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Nova Scotia Department of Environment &  
Climate Change: Water & Wastewater  
Operator Certification

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Fair Registration Practices Act (FRPA)  
Review Report  
May 2021

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Province of Nova Scotia

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## 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 Nova Scotia Department of Environment & Climate Change are responsible for the certification of persons operating classified water and wastewater facilities in Nova Scotia. The Review Officer worked with the Regulator over a period of five 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 for the certification of Water and Wastewater Operators and an action plan to address some high priority gaps moving forward.

This is an initial review of the registration practices for the certification of Water and Wastewater Operators. At the beginning of the review there was a lack of awareness regarding requirements of the FRPA, but the Regulator worked with the Review Officer to increase their understanding and participate in the review process. Overall, requirements for registration for applicants in the Nova Scotia stream are transparent, objective, impartial and procedurally fair. Findings showed gaps in registration practices for those in the international stream and the need for some development and enhancement to some existing practices. Full transparency would be achieved by providing information on registration practices for all streams of applications (Nova Scotia, Domestic, International) in a publicly accessible manner.

The Nova Scotia Department of Environment & Climate Change 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). Four 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 who received their qualifications outside of Canada. This will include clear instructions on what documentation must accompany applications,
- Develop guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control,
- Develop a process for how to work with applicants who may require accommodations during the registration process,
- Enhance the process for internal review of the registration decision to ensure it is fully compliant with the FRPA, include timeframes and the provision to provide written decisions with reasons.

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 Action Plan includes a commitment to update the website for Operator Certification by May 2022. The timeline is long as another party is relied upon to do the update. This should not prevent the prioritization of the development and updating of registration practices as noted. Required changes will need to take place as an initial step and implementation can take place prior to the website update. In the interim applicants can use the contact information to obtain any missing details.

The Nova Scotia Department of Environment & Climate Change 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 June 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 47 [regulatory bodies](#) in Nova Scotia, covering over 59 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

Please provide an overview of the regulating body, the occupations regulated and the associated occupational profile, types of licences / certificates issued and a link to the regulating body’s website, if applicable.

Nova Scotia Environment (NSE) is the regulating body for Water and Wastewater Operators. The enabling legislation is the Environment Act Section 110 (1) (c) (<https://nslegislature.ca/sites/default/files/legc/statutes/environment.pdf>) and the Water and Wastewater Facilities and Public Drinking Water Supplies Regulations Section 14-26 (<https://novascotia.ca/just/regulations/regs/envwaste.htm>) issued under this Act.

Information relating to the certification classes can be found at <https://novascotia.ca/nse/water.operator.certification/>

The operator certification program is required to ensure that operators have the necessary training and experience to operate a system for the protection of human health and the environment.

The benefits of a certification program include measure of competency, meets a national standard, provides some assurance of public safety, employee pride and recognition, and reciprocity (ability to move between Provinces).

An operator can become certified in the following categories of facilities in Nova Scotia:

- Water Treatment
- Water Distribution
- Wastewater Collection
- Wastewater Treatment

Each type of certificate may be issued in one of the following classes:

- Operator-In-Training
- Class I
- Class II
- Class III
- Class IV

To write an exam, an applicant must hold the next lowest class. To be qualified for certification a combination of education and experience is required. For level 3 and 4 certifications, a portion of the experience must be direct responsible charge (DRC) experience. DRC means direct responsibility for a process that controls the effectiveness or efficiency of a facility. Once these requirements are met, a person is eligible to write a certification exam administered by a third party. A person with certification from another Canadian jurisdiction may apply for reciprocity. NSE will verify that they are in good standing with their home jurisdiction association. A person with experience outside of Canada may apply to write the certification exams in the same manner as any other operator. Their experience will be evaluated on a case by case basis.

## 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 Nova Scotia Department of Environment & Climate Change 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).**

All water and wastewater facilities in the province are designated a Class I, II, III or IV based on complexity and must maintain their respective certified operators. The operator in training certification allows an operator to legally work in a facility before they have enough experience to challenge the Class I exam and obtain Class I certification. An operator in training may not be in direct responsible charge.

The operator in training certification requires a grade 12 education and passing grade of a Nova Scotia Environment test. The Class I-IV require a specific amount of operator experience and passing of a nationally regulated exam. In addition to those requirements, the Class III & IV require post secondary education, and direct responsible charge experience. Some substitutions are allowed for candidates with a surplus of one category and lacking in another.

An applicant for the Operator-in-Training designation must provide a completed application form, and proof of Grade 12 education, GED or equivalent. Proof may be submitted as copies or originals of transcripts or diplomas. Upon receipt of these, NSE will deploy access to an online exam. The pass mark is 70%. If an applicant passes and paid the invoice, a certificate will be mailed to them. If an applicant does not receive a passing grade, they are eligible to rewrite after 30 days.

To qualify to write the Class I-IV exams, operators must complete an application detailing their job experience and education if applicable. Applications must be signed by an applicant's supervisor. The exams used are a national standard provided by a third party called the Association of Boards of Certification (ABC). The pass mark is 70%. ABC sends the results directly to NSE once the exams are marked. NSE issues certificates to those who passed. If an applicant is not successful, they may rewrite the exam in four months. The application and full requirements for exam applications are here: <https://novascotia.ca/nse/water.operator.certification/examinations.asp>.

Certificates are valid for four years upon issue. A few months before expiry, NSE will send a renewal reminder letter to operators. To renew their certificates, they must submit completed renewal form, appropriate fee, and proof of Continuing Education Units (CEUs). Class 1 & 2 require 24 hours of CEUs and renewing Class 3, 4 & all overall DRC require 48 hours of approved courses. There is an approved list of courses on our website or operators may request we honour an unlisted course. This is addressed on a case by case basis. A course will be approved if it has appropriate technical content and is relevant to operators in Nova Scotia. The proof of CEUs may be submitted as originals or copies of course completion certificates, transcripts, or letters from the official course provider.

**RESPONDENT ANSWER**

**Please provide the additional information in the grid below (if you have a published document, or even an associated policy, please provide the link to that published document/policy). Documents need to be provided for each license/certification type, if applicable.**

OCCUPATION/LICENCE/CERTIFICATION TYPE (ONE ROW PER TYPE)	LIST OF REGISTRATION DOCUMENTS BY OCCUPATION/LICENCE/CERTIFICATION TYPE	LINK TO PUBLISHED DOCUMENT, IF APPLICABLE
• Operator in Training	• Exam Requirements	• <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a>
• Class I	• Exam Requirements	• <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a>
• Class II	• Exam Requirements	• <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a>
• Class III	• Exam Requirements	• <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a>
• Class IV	• Exam Requirements	• <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a>
• All	• Approved CEU course list	• <a href="https://novascotia.ca/nse/water/docs/Certification.Pre-Approved.Courses.for.Certification.Renewal.CEUs.pdf">https://novascotia.ca/nse/water/docs/Certification.Pre-Approved.Courses.for.Certification.Renewal.CEUs.pdf</a>
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<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent’s answer describes the registration requirements and the process for meeting them.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent’s answer does <i>not</i> describe the registration process and the process for meeting them.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></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)*

<b>RESPONDENT ANSWER</b>	<p><b>Select all that apply:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</li> <li><input checked="" type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</li> <li><input checked="" type="checkbox"/> Email</li> <li><input checked="" type="checkbox"/> Website</li> <li><input type="checkbox"/> Other: <b>explain your communication process if not listed above</b> Operator in Training has a factsheet.</li> </ul> <p>The application process is detailed here:  <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a></p> <p>and the form is here: <a href="https://novascotia.ca/nse/water.operator.certification/examinations.asp">https://novascotia.ca/nse/water.operator.certification/examinations.asp</a>.</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body makes requirements for registration available to applicants (they select at least 1 response option); and</li> <li>• the respondent’s answer describes how the requirements for registration are made available to applicants.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body does <i>not</i> make requirements for registration available to applicants (they do not select any response options); or</li> <li>• the respondent’s answer does <i>not</i> describe how the requirements for registration are made available to applicants.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliant</li> <li><input type="checkbox"/> Not compliant</li> </ul>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>



<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer indicates whether a registration/application process is different (response = “yes” or “no”).</li> <li>• 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.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer does <i>not</i> indicate whether a registration/application process is different (no response, either “yes” or “no”).</li> <li>• 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 <i>not</i> describe the differences.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p> <p>Information at the beginning of this report indicates a person with experience outside Canada may apply to write certification exams in the same manner as any other and these applications are evaluated on a case-by-case basis. There is no information publicly available to indicate that experience outside Canada will be considered or what different documentation requirements there might be to assess these applications. For example: proof of certification in another country; information on the facility where experience was acquired to determine if it equates to a NS Class I, II, III, IV; translation of documents; language proficiency (to take Canadian exams), etc. 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.</p>

<b>QUESTION 4</b>	
<p>Is the registration/application process different for individuals who are registered in another Canadian province/territory?</p> <p>Alignment with FRPA: <i>Sections 3, 6, 7(a through f) and 16(a)</i></p>	

<b>RESPONDENT ANSWER</b>	<b>Please provide a separate answer per licence/certification type:</b>		
	LICENSE TYPE	YES/NO	IF YES, EXPLAIN THE DIFFERENCE
	• Water & Wastewater operator	• Yes	<ul style="list-style-type: none"> <li>• Candidates write a nationally regulated exam, and each jurisdiction follows the same Canadian best practises guideline. NSE offers automatic reciprocity to operators from other provinces and territories. No fee is charged. <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a></li> <li>• Here is the link to the application form. It is self explanatory with a requirement to provide a copy of their certificate.</li> </ul>
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	<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Not compliant:</b></p>	

	<ul style="list-style-type: none"> <li>• 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.</li> <li>•</li> </ul>
<b>REVIEW FINDINGS</b>	<b>To be completed by the FRPA Review Office:</b> <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
<b>COMMENTS: REVIEW FINDINGS</b>	<b>Comments, to be completed by the FRPA Review Office:</b>

### 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)*

<b>RESPONDENT ANSWER</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <p><b>If yes, explain the process of how this information is communicated.</b>          Information is on our website, as well as listed on the application form. Staff are available to email or discuss verbally if preferred by applicant.</p> <p><b>Insert a website link of where this information is communicated, if applicable.</b>  <a href="https://novascotia.ca/nse/water.operator.certification/">https://novascotia.ca/nse/water.operator.certification/</a></p> <p><b>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.</b>          Operator in training Exam \$27.25          Water and Wastewater Class I-IV exam (payable at time of writing) \$100          Water and Wastewater certification renewal (4 years) \$61.15 per certificate held          No fee in the case of reciprocity. Operator receives certificate and must pay renewal fee when 4 year cycle is up.</p>
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<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body provides applicants with information on any fees for registration; and</li> <li>• the respondent's answer states any fees charged for registration, even if the fees are not applicable or \$0.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body does <i>not</i> provide applicants with information on any fees for registration; or</li> <li>• if fees are charged for registration, even if the fees are not applicable or \$0, the respondent's answer does <i>not</i> state the fees.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

<b>QUESTION 6</b>	
<p>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)?</p> <p>Alignment with FRPA: <i>Sections 7(f), 9(b) and 16(3)(d)</i></p>	
<b>RESPONDENT ANSWER</b>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p><b>If yes, please explain the process:</b>  This is assessed on a case by case basis. As an example, in place of a copy of a diploma, we would accept a complete transcript.</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent's answer describes any such alternative information.</li> </ul>

	<p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent's answer does <i>not</i> describe the alternative information.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input type="checkbox"/> Compliant</p> <p><input checked="" type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p> <p>According to the response, alternative information is dealt with on a case-by-case basis, advise is provided. There is no description of acceptable alternative information, other than an example. A documented process ensures that all applicants are provided advise in a flexible, impartial manner. Section 16(3)(c) of the FRPA requires that information on this registration practice be reported. 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.</p>

## 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)*

<b>RESPONDENT ANSWER</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> When required</p> <p><b>If yes or when required, what types of support are provided to applicants during the registration/application process?</b></p> <p>Applicants regularly contact NSE staff during the process through email or telephone. Depending on the complexity of the situation, they will be referred to the clerk, program staff, or the program Administrator. On page <a href="https://novascotia.ca/nse/water.operator.certification/">https://novascotia.ca/nse/water.operator.certification/</a>, they are instructed to email <a href="mailto:wwoc@novascotia.ca">wwoc@novascotia.ca</a> if they cannot find the answer they desire.</p>
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	This program complies with the NS French Language Services Regulations. French translation services are available through Acadian Affairs as well as other services that can be accessed through the Public Service Commission. The Department maintains a list of staff fluent in both languages and are utilized internally to assist with any language accommodations needed.
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent's answer includes information about any support they provide to applicants during the registration process.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent's answer does <i>not</i> describe any support they provide to applicants during the registration process.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

## QUESTION 8

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

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

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

[https://nslegislature.ca/legc/bills/62nd\\_3rd/3rd\\_read/b059.htm](https://nslegislature.ca/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:

	<ul style="list-style-type: none"> <li>• Assistance in completing application forms</li> <li>• Provision of additional time provided to complete exams</li> <li>• Provision of an application in braille</li> <li>• Provision of audio-visual equipment</li> <li>• In person meetings/interviews/hearings</li> <li>• Other accommodations such as paper color, larger font, etc.</li> </ul>
<b>RESPONDENT ANSWER</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <p><b>If yes, provide a description of the policy/process? (if you have a link to a published policy/process, please include in your response)</b>  Province of Nova Scotia has an Accessibility Act (NSAA) and an implementation plan <a href="https://novascotia.ca/accessibility/">https://novascotia.ca/accessibility/</a>. Nova Scotia Department of Environment offices are currently accessible as required under this plan. Accessibility following this plan is for any person accessing the office for any purpose including applicants applying to NSE. If an applicant raises accommodation requirements during the application process, the department will be open to discuss the applicant’s concerns and will make every modification depending on the nature of the request.</p> <p><b>If no, what would the process be if an accommodation were to be required?</b></p> <p><b>If N/A, please explain why this is not applicable to your registration/application process / practices?</b></p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer includes a description of any existing accommodation policies for applicants with a physical or mental disability.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer does <i>not</i> describe any existing accommodation policies/processes for applicants with a physical disability or mental disability.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant

<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p> <p>The response refers to provincial Accessibility Act, but no policy specific to the Water and Wastewater Operator Certification process. The process is highly dependent on exams where reasonable accommodations could be made. To be complaint with the FRPA regulating bodies must have a description of existing accommodation practices for applicants with a physical or mental disability.</p>
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**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*

<b>RESPONDENT ANSWER</b>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>If yes, explain how and what steps would be taken to adapt this policy.</b> Yes, this would be evaluated on a case by case basis.</p> <p><b>If no, what would occur with that applicant if the policy/process could not be adapted?</b></p>
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<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• NA</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• NA</li> </ul>
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<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input type="checkbox"/> NA <input type="checkbox"/> NA</p>
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<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p> <p>The written description, when developed, should be adaptable if a new situation arises.</p>
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## 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)?**

Requirements are described on the website: <https://novascotia.ca/nse/water.operator.certification/>.

To apply to write an exam, an applicant must submit an application form found on our website. The form requests that they list their certifications presently held, the exam they are applying to write, a high school diploma status and post secondary summary, a summary of relevant experience including employer, facility, facility classification, position, supervisors name, a summary of operation experience that is related to the exam they are applying for, the dates the experience occurred and the typical hours and days the experience occurred, as well as direct responsible charge experience (if applicable) and the dates and duties involved. Finally, the form must be signed and dated by the applicant's supervisor. Once approved to write the exam, the pass mark is 70%.

To renew a certificate after 4 years, they must submit completed renewal form, appropriate fee, and proof of Continuing Education Units (CEUs). Class 1 & 2 require at least 24 hours of CEUs and renewing Class 3, 4 & all overall DRC (regardless of Class) require at least 48 hours of approved courses. There is an approved list of courses on our website or operators may request we honour an unlisted course. This is addressed on a case by case basis. A course will be approved if it has appropriate technical content and is relevant to operators in Nova Scotia. The proof of CEUs may be submitted as originals or copies of course completion certificates, transcripts, or letters from the official course provider.

	<p><b>If there is a third-party assessor utilized in the process, briefly describe the role of that assessor:</b>  ABC issues the exams to NSE, recollects complete exams, and relays the obtained marks to NSE. NSE does not provide any study materials to examinees. ABC has study books available for purchase and the Atlantic Canada Water &amp; Wastewater Association regularly puts on exam workshops.</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer describes how/where the criteria for meeting the requirements of registration/application are documented; and</li> <li>• the respondent’s answer describes the role of any third-party assessors.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The respondent’s answer <i>does not</i> describe how/where the criteria for meeting the requirements of registration/application are documented; or</li> <li>• if a third party is used for assessment, the respondent’s answer <i>does not</i> describe the role of the third-party assessors.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b>  In addition to the above, the review found that criteria for meeting the requirements of registration are publicly available. ABC Need to Know Guides <a href="#">ABC   Need to Know Criteria (abccert.org)</a> provide study materials that highlight what a person needs to know and be able to do to be successful on the exams. The Operator in Training Brochure <a href="#">Nova Scotia Water and Wastewater Operator-in-Training Certification Exam</a> refers to the core content for this exam. The final page of the application form <a href="#">Operator Certifications (novascotia.ca)</a> outlines the education and experience standards.</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)*

<b>RESPONDENT ANSWER</b>	<p><b>Select all that apply</b></p> <p><input checked="" type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input checked="" type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</p> <p><input checked="" type="checkbox"/> Email</p> <p><input checked="" type="checkbox"/> Website</p> <p><input type="checkbox"/> Other, <b>explain your communication process if not listed above:</b> Information can also be mailed to recipients when requested.</p> <p>Website: <a href="https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp">https://novascotia.ca/nse/water.operator.certification/operator.certification.program.asp</a></p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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).</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• 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).</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></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)*

<b>RESPONDENT ANSWER</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.):</b> If an applicant selects a class they are not qualified for or submit a renewal that does not meet the minimum requirements, they are contacted to see if information was missing or misrepresented. Decision letters for incomplete applications and rejections are sent to the applicant with the reasons included. These letters explain the process for re-writing the exam or other required information, which ever is applicable. Applicants may discuss results with staff through email or telephone.  In the final analysis, an applicant may appeal if they disagree with the Administrator’s decision and are advised in writing.  <b>If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.):</b>
<b>COMPLIANCE CRITERIA</b>	<b>Compliant:</b> <ul style="list-style-type: none"> <li>• The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why.</li> </ul> <b>Not compliant:</b> <ul style="list-style-type: none"> <li>• The regulating body does <i>not</i> provide applicants who are not granted registration with a written decision that includes the reason(s) why.</li> </ul>
<b>REVIEW FINDINGS</b>	<b>To be completed by the FRPA Review Office:</b>  <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
<b>COMMENTS: REVIEW FINDINGS</b>	<b>Comments, to be completed by the FRPA Review Office:</b>

**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)	
<b>RESPONDENT ANSWER</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes, what types of supports/referrals/information do you provide to unsuccessful applicants after a decision has been communicated?</b> NSE staff will explain why the applicant was not successful in verbal or written communication. Applicants may be given instructions to clarify their application or gather additional references if necessary. If an applicant fails an exam, they are provided an individual mastery report detailing the six technical categories of the exam and their percentage obtained on each. This will tell them the areas of focus to prepare for a subsequent exam.
<b>COMPLIANCE CRITERIA</b>	<b>Compliant:</b> <ul style="list-style-type: none"> <li>• The regulating body provides, if applicable, information to unsuccessful applicants that may assist them in obtaining registration at a later date; and</li> <li>• the respondent’s answer describes any other supports/referrals/information provided to unsuccessful applicants.</li> </ul> <b>Not compliant:</b> <ul style="list-style-type: none"> <li>• The regulating body does <i>not</i> provide, if applicable, information to unsuccessful applicants that may be assist them in obtaining registration at a later date; or</li> <li>• 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.</li> </ul>
<b>REVIEW FINDINGS</b>	<b>To be completed by the FRPA Review Office:</b>  <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant
<b>COMMENTS: REVIEW FINDINGS</b>	<b>Comments, to be completed by the FRPA Review Office:</b>

## SECTION III: INTERNAL REVIEW/APPEAL PROCESS

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

### QUESTION 14

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

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

**RESPONDENT  
ANSWER**

- Yes  
 No

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

All communications with the applicant include contact information. An applicant would be communicated with throughout the process and allowed to provide supporting documentation and additional submissions where relevant. The applicant has opportunity to relate their concerns or grievance. The Administrator would confer with other subject matter experts within NSE.

In the event the follow-up enquiries are not resolved, the applicant is advised of an appeal process. In the case of an appeal, the Policy Division, independent of the original decision maker, administers a formal assessment of the grounds by a trained and experienced Appeal Reviewer. The applicant has 30 days from the decision date to submit an appeal to the Minister. The Notice of Appeal Form with instructions can be found at:

<https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf>. There is a fee of \$108.95 required by regulation at:  
<https://www.novascotia.ca/just/regulations/regs/envfees.htm>

The Notice of Appeal Form is processed following the appeal procedure.

	<p>The applicant is instructed in the Notice of Appeal Form to make any submission in support of their grievance, including new information. Policy Division conducts a review of the Notice of Appeal Form. The application file, including all materials reviewed by the initial decision maker, as this material relates/pertains to the grounds of appeal, is assessed by a Reviewer. The assessment in an Appeal Review Report is provided to the Minister. The Minister as set out at s.137(4) of the Act can make one of three decisions – uphold the original decision makers decision by dismissing the appeal; put aside the original decision makers decision by allowing the appeal, or requiring the CoQ to be issued; and thirdly, make a decision the original decision maker could have made by requiring the application process to be undertaken again.</p> <p>According to s.137(3) of the Act, the Minister’s decision is to be communicated in writing within 60 days receipt of the Notice of Appeal Form to the applicant. The letter will detail the reasons for the decision. The Environment Act permits a further appeal to the Supreme Court of Nova Scotia within 30 days receipt of the Minister’s decision. This process is set out in the Statute located here:  <a href="https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf">https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</a></p> <p><b>If no, what do you do if an internal review/appeal is requested?</b></p>
<p><b>COMPLIANCE CRITERIA</b></p>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent’s answer includes a description of the internal review process, including how it is communicated to applicants.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the respondent’s answer does <i>not</i> include a description of the internal review process, including how it is communicated to applicants.</li> </ul>
<p><b>REVIEW FINDINGS</b></p>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input type="checkbox"/> Compliant  <input checked="" type="checkbox"/> Not compliant</p>
<p><b>COMMENTS: REVIEW FINDINGS</b></p>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p> <p>Since the applicant has only 30 days from the decision date to appeal, they should be informed of their right to appeal and the process at the time of decision, not only when a problem arises. The process described does not explain opportunities the applicant has to provide new information and to make submissions with respect to their appeal. The NAF makes two references to attaching documentation but does not provide any detail with regards to further opportunity to</p>

	submit information in writing or by hearing. 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.
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**QUESTION 15**

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

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

**RESPONDENT ANSWER**

- Yes
- No

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

In the event of an Environment Act appeal, the applicant has 30 days from the decision date to submit an appeal to the Minister. The Notice of Appeal Form with instructions can be found at:

<https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf> .

The applicant can appeal the Minister’s decision to the Supreme Court of Nova Scotia (SCNS), the applicant has 30 days from the Minister’s decision date to submit an application to the SCNS.

**COMPLIANCE CRITERIA**

**Compliant:**

- The regulating body has established a timeframe within which they must provide applicants with an internal review/appeal; and
- the respondent’s answer includes a timeframe.

**Not compliant:**

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

**REVIEW FINDINGS**

**To be completed by the FRPA Review Office:**

- Compliant
- Not compliant

<b>COMMENTS: REVIEW FINDINGS</b>	<b>Comments, to be completed by the FRPA Review Office:</b>
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**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)*

<b>RESPONDENT ANSWER</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <p><b>If yes, please describe the process, and include the associated fees, for the individual to obtain the records from the applicant’s file.</b> (Examples: application forms, reference letters, transcripts, criminal background checks, certificates of professional conduct, proof of good standing in another jurisdiction, etc.)</p> <p>The department maintains a process for Information Access and Privacy. This process is located here:  <a href="https://novascotia.ca/nse/dept/info.asp">https://novascotia.ca/nse/dept/info.asp</a></p> <p>Requests for information are all subject to the Freedom of Information and Protection of Privacy Act (FOIPOP.) Some information, however, may be obtained through Routine Access. This policy is designed to provide persons with an opportunity to obtain certain categories of records without having to submit a formal FOIPOP application. While records disclosed through this policy are not considered to be actively in the public domain, they may be disclosed in full or with minimal severing of some information in keeping with the provisions of the FOIPOP Act. Information obtained under this process is free of charge. The link to the Routine Access Policy is here:  <a href="https://novascotia.ca/nse/dept/routinedisclosure.asp">https://novascotia.ca/nse/dept/routinedisclosure.asp</a> This link has a sub-link to directly email a request for access to routine records or records the applicant may consider their own. There is also contact information if the applicant has questions or is unsure of how/what records are available by any of the information access processes noted here.</p> <p>Section 10 of Environment Act (Act) requires the establishment of an Environmental Registry where records are kept and made available to the public subject only to FOIPOP. The Environmental Registry process is here: <a href="https://www.novascotia.ca/nse/erms/">https://www.novascotia.ca/nse/erms/</a>  The link to the Act is here: <a href="https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf">https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</a></p>
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<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body has a process under which requests for access to records are considered; and</li> <li>• the respondent’s answer provides a description of the process.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• The regulating body does <i>not</i> have a process under which requests for access to records are considered; or</li> <li>• the respondent’s answer does <i>not</i> provide a description of the process.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

<b>QUESTION 17</b>	
<p>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?</p> <p>Alignment with FRPA: Sections 10(5) and 16(3)(n)</p>	
<b>RESPONDENT ANSWER</b>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>

<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

### 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)*

<b>RESPONDENT ANSWER</b>	<p><b>Explain the process:</b></p> <p>The Notice of Appeal Form instructs the applicant to mail or email the completed form directly to the Minister. Policy Division conducts a review of the Notice of Appeal Form. The application file, including all materials reviewed by the initial decision maker, as this material relates/pertains to the grounds of appeal, is assessed by a Reviewer. The assessment in an Appeal Review Report is provided to the Minister; the Minister can then allow, dismiss, or make a decision the administrator could have made when deciding on the appeal as set out at section 137 of the Environment Act.</p> <p>The Appeal Procedure ensures no one who acted as a decision-maker in respect of a registration decision acted as a decision-maker in an internal review. The Notice of Appeal Form and the Appeal Procedure Pursuant to s.137 of the Environment Act are here:  <a href="https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf">https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf</a></p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Not compliant:</b></p>

	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

### 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)*

<b>RESPONDENT ANSWER</b>	<p><b>Explain how the results are provided and if the results include reasons (also include how the timeframe is written and communicated to the applicant):</b></p> <p>In a formal appeal under the Environment Act (Act), according to s.137(3) of the Act, the Minister's decision is to be communicated in writing to the applicant within 60 days receipt of the Notice of Appeal Form. The letter will detail the reasons for the decision. An example of a decision letter is found here: <a href="https://novascotia.ca/nse/issues/docs/Alton-Appeal-6.pdf">https://novascotia.ca/nse/issues/docs/Alton-Appeal-6.pdf</a></p> <p>The Minister as set out at s.137(4) of the Act can make one of three decisions – uphold the original decision makers decision by dismissing the appeal; put aside the original decision makers decision by allowing the appeal, or requiring the CoQ to be issued; and thirdly, make a decision the original decision maker could have made by requiring the application process to be undertaken again. The Environment Act permits a further appeal to the Supreme Court of Nova Scotia within 30 days receipt of the Minister's decision. This process is set out in the Statute here: <a href="https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf">https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</a></p> <p>The process is further supported by The Appeal Procedure Pursuant to s.137 of the Environment Act</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>The internal review decision maker provides applicants with a written decision that includes reasons and a timeframe.</li> </ul>

	<p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>The internal review decision maker does <i>not</i> provide applicants with a written decision that includes reasons and a timeframe.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant  <input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></p>

## 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)*

<b>RESPONDENT ANSWER</b>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p><b>If yes, explain what training is required for the decision makers for internal reviews/appeal:</b></p> <p>In the case of an appeal, the Policy Division, independent of the original decision maker, administers a formal assessment of the grounds by a trained and experienced Appeal Reviewer. The Reviewer receives training on the Appeal Procedure Pursuant to s.137 of the Environment Act, the Environment Act and Regulations governing the administrator’s role in making decisions involving approvals and Certificates of Qualifications. Training/qualification includes the requirement for having 10 years experience administering administrative/quasi-criminal law enforcement and participating in an adjudicative process. The appeal review process relies on subject matter experts in Sustainability &amp; Applied Science Division who are interviewed by the Reviewer on the process employed to administer Water and Wastewater certifications. The Appeal Review Report, assessing the applicant’s complaint, is provided to the Environment Minister, appointed by the Lieutenant Governor, the final decision maker on an internal review. The Minister receives training relating to his/her responsibilities under the Act.</p>
<b>COMPLIANCE CRITERIA</b>	<p><b>Compliant:</b></p> <ul style="list-style-type: none"> <li>The regulating body provides training to individuals who make internal review decisions; and</li> </ul>

	<ul style="list-style-type: none"> <li>the respondent's answer describes the training.</li> </ul> <p><b>Not compliant:</b></p> <ul style="list-style-type: none"> <li>The regulating body does <i>not</i> provide training to individuals who make internal review decisions; or</li> <li>the respondent's answer does <i>not</i> describe the training.</li> </ul>
<b>REVIEW FINDINGS</b>	<p><b>To be completed by the FRPA Review Office:</b></p> <p><input checked="" type="checkbox"/> Compliant</p> <p><input type="checkbox"/> Not compliant</p>
<b>COMMENTS: REVIEW FINDINGS</b>	<p><b>Comments, to be completed by the FRPA Review Office:</b></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 the certification of Water & Wastewater Operators:

- Processes associated with the certification of Water & Wastewater Operators who have been certified in other jurisdictions are compliant with the FRPA. However, enhancements are required to be fully compliant with the CFTA, such as ensuring that information on a streamlined certification process be fully accessible on a public website. Although a Reciprocity application form is accessible online, information on a streamlined process, eligibility, time to certify, and documentation requirements should also be fully accessible on a public website.
- It appears that copies of documentation to provide evidence of high school, post-secondary and related training are currently acceptable. Best practices regarding documentation indicates that original documentation should be required as a first option with an acceptable alternative documentation policy in place to address situations where the original documentation cannot be obtained for reasons beyond the applicant's control.

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: Checklist for Certifying Labour Mobility Applicants). Sample policies and templates can be requested from the Review Officer at any time or by visiting the FRPA website: [Resources for Regulatory Bodies | FRPA \(novascotia.ca\)](#)

## IV: ACKNOWLEDGEMENTS:

The Nova Scotia Department of Environment & Climate Change 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: June 18, 2021

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X J. Towers

Disclaimer: Any suggestion, comment or non-mandatory references to actions are recognized as being taken under advisement only for the purposes of this acknowledgment.

## 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: Nova Scotia Department of Environment & Climate Change – Water & Wastewater Operator certification

INFORMATION ON REGISTRATION PRACTICES AS OF: 2020-12-29

### ACTION PLAN TIMELINES:

TIMELINES FOR ACTION PLAN PROGRESS UPDATES					
	Action Plan Deadline	Action Plan Progress Update 1	Action Plan Progress Update 2	Action Plan Progress Update 3	Action Plan Progress Update 4
<b>Due Date</b>	2021-04-07	2022-06-15	Click or tap to enter a date.	Click or tap to enter a date.	Click or tap to enter a date.
<b>Actual Completed Date</b>	2021-05-20	Click or tap to enter a date.			

### ACTION PLAN:

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g)					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
<b>Action required</b>	3	Areas of non-compliance to be addressed in an action plan are as follows:	<ul style="list-style-type: none"> <li>Update the application process to ensure instructions including accompanying documentation</li> </ul>	<ul style="list-style-type: none"> <li>May 2022*</li> </ul>	The response to this question in the review indicated that there is currently no application process for those who received part or all of their qualification outside

		<ul style="list-style-type: none"> <li>- ensure that information regarding registration requirements and how requirements are to be met by <b>applicants who received their qualifications outside of Canada</b> is clear and easily accessible in the public domain through print and electronic media.</li> <li>- provide clear instructions on what documentation must accompany applications</li> </ul>	<p>and all requirements for applicants outside of Canada are provided.</p> <ul style="list-style-type: none"> <li>• Update the website information with clear and readily accessible instructions and required documentation for applicants seeking reciprocity. The Department has contacted the Labour Mobility Coordinator for assistance and advice.</li> </ul>	<p>*CNS advised of delays for website changes due to Covid response.</p>	<p>Canada. Therefore, the first step in this plan should be to develop a process. Process information should include options/pathways, whether the applicant could begin the process outside Canada, what the requirements are (including documentation, translation, etc.), and have an easily identifiable section on the website.</p> <p>A process could be developed before May 2022. CNS timelines could be reduced by developing pdf documents to post relevant information. If website changes are expected to be delayed, refer applicants to the contact information for questions.</p>
<b>Update 1</b>					
<b>Update 2</b>					
<b>Update 3</b>					
<b>Update 4</b>					

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"> <li>- document guidelines that describe alternatives that would be acceptable when documentation that must</li> </ul>	<ul style="list-style-type: none"> <li>• Update and document guidelines that describe acceptable alternatives for documentation to accompany an application that cannot be obtained for</li> </ul>	<ul style="list-style-type: none"> <li>• May 2022</li> </ul>	<p>When documentation requirements are clearly defined for all application streams (NS, Domestic, International), consideration can be given to alternatives that would be acceptable. Therefore, this action will follow actions 3, above. A template policy that can be used as a guideline to develop criteria around alternative documentation can be found on the</p>

		accompany an application cannot be obtained for reasons beyond the applicant's control	reasons beyond the applicant's control.		Fair Registration Practices website: <a href="https://www.fairregistrationpractices.ca">Fair Registration Practices - Resources for Regulatory Bodies   novascotia.ca</a>
<b>Update 1</b>					
<b>Update 2</b>					
<b>Update 3</b>					
<b>Update 4</b>					

ALIGNMENT WITH THE FRPA		OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES			
<i>Sections 16(3)(h)</i>					
	Question	Areas of non-compliance to be addressed	Regulator Action Plan	Dates for Completion	FRPA Review Officer Comments
<b>Action required</b>	8 & 9	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document a description of the accommodation practices for applicants which includes: <ul style="list-style-type: none"> <li>- how to request an accommodation</li> <li>- guidelines regarding types of accommodations</li> </ul> </li> <li>- ensure that practices are adaptable if a new situation arises</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and document a description for adaptive accommodation practices for applicants requesting physical or mental accommodations. Information on accommodation practices will be clear and accessible on our website.</li> </ul>	<ul style="list-style-type: none"> <li>• May 2022</li> </ul> <p>*CNS advised of delays for website changes due to Covid response.</p>	<p>A template policy that can be used as a guideline to develop a description of accommodation practices and advise applicants how to make such a request can be found on the Fair Registration Practices website: <a href="https://www.fairregistrationpractices.ca">Fair Registration Practices - Resources for Regulatory Bodies   novascotia.ca</a></p> <p>A description could be developed before May 2022. If website changes are expected to be delayed, refer applicants to the contact information for questions.</p>
<b>Update 1</b>					
<b>Update 2</b>					
<b>Update 3</b>					
<b>Update 4</b>					

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	
<b>Action required</b>	14	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> <li>- document a clearly defined process for an internal review of the registration decision which includes: <ul style="list-style-type: none"> <li>- procedures</li> <li>- timeframes</li> <li>- opportunities the applicant has to provide new information and to make submissions in support of their position (e.g. documented evidence, hearing, etc.)</li> </ul> </li> <li>- ensure that information on the internal review process is clear and easily accessible in the public domain through print and electronic media</li> <li>- 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure the current appeal process with the procedure, timelines and submission requirements is clearly defined, documented and accessible on our website.</li> <li>• The reasons for denying certification will be provided in writing and will include the availability of a review/appeal and a description of the above process. Communication will include a link to the Notice of Appeal Form.</li> </ul>	<ul style="list-style-type: none"> <li>• May 2022</li> </ul> <p>*CNS advised of delays for website changes due to Covid response.</p>	<p>A reasonable plan to address the current gap in registration practices. Using the current process ensure that a plain language process is available for applicants in an accessible manner.</p> <p>A plain language process could be developed before May 2022 and appended to any applications that are denied. If website changes are expected to be delayed, provide a link to the Notice of Appeal form and refer applicants to the contact information for questions.</p>	
<b>Update 1</b>						
<b>Update 2</b>						
<b>Update 3</b>						
<b>Update 4</b>						