

From: Ministry MLITSD (MLITSD) <ministry.mlitsd@ontario.ca>

Sent: December, 19, 2022 12:34 PM

To: Shirley Rodricks

Subject: Response from the Deputy Ministry of Labour, Immigration, Training and Skills Development

Diana Miles

Chair of Council

Ontario College of Teachers

Chantal Belisle

Interim Registrar and Chief Executive Officer

Ontario College of Teachers

Dear Ms. Miles and Ms. Belisle:

Thank you for your input on the amendment of Ontario Regulation 261/22 under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA). I appreciate the time the Ontario College of Teachers (OCT) has taken to understand the proposal and seek clarification.

As part of the government's plan to promote economic recovery and help employers access to the labour market and attract skilled workers, the province introduced registration application time limits for domestic labour mobility applicants and internationally trained individuals. The time limits come into force on March 31, 2023 for domestic labour mobility and July 1 for internationally trained individuals, and should help reduce administrative barriers for applicants who want to work in Ontario.

The ministry recognizes the diverse nature of the regulated professions under FARPACTA, their different registration processes, and the various challenges they may encounter in implementing the registration time limits under FARPACTA (once in force). Accordingly, the ministry has introduced a process for regulated professions to request an exemption where they require more time to make and communicate registration decisions.

The regulation outlines a process for seeking an exemption, including the following information that a regulated profession could be required to provide to the Fairness Commissioner as part of their application for an exemption:

- Reasons an exemption is necessary and appropriate documentation to support the request

- The date by which the regulated profession plans to be in compliance with the applicable time limits and steps the regulated profession will take to achieve compliance
- A summary of any other relevant facts for the application.

The regulation does not include criteria for granting an exemption and does not limit the scope of a potential exemption to an individual case, although a regulated profession could potentially request such an exemption.

Under the process, the Fairness Commissioner would review the application and make a recommendation to the Minister as to whether the exemption should be permitted. The Minister would determine whether to grant an exemption and what conditions should apply, if any.

The Office of the Fairness Commissioner will develop operational guidelines for regulated professions to help guide them in the application process, including regarding the issues raised in your letter. The Fairness Commissioner may also specify the form of the application required.

Thank you for your continued engagement during this process. I hope this information helps address your concerns.

Sincerely,

[Original Signed by]

Greg Meredith
Deputy Minister of Labour, Immigration, Training and Skills Development

Confidentiality Warning: This email contains information intended only for the use of the individual named above. If you have received this email in error, we would appreciate it if you could please advise us through the Minister's website at <http://www.labour.gov.on.ca/english/feedback/index.php>



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

October 20, 2022

Greg Meredith
Deputy Minister
Ministry of Labour, Immigration, Training and Skills Development (MLTSD)
400 University Ave., 4th Floor
Toronto, ON M7A 1T7

Dear Deputy Minister Meredith,

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

We are writing regarding the request to provide comments on the proposal to amend Ontario Regulation 261/22 under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACKTA)*. Please find below a few clarification questions from the Ontario College of Teachers on the proposed regulation:

1. In the summary of the proposal, what is meant by “accommodate certain circumstances”?
2. There are three prescribed timelines. Does the exemption apply to all of them? Or at each individual stage?
3. Does the exemption apply on a case-by-case basis, by class of applicants, or for the profession as a whole? The College requests that the exemption be allowed for the entire profession as applying for exemptions on a case-by-case basis or by applicant type would be operationally unfeasible.
4. What is the expectation with respect to the appropriate supporting documentation and/or form required by the OFC? Would a written letter to the OFC suffice or is a lengthy report with statistical data including detailed projections required?
5. Would there be any caps on time limits for the exemption noting that the College has asked for a 5- year exemption period to come into compliance with the new requirements.
6. Are there any timelines by which the regulator is required to make the request for an exemption? Can the exemption be applied retroactively from the time of request to the approval stage?
7. When can regulators expect a decision after the application for an exemption is made?

8. What are the criteria that the Fairness Commissioner will use to make his recommendation to the Minister, and how do these criteria differ from the Minister's own set of criteria?
9. The proposal includes a statement that the Commissioner can look at "other relevant information" in assessing whether to grant the exemption. Is this statement meant to cover other information provided by the regulator or something else?
10. Will all regulators be assessed in the same way or will they be assessed on the basis of the regulator's specific circumstances (e.g., volume, labour shortage, etc.)?
11. What type of conditions could the Minister apply to the regulator?
12. Can the regulator appeal the Fairness Commissioner or Minister's decision?
13. Is there an opportunity for the regulator to present its case to the Fairness Commissioner/Minister (through an oral presentation or otherwise)?

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

Sincerely,



Diana Miles
Chair of Council



Chantal Belisle, OCT
Interim Registrar and Chief Executive Officer

cc: Nancy Naylor, Deputy Minister of Education
Irwin Glasberg, Ontario Fairness Commissioner