

Proposed Ontario Legislation Mandating Decision Timelines In Regulated Professions



On February 25, 2022, the Ontario Legislature introduced Bill 88, *Working for Workers Act, 2022*. We discussed Bill 88's proposed amendments to the *Employment Standards Act, 2000*, S.O. 2000, c. 41, and the *Occupational Health and Safety Act*, R.S.O. 1990, c. 0.1, in a previous update.

Schedule 3 of the Bill proposes amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, S.O. 2006, c. 31 (the "Act"). The aim of the proposed amendments is to facilitate the movement of skilled workers into Ontario by providing workers and employers with clarity and transparency on registration timelines.

Proposed Amendments to the Fair Access to Regulated Professions and Skilled Trades Act, 2006

If proclaimed into force, Bill 88 will streamline the process by which professional regulatory bodies must respond to applications for registration from "domestic labour mobility applicants", unless otherwise exempted. For the purposes of Bill 88, a "domestic labour mobility applicant" means an individual who has applied for registration by a regulated profession in Ontario and is currently registered with a body that regulates the same profession in a Canadian province or territory other than Ontario.

The proposed amendments would apply to the following 14 regulated professions under the Act and the 23 compulsory trades regulated by Skilled Trades Ontario:

Regulated Professions

- The Association of Professional Engineers of Ontario
- The Association of Professional Geoscientists of Ontario
- The Association of Ontario Land Surveyors
- The College of Early Childhood Educators
- The College of Veterinarians of Ontario
- The Health and Supportive Care Providers Oversight Authority
- The Law Society of Ontario

- The Ontario Association of Architects
- The Ontario Association of Certified Engineering Technicians and Technologists
- The Ontario College of Social Workers and Social Service Workers
- The Ontario College of Teachers
- The Ontario Professional Foresters Association
- The Human Resources Professionals Association
- Chartered Professional Accountants of Ontario

Compulsory Trades

- Alignment and Brakes Technician
- Auto Body and Collision Damage Repairer, Branch 1
- Auto Body Repairer, Branch 2
- Automotive Electronic Accessory Technician
- Automotive Service Technician
- Electrician ' Construction and Maintenance
- Electrician ' Domestic and Rural
- Fuel and Electrical Systems Technician
- Hairstylist
- Hoisting Engineer ' Mobile Crane Operator, Branch 1
- Hoisting Engineer ' Mobile Crane Operator, Branch 2
- Hoisting Engineer ' Tower Crane Operator
- Motorcycle Technician
- Plumber
- Refrigeration and Air Conditioning Systems Mechanic
- Residential Air Conditioning Systems Mechanic
- Residential (Low Rise) Sheet Metal Installer
- Sheet Metal Worker
- Sprinkler and Fire Protection Installer
- Steamfitter
- Transmission Technician
- Truck and Coach Technician
- Truck-Trailer Service Technician

The oversight bodies for these regulated professions and skilled trades would be required to process registration applications on the following timeline:

1. A written acknowledgement of receipt, including a statement as to whether the application includes all required materials, must be provided within 10 business days of the body's receipt of an application.
2. Within 30 business days of receipt of a completed application, the body must make a registration decision and provide written communication of the decision to the applicant, including reasons for the decision and information regarding the applicant's rights to any internal review or appeal.
3. Within 10 business days after making an internal review or appeal decision, the body must provide the applicant with the written communication of that decision and the reasons for the decision.

The Ontario Office of the Fairness Commissioner would be responsible for oversight and compliance with respect to the above process. Bill 88 would also establish authority for the Minister of Citizenship and Immigration to grant exemptions from the time limits.

Check the Box

The proposed amendments intend to directly benefit the domestic labour market by reducing barriers and increasing mobility for skilled professionals to enter the Ontario workforce. If the proposed amendments are enacted, employers will be able to hire out-of-province skilled professionals with greater ease and confidence.

Employers within Ontario's regulated professions and skilled trades should plan ahead and carefully consider how the proposed amendments may impact hiring practices in light of these recent developments.

We will continue to monitor the status of Bill 88 as it proceeds through the legislative process and provide further updates as necessary.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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