



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

March 28, 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

We are writing with regard to the request to provide recommendations on the proposal to amend the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (*FARPACKTA*).

With approximately 230,000 members, the Ontario College of Teachers is the largest professional regulator in the country. As a result, the College receives a greater volume of domestic and international applications to enter the profession than any other regulator in Canada. In fact, the College receives one of the largest pools of domestic labour mobility applicants in Canada each year. In 2020, the College received 498 labour mobility applications. Based on this experience, we believe the proposed amendments to *FARPACKTA* will have a significant impact on the College's ability to process applications in a manner that is fair and equitable for all types of applicants.

Please find below the recommendations of the Ontario College of Teachers on the proposed introduction of time limits for making and communicating decisions in respect of domestic labour mobility applicants:

- The 30-day limit is feasible for applications that contain all the necessary information and require no follow-up. However, in many instances, the College will require additional time to seek essential information that the applicant has not provided and 30 days is an unrealistic target for certification in these cases:
 - In cases where an applicant's professional suitability comes into question, the College requires additional time to make the appropriate enquiries. For example, if a labour mobility applicant provides us with a positive criminal check report, we will have to make the appropriate enquiries with the police department/court and

applicant. The College has no control over applicant response times or third-party processing timelines. It is important that the College maintains this process, even if it means exceeding the 30-day timeline in some cases, as it relates directly to our mandate to protect the public, which includes a vulnerable elementary/secondary student population.

- Each member's Certificate of Qualification and Registration (CQR) identifies the specific student age range and teaching subject(s) that they are permitted to teach. Employers (i.e. publicly-funded school boards) rely on this specific information in order to assign members to employment positions that align with their training and qualifications.

However, most teaching licenses in other Canadian jurisdictions are not structured similarly or do not provide this information. Consequently, the College is often required to follow up with the originating Canadian jurisdiction or assess the professional program completed by the applicant to validate their qualifications before attaching them to their Ontario CQR so that employers can confidently place reliance on it. The College has no control over how long these jurisdictions will take to deal with enquiries and assessments of professional programs can take College staff considerable time, particularly if the program was completed many years ago.

Without having any qualifications on their certificates, labour mobility applicants would be negatively impacted as employers would not be able to assign them to a suitable teaching position or any position at all.

- The College typically undergoes a due diligence process before denying a teaching certificate to ensure all possible options have been exhausted to assist the applicant. This process takes time as it may require following up with the applicant or third parties. Once again, the College has no control over applicants' and/or third parties' response rates or times.
- We recommend that the 10-business day period with respect to communication of an appeal decision commence once the decision is formally signed by the decision-maker (i.e. following deliberations, drafting, and finalizing the decision and reasons, if any).
- Please clarify how the application for exemptions will be undertaken: will the College need to apply for a general exemption for all timelines? Every time it determines that a given application will take longer than the prescribed timelines? Or will the College need to preemptively identify specific scenarios for an exemption?

Similar to the proposals developed for international applicants, we are recommending that the amendments add a target goal (e.g. timelines should apply to 85% of domestic labour mobility applicants). The practicalities around an exemption may be difficult to implement since each application is evaluated on a case-by-case basis.

- Do the timelines apply during emergency situations?
- The provisions of *FARPACTA* currently refer to “calendar days” whereas the proposed amendments refer to “business days”. For reporting purposes, our system is currently set up to track calendar days. We recommend the amendments be consistent with the rest of the provisions in *FARPACTA* by using “calendar days” throughout.
- With respect to implementation, we request a timeline of one year to allow us the opportunity to hire additional staff and restructure our priority queues.
- The proposed timelines do 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 third party credential assessment services or their national body to conduct many aspects of the evaluation. Applicants to other regulators may not even apply to the regulator until *after* these third party assessments are completed, which substantially reduces the amount of work and time required for the regulator to conduct its assessment.
- Finally, it is important to note that the College does not typically make any distinction between types of applicants in terms of prioritizing registration timeframes. However, the new amendments, along with the proposed timeframes for international applicants (6 months for a registration decision) create a new hierarchy between domestic and international applicants, which may be perceived negatively by applicants and the public. Further, the changes do not support the Ontario Fairness Commissioner’s core principles of fairness, impartiality, transparency and objectivity. This is required of all Ontario’s regulatory bodies.
- The proposed amendments would also work against efforts the College has made to alleviate teacher shortages in specific areas (e.g. resources that would have been used to expedite French, technological, Native Languages applicants will instead now focus on ensuring that timelines are met for labour mobility applicants, irrespective of need and at a time when there are critical reported shortages of teachers in these areas.)

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 "Chantal Bélisle".

Chantal Bélisle, OCT
Interim Registrar and Chief Executive Officer

CC:

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

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