



Canadian Network of Agencies for Regulation
Réseau canadien des organismes de réglementation

2019 WORKSHOP in Toronto

In partnership with:

WeirFoulds^{LLP}

Location: Ontario College of Social Workers and Social Service Workers, 250 Bloor Street E, Toronto

Date/time: May 29, 2019, 9:00 a.m. – 12:00 p.m.

Emerging Legal Issues in Regulation

Part 1

Bias, Conflicts of Interest, and Other Screw-Ups: How not to make it all about you!

Facilitator: Debra McKenna

As statutory decision-makers, individuals who serve on screening committees and hearing tribunals are required to abide by administrative law principles in order to ensure a fair process and that a reasonable decision is made. In particular, the duty of procedural fairness requires that decision-makers are independent and impartial. However, in real life, understanding and applying the legal concepts about conflicts of interest and bias is sometimes tricky terrain to navigate. In this session, we will explore the scope of impartiality, the common pitfalls, and, importantly, how to avoid the pitfalls.

Part 2

Rolling the Dice: Random Selection in Regulation

Facilitator: John Risk

How and when, if ever, should a regulator use random selection? In deciding who to review or audit or inspect is it fair and efficient (or neither) for regulators to roll the dice and select a member or other regulated entity at random? This session will discuss the ethics and effectiveness of randomization and compare the use of random selection and sampling among various sectors and regulatory contexts, including inspection, audit, and quality assurance.

Part 3

Pre-Membership Conduct: Can a Regulatory Body Discipline a Member for Conduct that Occurred before the Person was a Member?

Facilitator: Jill Dougherty

Generally speaking, a member of a professional regulatory body cannot be prosecuted for conduct that occurred before he or she became a member, or before the legislation defining misconduct came into force. However, there are exceptions to the rule. This session will examine the different circumstances under which a regulatory body may need to address pre-membership conduct and will help you understand the exceptions to the general rule. It will provide you with guidance on dealing effectively with pre-membership conduct in order to protect the public interest.



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2019 WORKSHOP in Toronto

In partnership with: **Yardstick** Assessment Strategies
Stratégies en évaluation

Location: Ontario College of Social Workers and Social Service Workers, 250 Bloor Street E, Toronto

Date/time: May 29, 2019, 1:00 p.m. – 4:00 p.m.

Dealing with testing accommodations: From developing policies and procedures to implementing requests while keeping in mind the purpose and risks

Facilitator: *Isabelle Gonthier, PhD, President & COO, Yardstick Assessment Strategies*

Credentialing and licensing organizations are facing a growing number of requests for testing accommodations from candidates wanting to take their certification or licensing examinations. These candidates whom have often been receiving accommodations through the completion of their education program expect to receive equivalent accommodations when taking their certification or licensure examination. However, the accommodation needs for educational purposes (i.e.: for learning and development) are different from the accommodation needs for the assessment of candidates' skills, knowledge and abilities to practice in a specific occupation.

This workshop will provide an opportunity for participants to discuss key elements to consider in reviewing testing accommodation requests. More specifically, it will dive deeper into which components need to be covered in testing accommodation policies and will provide more information regarding what should be communicated to candidates. It is not meant to be prescriptive as the objective is to ensure consistency of the review and application of the accommodation requests by outlining key considerations for what to cover in policies and how to communicate to candidates. Participants will be presented with scenarios and asked to highlight challenges and potential solutions to specific situations.

Objectives for the workshop:

- Discuss and review key elements to cover in testing accommodation policies.
- Review challenges and potential solutions in dealing with testing accommodation requests.
- Identify potential risks to exam security and integrity and ways to address these risks.
- Review communication needs and processes when dealing with testing accommodation requests.
- Discuss case scenarios and identify solutions to address challenges and risks.