

FAIR REGISTRATION PRACTICES ACT (FRPA)

FRPA Schedule Guidelines

May 28, 2026

Purpose: To outline criteria that guide the FRPA Review Officer in making recommendations to the Minister on additions to and removals from the FRPA schedules, in relation to the Review Officer’s duties under Section 14 of the FRPA.

Legislative Context and Authority:

- **Application of the FRPA** - The FRPA applies only to “regulating bodies” listed in Schedules A and B of the Act. *[FRPA s.2(i)]*
- **Ministerial Authority** - The authority to add or remove regulating bodies from the schedules rests solely with the Minister of Labour, Skills and Immigration. *[FRPA s.21A(1)]*
- **Role of the Review Officer** - The Review Officer, and by extension, LSI management, has a statutory duty to provide advice to the Minister on matters related to the administration of the Act, including recommendations respecting amendments to the schedules. *[FRPA s.14(1)(e)]*
- **Duty to Consult** - Before any substantive amendment to the schedules is made, regulating bodies that will be affected must be consulted. *[FRPA s.23]*. Non-substantive changes, such as name updates, do not require consultation.

Framework for Schedule Amendment Recommendations:

There are two general bases upon which the Review Officer may make recommendations to the Minister regarding amendments (additions or removals) to the FRPA schedules:

- A) Primary Eligibility Criterion:** The FRPA governs how regulating bodies “register” individuals. Therefore, to justify recommending the addition (or retention) of a regulating body in the schedules, the body must at minimum satisfy the FRPA definition of “**registration**” (“registers” individuals by this definition). Meeting this threshold is a necessary—though not by itself sufficient—condition for inclusion. Conversely, failure to meet this threshold is sufficient grounds for recommending removal (no room for discretion).
- B) Discretion:** If, and only if, the “primary eligibility criterion” is met, some discretion is unavoidable because the FRPA does not include any explicit criteria or requirement to either include or exclude a body from the FRPA schedules. For example, even a decision to recommend that all bodies that meet the “primary eligibility criterion” be subjected to the FRPA would be discretionary because the Act does not require this. Where discretion must be exercised (the “primary eligibility criterion” is met), to the extent reasonably possible, it must be done so in ways that align with the intent of the Act. Use of discretion is informed by consultations with regulating bodies.

Specific Criteria for Schedule Amendment Recommendations:

The above framework for recommendations is broken down into the following five mandatory criteria - all must be met to recommend adding or retaining on the FRPA schedules:

A) Primary Eligibility Criterion: (meets FRPA definition of “registration”):

- 1) **Attached to Individual** – The *registration* **must** be attached to an individual.
- 2) **Compulsory** – The field of practice (e.g. *occupation*) **must** be compulsory (the scope of practice and/or use of title is restricted by law without registration).
- 3) **Statutory Authority** – The *regulating body* **must** have legal authority to grant registration.

B) Discretionary:

- 4) **Occupational Status - Must** be an ‘**occupation**’ **or** have compelling reasons to include a ‘non-occupation’.
- 5) **No Reason to Exclude - Must** not be any compelling reasons to exclude despite meeting criteria 1-4.

Elaboration of Criteria:

The first four criteria are derived from the FRPA definition of “Registration” (Section 2(f) of the FRPA), which is:

*“registration” means the end result of a process by which an **applicant** seeks **authority** to*
*(i) engage in the practice of an **occupation** governed by a regulating body, whether such practice is independent, conditional or under supervision, **or***
(ii) use a designation or certification granted by a regulating body,
but does not include periodic renewals;

The key words (“**applicant**”, “**authority**” and “**occupation ...or**”) are underlined for emphasis:

Criterion#1- Attached to Individual:

Given the use of the word “**applicant**”, a “**registration**” under the FRPA must be issued to a specific individual. The definition contemplates a process by which an identifiable person seeks and obtains authority. Accordingly, authorizations that attach solely to a project, property, business entity, or activity — rather than to a named individual — do not meet this criterion.

Note: A registration may be subject to conditions (e.g. only valid while employed by a certain employer or within a geographic area) and still meet this criterion, provided it is issued for, and held by, an identifiable individual.

Criterion #2 – Must be Compulsory:

Given the use of the word “*authority*,” the “*registration*” must confer exclusive legal authority either:

- (a) to engage in the practice of the occupation (or non-occupation); or
- (b) to use a protected title/designation or certification, or both.

This criterion is met where legislation prohibits either the unregistered practice of the occupation, or the use of a protected title/designation, without holding the registration in question. Voluntary certifications or recognitions do not meet this criterion where neither practice nor title use is legally restricted.

Criterion #3 – Statutory Authority:

Given the use of the word “*authority*”, the regulatory body must have the statutory authority to grant or refuse the “*registration*” in question. This criterion is satisfied where the regulating body is legally empowered under statute to issue the “*registration*”. The existence of more than one body authorized by law to issue the same or equivalent registration does not affect this criterion.

Criterion#4- Occupational Status:

Since “*occupation*” is not defined in the FRPA and the “*or*” makes it optional, some discretion, related to this criterion is unavoidable, including defining “*occupation*” and how much weight is placed on meeting (or not meeting) that definition.

The FRPA definition of “*registration*”, is consistent with processes for both “*occupations*” (part ‘i’) and “*non-occupations*” (part ‘ii’). However, the structure and context of the FRPA suggest that it is primarily directed toward “*occupations*” so as not to disproportionately burden minor licencing activities. Part ‘(ii)’ of the definition serves to preserve the discretion of the Minister to include “*non-occupations*” in circumstances where it may be deemed in the public interest do so.

In establishing a definition of “*occupation*”, the following **guiding principle** is applied to reflect the intent of the FRPA: Where individuals must invest significantly to qualify for registration, the registration process should be subject to fair registration practices, including to protect that investment. To that end:

Definition of Occupation:

For the purposes of these guidelines, an “occupation” means a distinct field of practice subject to regulation by a regulating body, that is not limited to the performance of a single activity. For greater certainty:

- A) An “*occupation*” will generally be considered to exist where:
 - ***Qualifications Requirement*** – *Entry to practice requires education, training, experience, or a combination thereof, and these qualifications are assessed by the regulating body as part of the registration process; and*

- **Scope of Practice** – *There is an accepted scope of practice—whether explicitly defined in legislation or generally recognized within the profession or by the regulating body—comprised of a range of related skills, activities, and responsibilities typically performed by registrants.*

B) *Activities or authorizations generally do not meet this definition if they:*

- *Are limited to the performance of a single regulated task or activity;*
- *Are ancillary to or embedded within a broader field of practice and do not constitute a distinct, independently regulated field of practice (e.g., permits or authorizations held as part of another profession or trade); or*
- *Do not require individuals to demonstrate, and be assessed against, defined qualifications as a condition of registration.*

Criterion#5 – No Reason to Exclude:

Having met the first 4 criteria, Criterion #5 serves as a narrow safeguard for exceptional circumstances. The purpose of criterion#5 is to account for the possible unforeseen circumstances where there may be “**compelling reasons**” to not recommend despite meeting the first four criteria. If there are any, regulating bodies will have the opportunity to highlight them during the consultation.

Example: The occupation of truck drivers (not currently subject to the FRPA) may satisfy Criteria 1–4. However, compelling reasons could justify a recommendation not to include it in the FRPA schedules where it is already subject to a comprehensive and specialized statutory oversight regime focused on public safety. In such circumstances, inclusion under the FRPA could introduce duplicative or conflicting regulatory processes without materially advancing the objectives of the Act.

Compelling Reasons (under Criterion 4 and 5):

“Compelling reasons” are only relevant **if** the “primary eligibility criteria (Criteria 1-3)” **are** met **and** the reasons are compelling enough to either:

- **Recommend** despite not being an “occupation”
 - Criterion#4 **is met** via compelling reasons; **or**
- **Not recommend** despite meeting criteria 1, 2, 3 and 4
 - Criterion#5 **not met** via compelling reasons.

“**Compelling reasons**” may include:

- those listed as “[legitimate objectives](#)” on the Pan-Canadian "Labour Mobility Working Group" website (e.g. public safety, environmental and/or consumer protection etc.).
- Existence of a high level of public interest.

- Preference of regulating body to be subject to the FRPA despite not being an occupation but having met all other criteria.¹

If “compelling reasons” impact the direction of a recommendation (in or out), they must be highlighted as such in both consultations with impacted regulating bodies and to the Minister.

Compelling reasons may also be identified as a result of consultations with regulating bodies.

Consultations with Regulating Bodies:

- Before recommending any substantive amendments to the FRPA schedules (additions / removals) to the Minister, impacted regulating bodies must be consulted on:
 - i. the proposed amendment affecting them;
 - ii. the reasons for it (criteria); and
 - iii. possible grounds for reversing it.

...this is to ensure:

- i) **Fairness** - the regulating body has a reasonable opportunity to influence the final recommendation;
 - ii) **Objective & Impartial** - if the proposed recommendation is changed there will be a justifiable basis for the reversal and rooted in the five noted criteria. The consultation essentially serves as a cross check to ensure that all relevant considerations were fully and properly considered as originally intended.
 - iii) **Transparency** - the regulating body will understand why any preference expressed did, or did not, change the outcome.
- The proposed recommendation for each addition/removal may only be changed if, through the consultations, one or more of the following is determined to be true:
 - i. There was an error in the original assessment of meeting, or not meeting, one or more of the 5 criteria; and/or
 - ii. The regulating body expresses a preference to be added/retained on the schedules despite not meeting, or possibly not meeting the occupational status criterion (Criterion#4) and having met all other criteria. The rationale for this is that:
 - The reason for excluding non-occupations from the schedules is to avoid overburdensome requirements on minor licencing activities. If, however, a licencing body expresses a preference to be included anyway, that is a clear indication that the FRPA requirements are **not** overburdensome; and
 - It is always a public benefit for any licencing body to meet FRPA requirements.
- ...Conversely, a regulating body’s mere preference to **not** be included despite meeting all five criteria, is not, in itself, sufficient to alter the recommendation.

¹ Conversely, a preference of a regulating body not to be included cannot override the statutory purpose of the Act where the criteria are met.

Overview - Steps to Recommending Amendments:

- 1) The Review Officer, in consultation with LSI management/leadership, establishes proposed recommendations of additions/removals to/from the FRPA schedules based on the 5 mandatory criteria established by these guidelines.
- 2) Impacted regulating bodies are consulted:
- 3) Draft recommendations are reviewed in consideration of consultation outcomes.
- 4) Recommendations are made to the Minister.

Consultations on these Guidelines:

Regulating bodies were consulted during the development of these Guidelines, including through:

- a presentation at the March 24, 2026 FRPA meeting;
- distribution of the Draft Guidelines on March 24, 2026;
- a survey providing a two-week comment period beginning on March 24, 2026; and
- invitations for comments and input through any means chosen by the regulating body.

Feedback received during consultations was generally supportive of the proposed framework and criteria. As a result, the overall framework and core criteria remain substantively unchanged from the March 24 draft. Based on the feedback received, the following interpretive notes are highlighted for further clarity:

The intent of these Guidelines is solely to support consistent and transparent advice under Section 14 of the FRPA and not to signal broader policy direction regarding the structure or scope of professional regulation. For greater certainty, these Guidelines are not intended to, and do not:

- i. assess whether a profession ought to be regulated;
- ii. provide a rationale for reducing, consolidating, or questioning statutory regulatory authority; or
- iii. undermine the authority of a regulating body or the legitimacy of its enabling legislation.

These Guidelines are intended solely to guide the exercise of administrative discretion in developing recommendations to the Minister and do not replace, limit, or fetter the authority of the Minister under the FRPA.