
Nova Scotia Department of Environment &
Climate Change: Well Digger & Well Driller
Certification

Fair Registration Practices Act (FRPA)
Review Report
May 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 Nova Scotia Department of Environment & Climate Change are responsible for registration practices associated with the certification of Well Diggers and Well Drillers. The Review Officer worked with the Regulator over a period of four 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 Well Diggers and Well Drillers 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 Well Diggers and Well Drillers. Practices are managed under the Sustainability and Applied Science Division of the Department and as such raising awareness of regulator obligations under the FRPA was closely connected with the review of registration practices for Well Pump Installers. Findings for these occupations were similar with more evidence of procedural fairness for Well Diggers and Well Drillers in the Nova Scotia application stream. Like the Well Pump Installers, these findings showed a lack of procedural fairness for those in the domestic and international streams and the need for some development and enhancement to some existing practices to achieve an impartial and objective approach to certification. 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). Seven plans for action are identified to address practices that are currently not compliant with the FRPA. They are summed up as follows:

- Provide information in a clear and understandable form to individuals, including individuals qualified in another jurisdiction in Canada, as well as those who received their qualifications outside of Canada. This will include clear instructions on what documentation must accompany applications,
- Develop guidelines that describe alternatives that would be acceptable when documentation that must accompany an application cannot be obtained for reasons beyond the applicant's control,
- Develop a process for how to work with applicants who may require accommodations during the certification process,
- Document all criteria that are used to assess whether requirements for certification have been met, and
- 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 correct and update website information regarding certification for Well Diggers and Well Drillers 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 should be directed to use the contact information to obtain any missing details. The Review Officer has provided comments in response to the Action Plan which will be important for the regulator to take into consideration when addressing the actions since some preliminary steps to achieve compliance were not noted.

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

Nova Scotia Environment is the regulating body for Well Digger and Well Driller professionals. The enabling legislation is the Environment Act Section 110 (1) (k) (<https://nslegislature.ca/sites/default/files/legc/statutes/environment.pdf>) and the Well Construction Regulations Sections 4-13 (<https://novascotia.ca/just/regulations/regs/envwellc.htm>) issued under this act.

There are Well Drillers and Well Diggers. A Well Driller certificate holder can drill or operate a machine for the purpose of drilling, constructing, repair, modify or decommission a well. A Well Digger certificate holder can dig or operate a machine for the purpose of digging, constructing, repair, modify or decommission a well.

To be certified as a Well Driller or Digger, a person must complete an application form, pay the required fee, successfully complete an exam and field test, provide proof of insurance to NSE, and complete a specified number of work hours. Certifications last 1 year and must be renewed at the end of the cycle. The CEU points are tallied every 4 years and a person must have appropriate number of points or they will be required to rewrite the exam. Nova Scotia Groundwater Association (NSGWA) is the industry association who facilitates the exams and continuing education points tracking.



In the process, NSGWA provides training, exams, and field tests to applicants, provides exam marks to NSE, sends information packets to successful applicants, tracks Continuing education points (CEPs) for each member and provides records to NSE.

NSE reviews application forms for minimum requirements, advises applicants that meet requirements to contact NSGWA for training and exams, receives exam marks from NSGWA and advises applicants of field test process and provides field test auditors contact information, and issues the certifications.

A person with certification from another Canadian jurisdiction may apply for reciprocity. The program administrator would handle these requests directly.



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).

An applicant may initially contact NSE or NSGWA for information on the certification process and either will provide assistance.

The requirements for certification for well drillers are:

- Be at least 18 years old
- Pass written examination and field test (70% or above) in well drilling conducted by NSGWA
- Have at least 4000 hours of work experience in operating a well drilling machine while under the supervision of a certified well driller
- Provide proof of general liability insurance
- Submit completed application form and the appropriate fee

The requirements for certification for both well diggers are:

- Be at least 18 years old
- Pass written examination and field test (70% or above) in well digging conducted by NSGWA
- Have at least 4000 hours of work experience in operating a well digging machine while under the supervision of a certified well digger
- Provide proof of general liability insurance
- Submit completed application form and the appropriate fee

The applicant would contact NSGWA to obtain well driller & digger study materials. When they are confident with the material, they would book an exam time and field test with NSGWA. If they successfully pass the written and field test (above 70%), NSGWA will give their contact information to NSE. Administrative staff in NSE will send the application form to the applicant. The applicant notes on the form the 4000 hrs experience.

NSE will issue the certificate upon receiving a complete application form, appropriate fee, and proof of liability insurance. The insurance is accepted in the form of a letter or certificate document issued by the Insurance provider noting commercial general liability insurance for the activity.



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| 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 |
| | <ul style="list-style-type: none"> Well Driller | <ul style="list-style-type: none"> Registration Requirements | <ul style="list-style-type: none"> https://novascotia.ca/sns/paal/nse/paal431.asp |
| | <ul style="list-style-type: none"> Well Digger | <ul style="list-style-type: none"> Registration Requirements | <ul style="list-style-type: none"> https://novascotia.ca/sns/paal/nse/paal432.asp |
| | <ul style="list-style-type: none"> Well Driller | <ul style="list-style-type: none"> General Liability Insurance | <ul style="list-style-type: none"> |
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| 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> | | |



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

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| RESPONDENT ANSWER | <p>Select all that apply:</p> <p><input type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook <input 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 type="checkbox"/> Other: explain your communication process if not listed above Information is on https://novascotia.ca/sns/paal/nse/paal432.asp (diggers) and https://novascotia.ca/sns/paal/nse/paal431.asp (drillers). Applicant may contact their local regional office at any time to inquire.</p> |
| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body makes requirements for registration available to applicants (they select at least 1 response option); and • the respondent’s answer describes how the requirements for registration are made available to applicants. |



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| | <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> make requirements for registration available to applicants (they do not select any response options); or • the respondent’s answer does <i>not</i> describe how the requirements for registration are made available to applicants. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</p> <p>Process on the SNS sites is clear but experience requirement on the Well Digger site is different from that described in response to Q.1. Additional information and link to application form requires 2,000 hours of experience with excavation equipment and construction of at least 3 dug wells. Q.1 says that at least 4,000 hours of experience is required. It is not clear what documentation is required to prove experience (E.g. personal confirmation, hours signed by employer, etc.). Additional Information on the Well Drillers site is consistent with the response to Q.1, but the link on the SNS site takes the Well Driller applicant to the Well Digger application form.</p> <p>To be compliant with the FRPA regulating bodies must have clear information about registration practices, what documentation of qualifications must accompany an application, and an explanation of how the requirements for registration are to be met.</p> |

QUESTION 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 |
| | • Well Driller | • No | • | • | • |
| | • Well Digger | • No | • | • | • |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none">• 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. <p>Not compliant:</p> <ul style="list-style-type: none">• The respondent’s answer does <i>not</i> 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 <i>not</i> describe the differences. | | | | |
| 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> | | | | |



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| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</p> <p>The response indicates that the application process is no different for applicants with qualifications obtained outside Canada or how their application might be considered / what different documentation requirements there might be to assess these applications. There is no indication that training and experience other than that acquired in NS can be taken into consideration or what type of documentation can be submitted for this purpose. Even if the process is the same as that described in the response to Q.1, there is no information provided for internationally qualified applicants. 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> |
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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 |
| | • Well Driller | • No | • |
| | • Well Digger | • No | • |
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| 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</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 Overview section at the beginning indicates that reciprocity may be considered. The process is not described. Reciprocity is referenced on the SNS website, but there is no explanation of the requirements for reciprocity. 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.</p> | | |

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| QUESTION 5 | |
| <p>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)</p> | |
| <p>Alignment with FRPA: <i>Sections 7(f) and 16(3)(d)</i></p> | |



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| RESPONDENT ANSWER | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain the process of how this information is communicated. The fee information is on our website as well as at s.28 of the Fee Regulations. Staff are available to email or discuss verbally. There is no fee for study materials or exams from NSGWA.</p> <p>Insert a website link of where this information is communicated, if applicable. https://novascotia.ca/sns/paal/nse/paal431.asp https://novascotia.ca/sns/paal/nse/paal432.asp https://novascotia.ca/just/regulations/regs/envfees.htm</p> <p>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.</p> <ul style="list-style-type: none">• Diggers: \$116.65 for one digger and one machine and \$33.00 for each additional machine• Drillers: \$350.00 for one driller and one machine, \$145.75 for each additional machine |
| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none">• The regulating body provides applicants with information on any fees for registration; and• the respondent’s answer states any fees charged for registration, even if the fees are not applicable or \$0. <p>Not compliant:</p> <ul style="list-style-type: none">• The regulating body does <i>not</i> provide applicants with information on any fees for registration; or• if fees are charged for registration, even if the fees are not applicable or \$0, the respondent’s answer does <i>not</i> state the fees. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |



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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: |
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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)*

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| RESPONDENT ANSWER | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain the process: This is assessed on a case by case basis. This is a rare occurrence as the industry association holds most information and records. Applicants will be able to get required documentation from the government regulator in their home jurisdiction, in the case of out-of-province applicants. Where additional supporting documentation is required, this information will be available from NSGWA. If they cannot, we would look at the specific situation to resolve the matter. |
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| 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. |
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| REVIEW FINDINGS | To be completed by the FRPA Review Office: <input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant |
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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: If there is the potential for it to happen at all, there should be an acceptable alternative information process in place. 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. |
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QUESTION 7

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

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

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| RESPONDENT ANSWER | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> When required If yes or when required, what types of support are provided to applicants during the registration/application process? 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 based on the type of support or question asked. 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, Communications Nova Scotia, and Health Canada. The Department maintains a list of staff fluent in both languages and are utilized internally to assist with any language accommodations needed. |
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| COMPLIANCE CRITERIA | Compliant: <ul style="list-style-type: none"> • The respondent’s answer includes information about any support they provide to applicants during the registration process. Not compliant: <ul style="list-style-type: none"> • The respondent’s answer does <i>not</i> describe any support they provide to applicants during the registration process. |
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| REVIEW FINDINGS | To be completed by the FRPA Review Office: <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant |
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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: |
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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)

Province of Nova Scotia has an Accessibility Act (NSAA) and an implementation plan <https://novascotia.ca/accessibility/>. 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



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| | <p>including applicants applying to NSE. NSE and NSGWA complies with all provincial accessibility and mental health legislation for the purpose of completing the application requirements for this program. 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>If no, what would the process be if an accommodation were to be required?</p> <p>If N/A, please explain why this is not applicable to your registration/application process / practices?</p> |
| 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 response refers to the provincial Accessibility Act, but no policy specific to the Well Diggers & Drillers Certification process. The process is highly dependent on exams where reasonable accommodations could be made. The response indicates that requests are considered on a case by case basis. To be transparent there should be a written description of existing practices and how an applicant can make a request for accommodation. 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 | |
| <p>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)</p> | |
| <p>Alignment with FRPA: <i>This is to provide additional information and identify if there are areas that the FRPA Review Officer may be able to assist, if applicable</i></p> | |



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| RESPONDENT ANSWER | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain how and what steps would be taken to adapt this policy. Yes, this would be evaluated on a case by case basis. If no, what would occur with that applicant if the policy/process could not be adapted? |
| COMPLIANCE CRITERIA | Compliant: <ul style="list-style-type: none"> • NA Not compliant: <ul style="list-style-type: none"> • NA |
| REVIEW FINDINGS | To be completed by the FRPA Review Office: <input type="checkbox"/> NA <input type="checkbox"/> 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)?

<https://novascotia.ca/sns/paal/nse/paal431.asp>

<https://novascotia.ca/sns/paal/nse/paal432.asp>

The minimum work experience is listed on the website. Both Well Drillers and Diggers required at least 4000 hours operating under the supervision of another certified person. Experience sheets must be signed by a supervisor.

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

Nova Scotia Groundwater Association is the industry association who administers exams and the continuing education program. After each exam session, NSGWA reports the individuals who were successful to NSE. Anyone who obtains a mark over 70% is considered to be successful. Before the end of each renewal cycle, NSGWA reports the individual who obtained (over 100) continuing education points to NSE. Once NSE has the recommendation from NSGWA, the applicants are sent the application form to be completed and returned to the department.

COMPLIANCE CRITERIA

Compliant:

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

Not compliant:

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

REVIEW FINDINGS

To be completed by the FRPA Review Office:

- Compliant
 Not compliant



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| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</p> <p>It is not clear if there are specific criteria within the 4,000 hours of work experience other than under supervision of a certified person. It is not clear if this includes experience constructing a certain number of wells. The experience sheet is a documentation requirement not previously mentioned. There is no description of what an applicant needs to know and be able to do to be successful on the written and field test exams – the standards for assessment. 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> |
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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)*

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| RESPONDENT ANSWER | <p>Select all that apply</p> <p><input type="checkbox"/> Paper (hard copy) in the form of a fact sheet/pamphlet or handbook</p> <p><input type="checkbox"/> Available online to download (in the form of a fact sheet/pamphlet or handbook in PDF or another format)</p> <p><input checked="" type="checkbox"/> Email</p> <p><input checked="" type="checkbox"/> Website</p> <p><input type="checkbox"/> Other, explain your communication process if not listed above: Information can be mailed out to recipients when requested. https://novascotia.ca/sns/paal/nse/paal431.asp and https://novascotia.ca/sns/paal/nse/paal432.asp</p> |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants with a description of the criteria used to assess whether they meet the requirements for registration (they select at least 1 response option). <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does <i>not</i> provide applicants with a description of the criteria used to assess whether they meet the requirements for registration (they do not select any response options). |
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| 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> |
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| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</p> <p>Some criteria to inform applicants regarding the standard to which they will be expected to perform to qualify for certification are described on the webpages referenced, such as exam pass marks. Information regarding work experience is not consistent. There is no description of or link to standards for exam content. 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> |
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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)*

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| RESPONDENT ANSWER | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, explain the process (Example: written decision, provision of information about the appeal process, etc.): Yes, the applicant would be contacted in a written decision if they were not approved. The written decision would outline the reasons for the decision as well as inform an applicant of their right to appeal the decision. The only reason not to approve the application is where the fee, insurance, or the required proof of hours of experience were not provided. These reasons are explained in the correspondence to the applicant with an opportunity to provide same.</p> <p>If No, explain why not (Example: registration/applications are always approved, only provided when requested, etc.):</p> |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> The regulating body provides applicants who are not granted registration with a written decision that includes the reason(s) why. <p>Not compliant:</p> <ul style="list-style-type: none"> The regulating body does <i>not</i> provide applicants who are not granted registration with a written decision that includes the reason(s) why. |
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| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: |
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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)*

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| 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? An unsuccessful applicant would be directed to NSGWA (nsgwa.ca or nsgwa@ns.aliantzinc.ca) to discuss options about additional study materials or aids. |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <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. <p>Not compliant:</p> <ul style="list-style-type: none"> • 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 • 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. |
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| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant |
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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: |
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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 where relevant. The applicant has opportunity to relate their concerns or grievance. The Administer 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, if applicable. 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. As Set out in the Environment Act (s.137), 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.



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| | <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: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p> <p>If no, what do you do if an internal review/appeal is requested?</p> |
| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> • The regulating body provides an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; and • the respondent’s answer includes a description of the internal review process, including how it is communicated to applicants. <p>Not compliant:</p> <ul style="list-style-type: none"> • The regulating body does <i>not</i> provide an internal review process for applicants who are not granted registration, including opportunities for applicants to make submissions respecting such review; or • the respondent’s answer does <i>not</i> include a description of the internal review process, including how it is communicated to applicants. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input type="checkbox"/> Compliant <input checked="" type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</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 make submissions with respect to their appeal. 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)*

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| <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)? 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</p> <p>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.</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 checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
| <p>COMMENTS: REVIEW FINDINGS</p> | <p>Comments, to be completed by the FRPA Review Office:</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)*

RESPONDENT ANSWER

- Yes
- No

If yes, please describe the process, and include the associated fees, for the individual to obtain the records from the applicant’s file. (Examples: application forms, reference letters, transcripts, criminal background checks, certificates of professional conduct, proof of good standing in another jurisdiction, etc.)

The department maintains a process for Information Access and Privacy. This process is located here:
<https://novascotia.ca/nse/dept/info.asp>

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:

<https://novascotia.ca/nse/dept/routinedisclosure.asp> 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.

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: <https://www.novascotia.ca/nse/erms/>

The link to the Act is here: <https://www.nslslegislature.ca/sites/default/files/legc/statutes/environment.pdf>

COMPLIANCE CRITERIA

Compliant:

- The regulating body has a process under which requests for access to records are considered; and
- the respondent’s answer provides a description of the process.

Not compliant:

- The regulating body does *not* have a process under which requests for access to records are considered; or



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| | <ul style="list-style-type: none"> the respondent's answer does <i>not</i> provide a description of the process. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</p> |

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| QUESTION 17 | |
| <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> | |
| RESPONDENT ANSWER | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| COMPLIANCE CRITERIA | <p>Compliant:</p> <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. <p>Not compliant:</p> <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 | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |



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| COMMENTS: REVIEW FINDINGS | Comments, to be completed by the FRPA Review Office: |
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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)*

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| RESPONDENT ANSWER | <p>Explain the process:</p> <p>The Minister is not the original or initial decision maker. The authority to issue a certificate of qualification has been delegated to other staff. The link to the Procedure for Ministerial Appointments is below. This Policy sets out the process for persons delegated/appointed under Legislation administered by NSE. This legislative framework applies to all certificates of qualification administered by the department.</p> <p>Section 64(1) is the issuing provision under the Environment Act for certificates of qualifications, and delegations and appointments are set out at section 17 and 21 of the Environment Act: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</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:</p> <p>https://novascotia.ca/nse/dept/docs/Notice-of-Appeal-Form.pdf</p> |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> The respondent’s answer explains any process that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process. |
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| | <p>Not compliant:</p> <ul style="list-style-type: none"> The respondent’s answer does <i>not</i> explain the process (if they have one in place) that is used to ensure that the initial decision maker for the registration/application of an applicant is different than the decision maker in the internal review/appeal process. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</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)*

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| RESPONDENT ANSWER | <p>Explain how the results are provided and if the results include reasons (also include how the timeframe is written and communicated to the applicant):</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.</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: https://www.nslegislature.ca/sites/default/files/legc/statutes/environment.pdf</p> <p>The process is further supported by The Appeal Procedure Pursuant to s.137 of the Environment Act.</p> |
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| COMPLIANCE CRITERIA | <p>Compliant:</p> <ul style="list-style-type: none"> The internal review decision maker provides applicants with a written decision that includes reasons and a timeframe. <p>Not compliant:</p> <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 | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</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)*

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| RESPONDENT ANSWER | <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: 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 & Applied Science Division who are interviewed by the Reviewer on the process employed to administer Well Digger and Driller 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> |
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| COMPLIANCE CRITERIA | <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. |
| REVIEW FINDINGS | <p>To be completed by the FRPA Review Office:</p> <p><input checked="" type="checkbox"/> Compliant <input type="checkbox"/> Not compliant</p> |
| COMMENTS: REVIEW FINDINGS | <p>Comments, to be completed by the FRPA Review Office:</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 Well Diggers and Well Drillers:

- As with Well Pump Installers, a third party is involved in the certification process for Well Diggers and Well Drillers. The review indicated that roles and responsibilities throughout the certification process may not be clear for applicants. This could be improved by reviewing (or establishing) a Service Agreement with the Nova Scotia Ground Water Association to ensure that their practices are also transparent, impartial, objective and procedurally fair. Roles and responsibilities of all parties involved in the certification process should be made transparently available to applicants. On-going collaboration with the third party should be prioritized to ensure that roles and responsibilities are clear, and any changes are made in a timely and transparent manner.
- If the Nova Scotia Ground Water Association is sharing applicant information with NSE, ensure that permissions are in place.

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: Website Information Resource). 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: Well Digger and Well Driller Certification

INFORMATION ON REGISTRATION PRACTICES AS OF: 2021-02-09

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 | 2021-05-20 | 2022-06-22 | Click or tap to enter a date. | Click or tap to enter a date. | Click or tap to enter a date. |
| Actual Completed Date | 2021-05-20 | 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 | | | |
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| <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 | 2 | Areas of non-compliance to be addressed in an action plan are as follows: | <ul style="list-style-type: none"> Update the application process to ensure instructions and all | <ul style="list-style-type: none"> May 2022* | Although the certification process seems to be clear, there is a lack of consistency between requirements described and information on the websites. Review of these |



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| | | <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications - ensure that information regarding registration requirements and how requirements are to be met is clear and easily accessible in the public domain through print and electronic media. | requirements including supporting documentation are clear. The website will be updated to communicate the corresponding requirements in a manner that is easily accessible. | *CNS advised of delays for website changes due to Covid response. | elements will ensure that applicants are provided with consistent information. Ensure that application forms are available for both the Well Diggers and the Well Drillers. Review for accuracy and a plan to update the website will have to take place prior to the website update. If website changes are expected to be delayed, add a brief note to the NSE Well Contractors webpage referring applicants to the contact information for questions. |
| Update 1 | | | | | |
| Update 2 | | | | | |
| Update 3 | | | | | |
| Update 4 | | | | | |

| ALIGNMENT WITH THE FRPA | | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES | | | |
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| Sections 6, 7(a), (c), 9(a), 16(a), (b) and (g) | | | | | |
| | Question | Areas of non-compliance to be addressed | Regulator Action Plan | Dates for Completion | FRPA Review Officer Comments |
| Action required | 3 | Areas of non-compliance to be addressed in an action plan are as follows: <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. | <ul style="list-style-type: none"> • Update the application process to ensure instructions including accompanying documentation and all requirements for applicants outside of Canada are provided. • Update the website information with clear and readily accessible instructions and required documentation | <ul style="list-style-type: none"> • May 2022* *CNS advised of delays for website changes due to Covid response. | The response to this question in the review indicated that there is currently no application process for those who received their qualification outside 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. 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 |



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| | | - provide clear instructions on what documentation must accompany applications | for applicants seeking reciprocity. The Department has contacted the Labour Mobility Coordinator for assistance and advice. | | expected to be delayed, refer applicants to the contact information for questions |
| Update 1 | | | | | |
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| ALIGNMENT WITH THE FRPA | | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES | | | |
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| <i>Sections 3, 6, 7(a), (c), 9(a), 16(a), (b) and (g)</i> | | | | | |
| | Question | Areas of non-compliance to be addressed | Regulator Action Plan | Dates for Completion | FRPA Review Officer Comments |
| Action required | 4 | <p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that information about registration requirements and how requirements are to be met by applicants who received their qualification outside NS but within Canada is clear and easily accessible in the public domain through print and electronic media. - ensure that information about registration requirements and how requirements are to be met by applicants registered in | <ul style="list-style-type: none"> • Update the application process to ensure instructions including accompanying documentation and all requirements for applicants in another Canadian jurisdiction are provided. • Update the website information with clear and readily accessible instructions and required documentation for applicants seeking | <ul style="list-style-type: none"> • May 2022* <p>*CNS advised of delays for website changes due to Covid response.</p> | <p>The response to this question in the review indicated that there is currently no application process for those who received their qualifications outside NS but within Canada. Therefore, the first step in this plan should be to develop a process.</p> <p>Process information should include options/pathways, a streamlined process for applicants certified in another Canadian jurisdiction, what the requirements are, and have an easily identifiable section on the website. Information on which jurisdictions are eligible for streamlined certification could be added. Good to consult with the Labour Mobility Coordinator before finalizing the process. She could assist with obtaining information from other jurisdictions.</p> <p>Since this action is also legally binding under the CFTA, this action should be prioritized, and a process developed</p> |



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| | | <p>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.</p> <ul style="list-style-type: none"> - provide clear instructions on what documentation must accompany applications | <p>reciprocity. The Department has contacted the Labour Mobility Coordinator for assistance and advice.</p> | | <p>without delay. 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> |
| Update 1 | | | | | |
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| <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 | <ul style="list-style-type: none"> • Update and document guidelines that describe acceptable alternatives for documentation to accompany an application that cannot be obtained for reasons beyond the applicant's control. | <ul style="list-style-type: none"> • May 2022 | <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 & 4, above. A template policy that can be used as a guideline to develop criteria around alternative documentation can be found on the Fair Registration Practices website: Fair Registration Practices - Resources for Regulatory Bodies novascotia.ca</p> |
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| 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 | Areas of non-compliance to be addressed in an action plan are as follows: <ul style="list-style-type: none"> - document a description of the accommodation practices for applicants which includes: <ul style="list-style-type: none"> - how to request an accommodation - guidelines regarding types of accommodations - ensure that practices are adaptable if a new situation arises | <ul style="list-style-type: none"> • 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. | <ul style="list-style-type: none"> • May 2022* *CNS advised of delays for website changes due to Covid response. | 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: Fair Registration Practices - Resources for Regulatory Bodies novascotia.ca A description could be developed before May 2022. If website changes are expected to be delayed, refer applicants to the contact information for questions. |
| Update 1 | | | | | |
| Update 2 | | | | | |
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| ALIGNMENT WITH THE FRPA | | OBSERVATIONS, RECOMMENDATIONS AND REGULATOR RESPONSES | | | |
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| 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. | <ul style="list-style-type: none"> • Develop and document all criteria to assess whether requirements have been met, including roles and steps by a third party. The process will be described in a clear, concise written document and will be easily accessible on our website. • Develop and document all criteria to assess whether requirements have been met and made available to applicants. The process will be clearly described and accessible on our website. | <ul style="list-style-type: none"> • May 2022* <p>*CNS advised of delays for website changes due to Covid response.</p> | <p>Ensure that all criteria to obtain certification are described in detail and available to applicants, such as:</p> <ul style="list-style-type: none"> - competence requirements for field test & written test - work experience - exam pass marks <p>Ensure that there is an up-to-date service agreement with the third party. Clearly explain the role of the third party on the website with links to their information. The criteria could be documented, and the third-party agreement could be updated before May 2022. If website changes are expected to be delayed, refer applicants to the contact information for questions.</p> |
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| 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 | <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. | <ul style="list-style-type: none"> • Ensure the current appeal process with the procedure, timelines and submission requirements is clearly defined, documented and accessible on our website. • 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. | <ul style="list-style-type: none"> • May 2022* <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> |
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