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Ontario's Teaching Regulator  
L'organisme de réglementation  
de l'enseignement en Ontario

March 7, 2022

Greg Meredith  
Deputy Minister  
Global Talent and Settlement Services Division  
Ministry of Labour, Training and Skills Development (MLTSD)  
400 University Ave., 4th Floor  
Toronto, Ontario, M7A 1T7

Dear Deputy Minister Meredith,

**Re: *Fair Access to Regulated Professions and Compulsory Trades Act* – Request for Regulatory Proposal Input**

I am writing with regards to the request to provide recommendations on proposed regulations to the *Fair Access to Regulated Professions and Compulsory Trades Act*. Please find below the recommendations of the Ontario College of Teachers on three of the proposed regulations, as well as a few clarification questions:

**Language Proficiency Proposals:**

- Clarify in regulation that professional regulators may still determine acceptable scores.
- The regulation needs to be clear that the regulator can still accept other forms of language proficiency tests if the IRCC is not used to satisfy language proficiency requirements.
- A language proficiency test should be valid within 2 years from the date when the test was written to its receipt at the College.
- Request to add provision and/or flexibility in the regulation for an exemption when the profession-specific language test being developed by the Council of Ministers of Education (CMEC) and Registrars for Teacher Certification Canada (RTCC) comes into force. This test is currently under pilot testing with a significant investment from the Ontario government.

**Emergency Plan Provisions:**

- There should not be a compliance mechanism or sanction associated with implementation of the plan (e.g. the regulator should be provided flexibility in carrying out steps of the plan due to the unpredictable nature of emergencies and the necessary response)
- Confirmation of the proposal to allow the regulator to review/update the plan every 5 years and confirming the proposal to allow the regulator to review the plan at the

discretion of the regulator. The regulation should make explicit that “a change in circumstances that may affect the plan” is at the discretion of the regulator.

- We recommend that the plan be “high-level” and flexible in order to respond to the particular emergency.
- We recommend that the plan remain confidential to the regulator and OFC to prevent confusion and challenges over any changes that need to be made.
- We request removal of the fifth element of the plan (short-term/temporary registration options) because the regulator can only follow certification processes and types outlined in regulation.
- We recommend that regular timelines do not apply during emergency situations.

#### **Decision-making Timeframes:**

- We would like to confirm that the 90% prescription captures all applicants as a whole (e.g. Ontario grads, IETs, labour mobility, etc.) and is calculated by how many applicants meet at least one of the targets. We also confirm the 10-business day timeline for communication of receipt of application.
- Do the timelines apply during emergency situations?
- We would like to confirm that the 6-month period relates to registration application timelines and does not relate to registration appeal timelines.
- We recommend that the 10-business day period with respect to communication of an appeal decision commences once the decision is formally signed by the decision maker (i.e. following deliberations, drafting, and finalizing decision-making).
- The 1-year timeline proposed (from the date of receipt of an application to unconditional registration) is not realistic or an appropriate measure of the certification process given that the application stage is the longest step of the process and is almost completely dependent on the applicant: the onus is on the applicant to submit all required documents (issued by multiple sources including educational institutions, employers, ministries, police forces, etc.). Our applications are open for 2 years to allow applicants sufficient time to obtain and provide these supporting documents.

The proposed timeline does not take into account the unique circumstances of each regulator: e.g., the College conducts all aspects of its evaluation based on a thorough review of the applicant’s qualifications whereas some regulators rely on 3<sup>rd</sup> party credential assessment services or their national body to conduct many aspects of the evaluation. Applicants may not even apply to the regulator before these 3<sup>rd</sup> party assessments are completed.

The proposed timeline is linear and does not consider the interactions between the applicant and the regulator. Implementing these timelines would increase the number of denied applications and reduce the services the College normally provides to

applicants, above and beyond the regulation, to ensure that their application is complete or successful.

We thank you in advance for considering our recommendations and would be happy to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana Miles".

Diana Miles  
Chair of Council

A handwritten signature in blue ink, appearing to read "Derek Haime".

Dr. Derek Haime, OCT  
Registrar and Chief Executive Officer

CC:

Nancy Naylor, Deputy Minister of Education  
Irwin Glasberg, Office of the Fairness Commissioner

DM/DH/JB/JL/SR/DB/NT/tk-ccs