

[HOME PAGE](#) / [LAWS](#)  
/ FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006



[Français](#)

## Fair Access to Regulated Professions and Compulsory Trades Act, 2006

S.O. 2006, CHAPTER 31

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### CONTENTS [ - ]

#### PART I

##### INTERPRETATION AND APPLICATION

1. Purpose of Act
2. Definitions
3. Fair Registration Practices Code
4. Minister
5. Application

#### PART II

##### FAIR REGISTRATION PRACTICES CODE: GENERAL DUTY

6. General duty

#### PART III

##### FAIR REGISTRATION PRACTICES CODE: SPECIFIC DUTIES

7. Information
8. Timely decisions, responses and reasons
9. Internal review or appeal
10. Qualifications
11. Training
12. Access to records

**PART IV****FAIR REGISTRATION PRACTICES COMMISSIONER**

- 13. Fairness Commissioner
- 14. Classes
- 15. Annual report
- 16. Employees

**PART V****ACCESS CENTRE FOR INTERNATIONALLY TRAINED INDIVIDUALS**

- 17. Centre established
- 18. Employees

**PART VI****REPORTS**

- 19. Review of registration practices
- 20. Fair registration practices reports
- 21. Audits
- 22. Reports and information
- 23. Filing of reports by regulated profession
- 24. Form of reports
- 25. Certification of reports by regulated profession

**PART VII****COMPLIANCE ORDERS AND APPEALS**

- 26. Compliance orders
- 27. Notice of proposed order
- 28. Act not to apply
- 29. Appeal of order

**PART VIII****GENERAL**

- 30. Offences
- 31. Conflict with other Acts and regulations
- 32. Immunity
- 33. Limitation on powers
- 34. Regulations
- Schedule 1 Regulated professions

**PART I****INTERPRETATION AND APPLICATION**

## Purpose of Act

**1** The purpose of this Act is to help ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair. 2006, c. 31, s. 1.

## Definitions

**2** In this Act,

“Access Centre” means the Access Centre for Internationally Trained Individuals established under section 17; (“Centre d’accès”)

“audit” means an audit required under section 21; (“vérification”)

“auditor” means an auditor chosen and appointed under section 21; (“vérificateur”)

“compulsory trade” means the Ontario College of Trades in respect of a compulsory trade named in the regulations made under subsection 74 (2) of the *Ontario College of Trades and Apprenticeship Act, 2009*, as a trade to which this Act applies; (“métier à accréditation obligatoire”)

“Fairness Commissioner” means the Fairness Commissioner appointed under section 13; (“commissaire à l’équité”)

“fair registration practices report” means a report required under section 20; (“rapport sur les pratiques d’inscription équitables”)

“internal review or appeal” means a rehearing, reconsideration, review or appeal or other process provided by a regulated profession in respect of a registration decision and regardless of the terminology used to describe the process; (“réexamen ou appel interne”)

“internal review or appeal decision” means a decision in an internal review or appeal; (“décision à l’issue d’un réexamen ou d’un appel interne”)

“internationally trained individual” means an individual who has been trained in a country other than Canada to practise a regulated profession and who has applied for, or who intends to apply for, registration by that regulated profession in Ontario; (“particulier formé à l’étranger”)

“Minister” means the Minister of Citizenship and Immigration or such other member of the Executive Council as is designated under the *Executive Council Act* to administer this Act; (“ministre”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“record” means a record as defined in the *Freedom of Information and Protection of Privacy Act*; (“document”)

“registration” means the granting of membership, with or without conditions, in a regulated profession whether by registration, licensure, admission, enrolment or other means without regard to the terminology used by the regulated profession; (“inscription”)

“registration decision” means, without regard to the terminology used by a regulated profession, a decision,  
(a) to grant registration to an applicant,  
(b) to propose that an applicant not be granted registration,

(c) to not grant registration to an applicant, or

(d) to grant registration to an applicant subject to conditions; (“décision en matière d’inscription”)

“regulated profession” means the body corporate or association that is responsible for the governance of a profession named in Schedule 1 to this Act; (“profession réglementée”)

“regulations” means the regulations made under this Act unless the context indicates otherwise. (“règlements”) 2006, c. 31, s. 2; 2009, c. 22, s. 97 (2).

## **Section Amendments with date in force (d/m/y) [ + ]**

### **Fair Registration Practices Code**

**3** The registration practices set out in Parts II and III shall be known in English as the Fair Registration Practices Code and in French as Code de pratiques d’inscription équitables. 2006, c. 31, s. 3.

### **Minister**

**4** The Minister is responsible for the administration of this Act. 2006, c. 31, s. 4.

### **Application**

**5** (1) This Act applies to regulated professions. 2017, c. 2, Sched. 9, s. 1.

### **Compulsory trades**

(2) This Act applies to the Ontario College of Trades in the same manner and to the same extent as if a reference in this Act to a regulated profession were a reference to a compulsory trade. 2017, c. 2, Sched. 9, s. 1.

## **Section Amendments with date in force (d/m/y) [ + ]**

## **PART II**

### **FAIR REGISTRATION PRACTICES CODE: GENERAL DUTY**

#### **General duty**

**6** A regulated profession has a duty to provide registration practices that are transparent, objective, impartial and fair. 2006, c. 31, s. 6.

## **PART III**

### **FAIR REGISTRATION PRACTICES CODE: SPECIFIC DUTIES**

#### **Information**

**7** A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,

(a) information about its registration practices;

(b) information about the amount of time that the registration process usually takes;

(c) objective requirements for registration by the regulated profession together with a statement of which requirements may be satisfied through alternatives that are acceptable to the regulated profession; and

(d) a fee scale related to registrations. 2006, c. 31, s. 7.

### **Timely decisions, responses and reasons**

**8** A regulated profession shall,

- (a) ensure that it makes registration decisions within a reasonable time;
- (b) provide written responses to applicants within a reasonable time; and
- (c) provide written reasons to applicants within a reasonable time in respect of all registration decisions and internal review or appeal decisions. 2006, c. 31, s. 8.

### **Internal review or appeal**

**9** (1) A regulated profession shall provide an internal review of or appeal from its registration decisions within a reasonable time. 2006, c. 31, s. 9 (1).

#### **Same**

(2) A regulated profession shall provide an applicant for registration an opportunity to make submissions with respect to any internal review or appeal. 2006, c. 31, s. 9 (2).

#### **Same**

(3) A regulated profession may specify whether submissions in respect of an internal review or appeal are to be submitted orally, in writing or by electronic means. 2006, c. 31, s. 9 (3).

### **Information on appeal rights**

(4) A regulated profession shall inform an applicant of any rights the applicant may have to request a further review of, or appeal from, the decision. 2006, c. 31, s. 9 (4).

#### **Same**

(5) No one who acted as a decision-maker in respect of a registration decision shall act as a decision-maker in an internal review or appeal in respect of that registration decision. 2006, c. 31, s. 9 (5).

### **Qualifications**

**10** (1) A regulated profession shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives to the documentation may be acceptable to the regulated profession if an applicant cannot obtain the required documentation for reasons beyond his or her control. 2006, c. 31, s. 10 (1).

### **Assessment of qualifications**

(2) If a regulated profession makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair, and if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair. 2006, c. 31, s. 10 (2).

### **Training**

**11** A regulated profession shall ensure that individuals assessing qualifications and making registration decisions or internal review or appeal decisions have received training that includes, where appropriate,

- (a) training on how to hold hearings; and
- (b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations. 2006, c. 31, s. 11.

### **Access to records**

**12** (1) Upon the written request of an applicant for registration by a regulated profession, the regulated profession shall provide the applicant with access to records held by it that are related to the application. 2006, c. 31, s. 12 (1).

### **Limitation**

(2) Despite subsection (1), a regulated profession may refuse access to a record if,

- (a) the record or any information in the record is subject to a legal privilege that restricts disclosure of the record or the information, as the case may be;
- (b) another Act, an Act of Canada or a court order prohibits disclosure of the record or any information in the record in the circumstances;
- (c) granting the access could reasonably be expected to lead to the identification of a person who provided information in the record to the regulated profession explicitly or implicitly in confidence, and the regulated profession considers it appropriate in the circumstances that the identity of the person be kept confidential; or
- (d) granting the access could negatively affect public safety or could undermine the integrity of the registration process. 2006, c. 31, s. 12 (2).

### **Severability**

(3) Despite subsection (2), an applicant has a right of access to that part of a record that can reasonably be severed from the part to which the applicant does not have a right of access by reason of that subsection. 2006, c. 31, s. 12 (3).

### **Process to be established**

(4) A regulated profession shall establish a process under which requests for access to records will be considered. 2006, c. 31, s. 12 (4).

### **Fee for access**

(5) A regulated profession may charge the applicant a fee for making records available if it first gives the applicant an estimate of the fee. 2006, c. 31, s. 12 (5).

### **Amount of fee**

(6) The amount of the fee shall not exceed the amount prescribed by the regulations or the amount of reasonable cost recovery, if no amount is prescribed. 2006, c. 31, s. 12 (6).

### **Waiver of fee**

(7) A regulated profession may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (5) if, in its opinion, it is fair and equitable to do so. 2006, c. 31, s. 12 (7).

## **PART IV**

### **FAIR REGISTRATION PRACTICES COMMISSIONER**

#### **Fairness Commissioner**

**13** (1) The Lieutenant Governor in Council shall appoint an individual to act as the fair registration practices commissioner and who shall be known in English as the Fairness Commissioner and in French as commissaire à l'équité. 2006, c. 31, s. 13 (1).

#### **Office established**

(2) There is hereby established an office to be known in English as the Office of the Fairness Commissioner and in French as Bureau du commissaire à l'équité and it shall be headed by the Fairness Commissioner. 2006, c. 31, s. 13 (2).

#### **Functions**

(3) It is the function of the Fairness Commissioner to,

- (a) assess the registration practices of regulated professions based on their obligations under this Act and the regulations;
- (b) specify audit standards, the scope of audits, times when registration practices shall be reviewed, times when fair registration practices reports and auditors' reports shall be filed, the form of all reports and certificates required under this Act and the regulations and the information that they must contain;
- (c) consult with regulated professions on the cost, scope and timing of audits;
- (d) monitor third parties relied on by regulated professions to assess the qualifications of individuals applying for registration by a regulated profession to help ensure that their assessments are based on the obligations of regulated professions under this Act and the regulations;
- (e) provide information and advice to regulated professions and to professions that may be named as regulated professions to assist them in understanding how to comply with the requirements of this Act and the regulations;
- (f) advise regulated professions, government agencies, community agencies, colleges and universities, third parties relied on by regulated professions to assess qualifications and others as the Minister may direct with respect to matters under this Act and the regulations;
- (g) advise ministries with respect to matters under this Act and the regulations that affect a ministry or a regulated profession that falls under the jurisdiction of the ministry;
- (h) establish eligibility requirements that a person must meet to be qualified to conduct audits;
- (i) establish a roster of persons who in the opinion of the Fairness Commissioner have satisfied the eligibility requirements established under clause (h);
- (j) advise the Minister on matters related to the administration of this Act;

- (k) report to the Minister on registration practices related to internationally trained individuals and their registration by regulated professions and to other ministers in respect of those same issues as they relate to regulated professions that fall under the jurisdiction of their respective ministries; and
- (l) perform such other functions as may be assigned by the Lieutenant Governor in Council. 2006, c. 31, s. 13 (3).

**Scope**

(4) A matter specified under clause (3) (b) or established under clause (3) (h) or (i) may be general or specific in its application and may be limited as to time and place. 2006, c. 31, s. 13 (4).

**Same**

(5) The Fairness Commissioner shall give notice to regulated professions of all matters specified under clause (3) (b) and established under clauses (3) (h) and (i) and the notice may be given in the manner he or she considers appropriate. 2006, c. 31, s. 13 (5).

**Classes**

**14** In carrying out any of his or her duties under this Act, the Fairness Commissioner may,

- (a) create different classes of regulated professions and, without limiting the generality of this authority, may create classes with respect to any attribute, quality or characteristic or any combination of those items;
- (b) define a class to consist of one regulated profession or to include or exclude a regulated profession having the same or different attributes, qualities or characteristics; and
- (c) impose different requirements, conditions or restrictions on or in respect of any class. 2006, c. 31, s. 14.

**Annual report**

**15** (1) The Fairness Commissioner shall prepare and submit to the Minister an annual report on the implementation and effectiveness of this Act and the regulations in helping to ensure that the registration practices of regulated professions are transparent, objective, impartial and fair. 2006, c. 31, s. 15 (1).

**Same**

(2) A report under subsection (1) may include an analysis of the possibility of establishing a tribunal to hear appeals of registration decisions. 2006, c. 31, s. 15 (2).

**Same**

(3) A report under subsection (1) shall also include information on the implementation and effectiveness of provisions in any other Act and the regulations made under that Act under which the Fairness Commissioner performs duties in helping to ensure that registration practices for a profession are transparent, objective, impartial and fair. 2006, c. 31, s. 15 (3).

**Structure of report**

(4) The Fairness Commissioner shall structure the report so that readers may readily identify the implications of the report for each ministry in respect of those regulated professions and other professions that fall under the jurisdiction of each ministry. 2006, c. 31, s. 15 (4).



**Same**

(5) The report may include recommendations for improving the effectiveness of this or any other Act and the regulations under that Act under which the Fairness Commissioner performs duties. 2006, c. 31, s. 15 (5).

**Tabling of report**

(6) The Minister shall submit the report to the Lieutenant Governor in Council and shall cause the report to be laid before the Assembly if it is in session or, if not, at the next session. 2006, c. 31, s. 15 (6).

**Employees**

**16** The employees that are considered necessary for the proper conduct of the affairs of the Office of the Fairness Commissioner may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2017, c. 2, Sched. 9, s. 2.

**Section Amendments with date in force (d/m/y) [ + ]****PART V****ACCESS CENTRE FOR INTERNATIONALLY TRAINED INDIVIDUALS****Centre established**

**17** (1) There is hereby established an office to be known in English as the Access Centre for Internationally Trained Individuals and in French as the Centre d'accès pour les particuliers formés à l'étranger. 2006, c. 31, s. 17 (1).

**Functions**

(2) The Access Centre shall,

- (a) provide information and assistance to internationally trained individuals and others who are applicants or potential applicants for registration by a regulated profession with respect to the requirements for registration and the procedures for applying;
- (b) conduct research, analyse trends and identify issues related to the purpose of this Act and the registration of internationally trained individuals and others by regulated professions;
- (c) provide information and assistance to ministries, government agencies and community agencies that deal with internationally trained individuals;
- (d) provide information and assistance to organizations, including schools, school boards, colleges, universities, trade or occupational associations, employers and regulated professions, on the provision of information and training respecting fair registration practices within such organizations; and
- (e) provide information and assistance respecting internships and mentorships to ministries, government agencies and community agencies referred to in clause (c) and organizations referred to in clause (d). 2006, c. 31, s. 17 (2).

**Employees**

**18** The employees that are considered necessary for the efficient operation of the Access Centre may be appointed under Part III of the *Public Service of Ontario Act, 2006*. 2006, c. 35, Sched. C, s. 133 (4); 2017, c. 2, Sched. 9, s. 3.

**Section Amendments with date in force (d/m/y) [ + ]****PART VI  
REPORTS****Review of registration practices**

**19** (1) Every regulated profession shall undertake a review of its registration practices at times specified by the Fairness Commissioner to ensure that the registration practices are transparent, objective, impartial and fair and shall file a report on the results with the Fairness Commissioner by the date specified by the Fairness Commissioner. 2006, c. 31, s. 19 (1).

**Same**

(2) The review shall include an analysis of,

- (a) the extent to which the requirements for registration are necessary for or relevant to the practice of the profession;
- (b) the efficiency and timeliness of decision-making; and
- (c) the reasonableness of the fees charged by the regulated profession in respect of registrations. 2006, c. 31, s. 19 (2).

**Fair registration practices reports**

**20** A regulated profession shall prepare a fair registration practices report annually or at such other times as the Fairness Commissioner may specify or at such times as may be specified in the regulations. 2006, c. 31, s. 20.

**Audits**

**21** (1) Every three years or at such other times as the Fairness Commissioner may specify or at such times as may be specified in the regulations, the Fairness Commissioner shall give notice to a regulated profession that an audit must be conducted in respect of its registration practices and of its compliance with this Act and the regulations. 2006, c. 31, s. 21 (1).

**Notice of audit**

(2) The Fairness Commissioner shall give the notice required by subsection (1) at least 90 days before the audit is to begin and the notice shall state,

- (a) that the regulated profession must choose and appoint an auditor from the roster established by the Fairness Commissioner by the date specified in the notice;
- (b) that if the regulated profession fails to choose and appoint an auditor by the date specified in the notice that the Fairness Commissioner will choose the auditor;
- (c) the scope of the audit and the audit standards that shall apply;
- (d) the date by which the audit must be completed; and
- (e) that the regulated profession is responsible for paying the auditor's fees and expenses. 2006, c. 31, s. 21 (2).

**Choice of auditor**

(3) The regulated profession shall, by the date specified in the notice, choose and appoint an auditor from the roster established by the Fairness Commissioner and notify the Fairness Commissioner of its choice. 2006, c. 31, s. 21 (3).

**Failure to choose**

(4) If a regulated profession fails to notify the Fairness Commissioner of the name of the auditor it has chosen and appointed by the date specified in the notice, the Fairness Commissioner shall choose the auditor and notify the regulated profession of his or her choice and the auditor shall be deemed to have been appointed by the regulated profession. 2006, c. 31, s. 21 (4).

**Auditor's duties**

(5) The auditor chosen and appointed under subsection (3) or (4) shall begin the audit promptly, shall conduct it in accordance with the scope of the audit and the audit standards set out in the notice under subsection (2) and shall complete the audit by the date set out in the notice. 2006, c. 31, s. 21 (5).

**Collection of personal information**

(6) An auditor may collect personal information, directly or indirectly, only for the purpose of an audit required under this section, but an auditor shall not retain any personal information after completing the audit and shall not include any personal information in any draft report or final report submitted in accordance with this section. 2006, c. 31, s. 21 (6).

**Duty to furnish information**

(7) A regulated profession shall co-operate with the auditor and shall,

- (a) produce such records for, and provide such other information to, the auditor regarding its registration practices and any other matters related to compliance by the regulated profession with this Act and the regulations as are reasonably necessary for the auditor to perform his or her duties under this Act, including any reports required from the regulated profession under section 19, 20 or 22 or the regulations; and
- (b) provide the auditor with any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a record in readable form. 2006, c. 31, s. 21 (7).

**Limitation**

(8) Despite subsection (7), a regulated profession may refuse access to a record if,

- (a) the record or any information in the record is subject to a legal privilege that restricts disclosure of the record or the information; or
- (b) another Act, an Act of Canada or a court order prohibits disclosure of the record or any information in the record in the circumstances. 2006, c. 31, s. 21 (8).

**Draft report**

(9) The auditor shall prepare a draft report on the audit and provide a copy of it to the regulated profession, together with a notice that the profession may, within 30 days, make written submissions to the auditor on the draft report. 2006, c. 31, s. 21 (9).

#### **Same**

(10) The auditor shall consider the submissions, if any, made by the regulated profession and may make any changes the auditor considers appropriate before finalizing the report. 2006, c. 31, s. 21 (10).

#### **Final report**

(11) The auditor shall make a final report on the audit and shall file it with the Fairness Commissioner and provide a copy to the regulated profession to which the audit relates. 2006, c. 31, s. 21 (11).

#### **Auditor's certificate**

(12) The auditor shall file a certificate with the Fairness Commissioner certifying that the auditor conducted the audit in accordance with this Act and the regulations and that he or she has provided a copy of the auditor's report to the regulated profession. 2006, c. 31, s. 21 (12).

#### **When audit is complete**

(13) An audit is complete when the auditor has provided a copy of the final report to the regulated profession to which the audit relates and has filed with the Fairness Commissioner the final report and the certificate referred to in subsection (12) and, if the regulated profession made submissions to the auditor on the draft report, a copy of the submissions made by the regulated profession. 2006, c. 31, s. 21 (13).

#### **Filing with Minister**

(14) The Fairness Commissioner shall provide the Minister with a copy of all auditors' reports within a reasonable time after receiving them. 2006, c. 31, s. 21 (14).

#### **Auditor's fees and expenses**

(15) The regulated profession shall pay the auditor's fees and expenses. 2006, c. 31, s. 21 (15).

#### **Reports and information**

**22** (1) The Fairness Commissioner may require that a regulated profession provide the Fairness Commissioner with reports or information relating to the regulated profession's compliance with this Act and the regulations and the regulated profession shall prepare and file the reports with, or provide the information to, the Fairness Commissioner. 2006, c. 31, s. 22 (1).

#### **Same**

(2) Reports and information required under subsection (1) are in addition to the reports required under sections 19, 20 and 21. 2006, c. 31, s. 22 (2).

#### **Filing of reports by regulated profession**

**23** (1) A regulated profession shall file all reports required to be filed by it under this Act or the regulations with the Fairness Commissioner by the dates specified by the Fairness Commissioner. 2006, c. 31, s. 23 (1).

**Report available to public**

(2) A regulated profession shall make reports filed under subsection (1) available to the public. 2006, c. 31, s. 23 (2).

**Form of reports**

**24** (1) Reports and certificates required by this Part and under the regulations shall be in the form and contain the information specified by the Fairness Commissioner or as may be specified in the regulations. 2006, c. 31, s. 24 (1).

**Prohibition on personal information**

(2) Despite subsection (1), no report or other document prepared and submitted by any person for the purposes of this Act or the regulations shall contain personal information. 2006, c. 31, s. 24 (2).

**Certification of reports by regulated profession**

**25** (1) A report required under section 19, 20 or 22 shall include a statement certifying that all the information required to be provided in the report has been provided and that the information is accurate. 2006, c. 31, s. 25 (1).

**Signature**

(2) A person with authority to sign on behalf of the regulated profession shall sign the statement required by subsection (1). 2006, c. 31, s. 25 (2).

## **PART VII COMPLIANCE ORDERS AND APPEALS**

**Compliance orders**

**26** (1) If the Fairness Commissioner concludes that a regulated profession has contravened Part III or VI or the regulations, the Fairness Commissioner may make such orders requiring compliance with Part III or VI or the regulations as he or she considers appropriate and the order may require the regulated profession to do or to refrain from doing such things as are specified in the order. 2006, c. 31, s. 26 (1).

**Exception**

(2) No order under subsection (1) shall require a regulated profession to make, amend or revoke any regulation that it has the authority to make under the Act that governs the regulated profession, but the Fairness Commissioner may,

- (a) recommend to the regulated profession that it make, amend or revoke the regulation; and
  - (b) recommend to the minister responsible for the regulated profession that the minister exercise any power or powers that the minister has to request or require the profession to make, amend or revoke the regulation.
- 2006, c. 31, s. 26 (2).

**Notice of proposed order**

**27** (1) Before making an order under this Part, the Fairness Commissioner shall give notice of the proposed order to the regulated profession that is the subject of the proposed order and shall give the regulated profession an opportunity to make written submissions with respect to the proposed order in accordance with this section. 2006, c. 31, s. 27 (1).

**Content of notice**

(2) The notice shall inform the regulated profession of,

- (a) the nature of the proposed order;
- (b) the steps that the regulated profession must take in order to comply with the proposed order;
- (c) the right of the regulated profession to make written submissions to the Fairness Commissioner in respect of the proposed order; and
- (d) the time within which the submissions must be made. 2006, c. 31, s. 27 (2).

**Time limit for written submissions**

(3) A regulated profession that wishes to make submissions to the Fairness Commissioner to explain the alleged contravention of the Act or the regulations must provide its submissions in writing to the Fairness Commissioner within 30 days after the day it receives notice of the proposed order or within such longer period of time as may be specified in the notice. 2006, c. 31, s. 27 (3).

**Order reviewed, etc.**

(4) Within a reasonable time after making an order under section 26, the Fairness Commissioner may review the order and vary or rescind it and subsections (1) to (3) apply where he or she proposes to vary an order. 2006, c. 31, s. 27 (4).

**Act not to apply**

**28** The *Statutory Powers Procedure Act* does not apply to the Fairness Commissioner acting under this Part. 2006, c. 31, s. 28.

**Appeal of order**

**29** (1) A regulated profession that is the subject of an order under this Part may appeal the order to the Divisional Court with the leave of the court and in accordance with the rules of court. 2006, c. 31, s. 29 (1).

**Power of court**

(2) An appeal under this section may be made on questions of law and the court may affirm, reverse or vary the order of the Fairness Commissioner. 2006, c. 31, s. 29 (2).

**PART VIII  
GENERAL****Offences**

**30** (1) A person is guilty of an offence who,

- (a) furnishes false or misleading information in a fair registration practices report or other report or record filed with the Fairness Commissioner under this Act or otherwise provides false or misleading information to the Fairness Commissioner or a person employed in the Office of the Fairness Commissioner;
- (b) fails to comply with an order made by the Fairness Commissioner under this Act;

- (c) obstructs the Fairness Commissioner or a person employed in the Office of the Fairness Commissioner in exercising powers or performing duties under this Act;
- (d) furnishes false or misleading information to an auditor;
- (e) obstructs, fails to co-operate with or assist an auditor as required by Part VI; or
- (f) contravenes subsection (2). 2006, c. 31, s. 30 (1); 2017, c. 2, Sched. 9, s. 4 (1).

**Same, intimidation**

(2) No person shall intimidate, coerce, penalize or discriminate against another person because that person,

- (a) has co-operated or may co-operate with the Fairness Commissioner, an auditor or a person employed in the Office of the Fairness Commissioner in exercising powers or performing duties under this Act; or
- (b) has provided, or may provide, records or other information in the course of an audit or other activity or proceeding under this Act. 2006, c. 31, s. 30 (2); 2017, c. 2, Sched. 9, s. 4 (2).

**Penalties**

(3) Every person who is guilty of an offence under this Act is liable on conviction,

- (a) to a fine of not more than \$50,000; or
- (b) if the person is a corporation, to a fine of not more than \$100,000. 2006, c. 31, s. 30 (3).

**Consent to prosecution**

(4) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Attorney General. 2006, c. 31, s. 30 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Conflict with other Acts and regulations**

**31** If a provision of this Act or of a regulation made under this Act conflicts with a provision of another Act or a regulation made under another Act, the provision of this Act or the regulation under this Act prevails to the extent of the conflict. 2006, c. 31, s. 31.

**Immunity**

**32** (1) No proceeding shall be commenced against the Fairness Commissioner, anyone employed in the Office of the Fairness Commissioner or anyone employed under section 18 for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act. 2017, c. 2, Sched. 9, s. 5 (1).

**Testimony**

(2) Neither the Fairness Commissioner nor anyone employed in the Office of the Fairness Commissioner is a competent or compellable witness in a civil proceeding outside this Act in connection with anything done under this Act. 2006, c. 31, s. 32 (2); 2017, c. 2, Sched. 9, s. 5 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

### Limitation on powers

**33** Neither the Fairness Commissioner, nor anyone employed in the Office of the Fairness Commissioner, nor anyone employed under section 18,

- (a) has power to influence a registration decision, to provide representation or advice to an applicant or potential applicant for registration in respect of a registration decision or to otherwise involve himself or herself in a registration decision or any internal review or appeal decision on behalf of an applicant or potential applicant for registration;
- (b) has status at any hearing by a regulated profession in respect of an application for registration or at any internal review or appeal or at any hearing by a court or other tribunal in respect thereof; or
- (c) has the power to act as legal counsel or agent for any person in a hearing, review or appeal described in clause (b) or in preparing for the hearing, review or appeal. 2006, c. 31, s. 33; 2017, c. 2, Sched. 9, s. 6.

### Section Amendments with date in force (d/m/y) [ + ]

#### Regulations

**34** (1) The Lieutenant Governor in Council may make regulations,

- (a) REPEALED: 2017, c. 2, Sched. 9, s. 7.
- (b) specifying in greater detail,
  - (i) the records and other information to be provided by a regulated profession under this Act, and
  - (ii) the things to be provided by or performed by a regulated profession under this Act;
- (c) establishing time limits for compliance with any provision or provisions of this Act or the regulations;
- (d) governing reports and certificates to be provided to the Fairness Commissioner for the purposes of this Act, including their form, the information to be provided in them, their manner of preparation, making them available to the public and requiring regulated professions to provide such reports and certificates;
- (e) governing other information to be provided to the Fairness Commissioner and requiring persons to provide that information;
- (f) respecting the powers of the Fairness Commissioner and the Access Centre;
- (g) governing audits, including specifying audit standards and the scope of audits;
- (h) exempting any regulated profession from any provision of this Act or the regulations;
- (i) defining “community agencies”, “government agencies” and “educational and training institutions” for the purposes of this Act and the regulations;
- (j) prescribing or respecting any matter that this Act refers to as a matter that the regulations may prescribe, specify, designate, set out or otherwise deal with;
- (j.1) varying this Act as it applies to compulsory trades in such manner as the Lieutenant Governor in Council considers necessary in order to ensure the effective administration and enforcement of this Act in relation to compulsory trades;



- (k) respecting any transitional matters necessary for the effective implementation of this Act and the regulations;
- (l) respecting any matter necessary or incidental to the enforcement and administration of this Act and the regulations. 2006, c. 31, s. 34 (1); 2009, c. 22, s. 97 (4); 2017, c. 2, Sched. 9, s. 7.

### **Conflict**

(2) If a provision of a regulation conflicts with a matter specified by the Fairness Commissioner or with a decision of the Fairness Commissioner, the provision of the regulation prevails. 2006, c. 31, s. 34 (2).

### **Classes**

(3) A regulation may,

- (a) create different classes of regulated professions and, without limiting the generality of this power, may create classes with respect to any attribute, quality or characteristic or any combination of those items;
- (b) define a class to consist of one regulated profession or to include or exclude a regulated profession having the same or different attributes, qualities or characteristics; and
- (c) impose different requirements, conditions or restrictions on or in respect of any class. 2006, c. 31, s. 34 (3).

### **Scope**

(4) A regulation may be general or specific in its application and may be limited as to time and place. 2006, c. 31, s. 34 (4).

### **Section Amendments with date in force (d/m/y) [ + ]**

**35** OMITTED (AMENDS OR REPEALS OTHER ACTS). 2006, c. 31, s. 35.

**36** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 31, s. 36.

**37** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 31, s. 37.

## **SCHEDULE 1 REGULATED PROFESSIONS**

### **Regulated professions named**

**1** The following are named as regulated professions to which this Act applies:

1. The Association of Professional Engineers of Ontario.
2. The Association of Professional Geoscientists of Ontario.
3. The Association of Ontario Land Surveyors.
4. REPEALED: 2017, c. 8, Sched. 3, s. 75 (1).
- 4.1 The College of Early Childhood Educators.
5. The College of Veterinarians of Ontario.
6. REPEALED: 2017, c. 8, Sched. 3, s. 75 (1).

7. The Law Society of Upper Canada.
  8. The Ontario Association of Architects.
  9. The Ontario Association of Certified Engineering Technicians and Technologists.
  10. The Ontario College of Social Workers and Social Service Workers.
  11. The Ontario College of Teachers.
  12. The Ontario Professional Foresters Association.
  13. REPEALED: 2017, c. 8, Sched. 3, s. 75 (1).
  14. The Human Resources Professionals Association.
  15. Chartered Professional Accountants of Ontario.
- 2** REPEALED: 2017, c. 2, Sched. 9, s. 8.
- 2006, c. 31, Sched. 1; 2007, c. 7, Sched. 8, s. 69; 2010, c. 6, Sched. B, s. 75; 2013, c. 6, s. 74; 2017, c. 2, Sched. 9, s. 8; 2017, c. 8, Sched. 3, s. 75.

**Section Amendments with date in force (d/m/y) [ + ]**

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