)*

<p>RESPONDENT ANSWER</p>	<p>Select all that apply</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook <input checked="" type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format) <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Website <input checked="" type="checkbox"/> Other, explain your communication process if not listed above: See s. 62 thru 65 of the Power Engineers regulations; Power Engineers Regulations - Technical Safety Act (Nova Scotia) and Appendix 1 of the SOPEEC Policy for Foreign, Marine and Military applicants;  SOPEEC POLICY-2018.pdf
<p>COMPLIANCE CRITERIA</p>	<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).
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant
<p>COMMENTS: REVIEW FINDINGS</p>	<p>Comments, to be completed by the FRPA Review Office: As per question 10, criteria used to assess an application are more specific than the requirements for registration. Information on approved training programs, pass marks, equivalencies, etc. 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 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

- Yes
- No

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

When not approved, a correspondence letter is mailed to the applicant with reasons why and what the next steps the applicant can take, including how to request a review of the decision, or appeal

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what types of supports/referrals/information do you provide to unsuccessful applicants after a decision has been communicated? Provide information about available training programs, reference materials, study guides, textbooks, etc.
COMPLIANCE CRITERIA	Compliant: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• The regulating body does <i>not</i> 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 <i>not</i> describe this supports/referrals/information.
REVIEW FINDINGS	To be completed by the FRPA Review Office: <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> 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: <i>Sections 7(a), 10(1)(2)(4) and 16(3)(m)</i>	
RESPONDENT ANSWER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If yes, explain the internal review/appeal process and how it is communicated. Appeal process that is communicated through the website or other written communication such as email.</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> <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>When registration is denied the applicant must be provided with the appeal process outlining procedures and timeframes, as well as opportunities to provide new information. Information on the webpage does not satisfy this communication requirement. The NS Utility and Review Board is external. The answer does not describe an internal review/appeal process. To be compliant with the FRPA regulating bodies 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)*

<p>RESPONDENT ANSWER</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what is the timeframe that an applicant has, to initiate the internal review/ appeal process (in days)? Website states that Any person aggrieved by an order or decision of the Chief Inspector or the Administrator may appeal, in writing, within 15 days of service of the order or receipt of the notice of the decision by the aggrieved person to the NS Utility and Review Board.</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <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. <p>Not compliant:</p> <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.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>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.”</p>

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)*

<p>RESPONDENT ANSWER</p>	<p><input type="checkbox"/> Yes <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.) An applicant is entitled to contact the Technical Safety Registrar for documents pertaining to their personal file only.</p>
<p>COMPLIANCE CRITERIA</p>	<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.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>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.</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: 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: The aggrieved person can only appeal to the Administrator of the Technical Safety Act or to the NS Utility and Review Board regarding a decision made by an inspector, inspection agency or Chief Inspector, section 31(2) of the Act
COMPLIANCE CRITERIA	Compliant: <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. Not compliant: <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	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: NS Utility and Review Board is an external appeal board and does not meet requirements of the FRPA as an internal review decision-maker. This process does not ensure that review of the decision will be internal, and if internal, that decision-makers will be separate from those involved in the original decision. When documented, an internal review process can clarify the separation of decision-makers. 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): The review decision of the Administrator and reasons are communicated to the applicant in writing. There is no timeframe set by policy, legislation, or regulation.
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: In the absence of a documented internal review policy there is no established timeframe for appeal decisions to be communicated 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.

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)*

<p>RESPONDENT ANSWER</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain what training is required for the decision makers for internal reviews/appeal: Professional review/adjudication training was provided to the current Administrator of the Technical Safety Act. Training for NSUARB decision makers is not provided by LAE nor is it known.</p>
<p>COMPLIANCE CRITERIA</p>	<p>Compliant:</p> <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. <p>Not compliant:</p> <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.
<p>REVIEW FINDINGS</p>	<p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p>
<p>COMMENTS: REVIEW FINDINGS</p>	<p>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.</p>

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 Power Engineers:

- Although a third-party is not always involved, there is a third-party that is used for an equivalency assessment. It is advised that the Technical Safety Division be well informed about the role the third-party plays, their fairness practices, and how this impacts applicants.

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: Questions for Third Party Organizations). Sample policies and templates can be requested from the Review Officer at any time or by visiting the Fair Registration Practices website: [Fair Registration Practices - Resources for Regulatory Bodies | novascotia.ca](#)

IV: ACKNOWLEDGEMENTS:

The Technical Safety Division: Power Engineers 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  May 6, 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: Power Engineers

INFORMATION ON REGISTRATION PRACTICES AS OF: 2020-12-31

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	2021-04-08	2022-04-28	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
Actual Completed Date	2021-04-12	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			
<i>Sections 6, 7(a), (c), 9(a), 16(3)(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	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 	<p>The Technical Safety Division (the 'Division') will review and update the current qualifications, processes, and required documents for an applicant to obtain a Certificate of Qualification (certificate) and/or a Power Engineer license (license) as required by the Technical Safety Act (the 'Act') and Power Engineers Regulations (the 'Regulations').</p> <p>An application form with clear instructions for obtaining a certificate and/or license and a complete list of all requirements and documents an</p>	September 1, 2021	In addition to the plan as noted, ensure that the new application

		<p>easily accessible in the public domain through print and electronic media.</p>	<p>applicant must submit for each certificate and license type (Power Engineer Classes 1, 2, 3 and 4, Refrigeration Plant Operator Classes 1 and 2, Compressor plant Operator and Unfired Boiler Plant Operator) will be explained clearly and in plain language in the public domain for an applicant or other interested party on the Labour and Advanced Education (LAE) Technical Safety website, downloadable PDF, and printed hard copy, and in any other manner that ensures transparency, objectivity, impartiality, and procedural fairness as required by the Fair Registration and Practices Act (FRPA).</p> <p>The current Technical Safety Power Engineering Section contact information will also be made available in the public domain so that applicants and other interested parties can contact the office for assistance. An informational update will be sent to Technical Safety Power Engineering stakeholders to inform them of the updates.</p> <p>As part of the LAE Trade Regulation Framework, the responsibility for issuing the certificate of qualification is to be transferred from Technical Safety to the Nova Scotia Apprenticeship Agency. Stakeholders will be kept proactively informed and updated of this new alignment and its progress. Power Engineer licensing responsibilities will be retained by Technical Safety.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners including Service NS and NSAA to ensure that all information in the public domain is clear, accurate, and consistent.</p>		<p>form is separate from the Crane Operators application form to avoid any confusion for applicants.</p> <p>The LAE Trade Regulation Framework is an important change. Differences in the roles of NSAA and Technical Safety in the registration process will need to be clearly described for applicants. Updates regarding the LAE Trade Regulation Framework will help keep stakeholders informed.</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 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>Where the Act and Regulations stipulate that the certification and/or licensing process may be different for international applicants, the Division will clearly identify and explain the difference(s) for the applicant in the public domain. Where equivalencies for stated provincial or Canadian requirements may be accepted by the Chief Power Engineer Inspector, criteria and 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 received their previous qualifications outside of Canada. Instructions will be made available in the public domain so that, where possible, an applicant may be able to initiate the process before arriving in Nova Scotia.</p> <p>The Technical Safety Power Engineering website and printed materials will be updated so that the instructions, requirements, processes, and supports are available to the applicant in the public domain and</p>	September 1, 2021	<p>The Act & Regulations don't specify a registration process specific to the internationally qualified, but they do provide flexibility to recognize qualification/experience from outside NS. Examples and contact with the Division are helpful but must be backed up with information that is clear and accessible on a public website.</p> <p>Current Regulations do not refer to a PLA process. This option would need to be clearly explained if it is to be introduced as a part of the registration process for international applicants.</p>

			coordinated with other government departments or agencies that may be involved in the certification and licensing processes.		
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)					
Action required	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
	4	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants who received their qualification outside NS but within Canada is clear and easily accessible in the public domain through print and electronic media. - ensure that information about registration requirements and how requirements are to be met by 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 registration/application requirements in the Act and Regulations for individuals who are registered in another Canadian province/territory will be reviewed against the Canadian Free Trade Agreement (CFTA) to ensure they are aligned and compliant. The division will develop a process for out-of-province applicants and any necessary regulatory amendments will be made.</p> <p>Any differences in the requirements for out-of-province (OOP) applicants will be clearly explained by province or territory for the affected applicant in the public domain. Where there are no differences, this will also be clearly stated.</p> <p>For OOP applicants where differences may exist, the application process and forms, qualification requirements, and required documents will be clearly explained in the public domain.</p> <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 based on the applicant's current certification, without requirement for additional material assessment, training, or experience. This will be clearly explained in plain language in the public domain. The</p>	September 1, 2021	Note: residency cannot be a requirement for a CFTA applicant. An applicant licensed in another jurisdiction is eligible for licensure in NS regardless of where they currently reside.

			<p>Division will provide the CFTA information in a clear and understandable form to applicants who have received their qualifications in another jurisdiction in Canada, including those who are already registered in another jurisdiction. Instructions will be made available in the public domain so that, where possible, an applicant may be able to initiate the process before arriving in Nova Scotia.</p> <p>The Technical Safety Power Engineering website and printed materials will be updated so that the requirements, processes, and supports are available to the OOP applicant in the public domain and coordinated with other government departments or agencies that may be involved in the certification and licensing processes for OOP applicants.</p>		<p>During the FRPA review it was noted that section 71(1) of the Power Engineers Regulations does not appear to be compliant with the CFTA – certification should be issued on an equivalent certificate to certificate basis. The new process as planned will address this compliance issue however, this may be an indicator for a regulatory amendment. As a part of this Action Plan the Division should seek legal counsel and may also consult with the provincial Labour Mobility Coordinator to ensure that CFTA practices are compliant moving forward</p>
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 7(f), 16(3)(d)</i>					
	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>	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			
<i>Sections 9(b), 16(3)(c)</i>					
	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 by the applicant and submitted with the application for reasons beyond the applicant's control. i.e. a sworn or notarized statement in lieu of original required document from a training facility that has since closed.</p> <p>A detailed and clear 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</p>	November 1, 2021	A good plan to address the current gap in registration practices.

			documents cannot be provided (high school diploma, technical training certificate, etc.) Informational and other updates by the Technical Safety Division will be shared and coordinated with government partners to ensure that all information regarding document requirements and acceptable alternatives is in the public domain and is clear, accurate, and consistent.		
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 7(e), 16(3)(k)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
Action required	7	Areas of non-compliance to be addressed in an action plan are as follows: - 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.	Work is underway to produce a guidance document which will help explain the application process, form and the information that needs to be provided in the appropriate section of the form(s). Contact information for the Registrar and Chief Inspector will be provided for the client to reach out to for advice if necessary.	December 1, 2021	Development of a guidance document will provide a more transparent means of supporting applicants through the registration process.
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: - 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 support an applicant during the application process who may have a physical or mental disability and requires an accommodation when applying for a Power Engineer certification or license. The accommodation policy will also be monitored and adaptable should a new situation arise.</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 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 format (audio) the applicant may require.</p>	April 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			
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. 	<p>A complete list of the requirements for an application defined by the Act and Regulations will be transparently provided by the Division for individuals applying for Power Engineer certification and licensing including, but not limited to completed training programs, exam marks, and work experience requirements.</p> <p>Made available in the public domain in digital and print form, how the regulatory requirements must be met will be clearly explained to the applicant. This will include but will not be limited to; educational requirements; practical experience requirements; professional training program providers, locations, syllabuses, and exam schedules; passing grades required for certification exams stated in the Regulations.</p> <p>Elements of the applicant process such as prior learning assessments and other criteria will be clearly explained for applicants. All eligibility assessment criteria will be transparently available to applicants in the public domain, both digitally on the website, by e-mail upon request, and in print.</p> <p>In situations where a third-party, or contractor, is used for exam marking or other applicant assessments, applicants will be informed of their role in the process. The Division will also ensure that formal agreements are in place with all third-party assessors to ensure that fair assessment practices are being upheld.</p> <p>Informational and other updates by the Technical Safety Division will be shared and coordinated with government and industry partners to ensure that all information regarding process requirements is in the public domain and is transparent, accurate, and consistent.</p>	September 1, 2021	Current regulations give the PE chief inspector significant discretionary power with regards to assessment. For this reason, it is important to clearly define criteria with objective, measurable standards and make this information accessible to applicants.
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 establish a process for internal review of a decision by the Administrator as defined and outlined in the Act.</p> <p>The criteria for requesting a review, the definition of an “aggrieved person” pursuant to the Act and eligible to request an internal review by the Administrator, the internal review process; forms of reviews available to the Administrator, and outcomes will be clearly explained and made available in the public domain on the Division website and in print.</p> <p>All aspects and rules that apply to an internal review defined in the Regulation will be clearly stated in plain language in the public domain. Information will be provided in the public domain that clarifies the Utility and Review Board (UARB) is the external appeal board established under the Act and the reasons for which a review or appeal may proceed externally to the UARB.</p> <p>The documented process will include how 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</p>	January 1, 2022	<p>The UARB does not satisfy the FRPA requirement for an internal review of the registration decision. A policy to outline an internal review process that is the right of every applicant is a good solution. The UARB should only be a back up for an applicant if their appeal is denied internally, and they wish to pursue the matter.</p>

			submissions, and how and when the review decision will be communicated to the applicant. The documented process will also include timeframes for internal reviews and responses to the applicant where a registration or application was denied.		Connect this process to the internal policy referred to in Actions 17 & 18.
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: - the process by which an applicant may make a request - any limitations with regards to access - any fees associated with the request 	The Division will develop a clear process for which a request by an applicant for access to their records will be considered and processed. The options available, the request process, timelines, limitations to access, associated fees, and possible outcomes will be made transparently available in the public domain, digitally and in print.	November 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>	November 1, 2021	A good plan to address the current gap in registration practices. Connect with Actions 14 & 15.
Update 1					
Update 2					
Update 3					
Update 4					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 10(3)</i>					
	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.	April 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	<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. 	The Division will outline the process and develop/deliver approved internal review/appeal training to the decision-maker(s)/ Administrator.	February 1, 2022	A good plan to address the current gap in registration practices.

		- develop a plan and document training provided to individuals who make internal review decisions				
Update 1						
Update 2						
Update 3						
Update 4						