

Ontario College of Trades

TERMS OF REFERENCE (TOR) FOR THE REVIEW OF ISSUES RELATED TO THE SCOPES OF PRACTICE AND THE CLASSIFICATION/RECLASSIFICATION OF TRADES

1. BACKGROUND:

The Government of Ontario is committed to supporting the Ontario College of Trades (College). In the 2014 Plan for Ontario (“Opportunity for All: A Jobs and Investment Plan for Ontario”), the Premier made the following platform commitment:

“To support the success of the College of Trades as it moves into its second year, we will appoint a special advisor to review the College’s application process and scope of practice of trades, including how the scope of practice relates to enforcement. We will pause the certification of new compulsory trades during this review.”

In light of his credentials and experience and following thoughtful and careful consideration, Tony Dean is being appointed as Reviewer by the Lieutenant Governor in Council.

The College was established to give skilled tradespeople a voice and control over their own industries. The analysis, advice and recommendations of the Reviewer will support the continued success of the College and help modernize the skilled trades system in Ontario and maximize the effectiveness of the College in carrying out its objects and functions and fulfilling its duty to serve and protect the public interest under the *Ontario College of Trades and Apprenticeship Act, 2009* (OCTAA).

2. MANDATE OF THE REVIEWER:

1. The Reviewer will provide the Minister of Training, Colleges and Universities (Minister), in consultation with the College, with analysis, advice and recommendations during the term of the appointment on:
 - a) opportunities to clarify and improve:
 - i). the manner in which the College makes decisions on issues related to scopes of practice of trades and how scopes of practice are used to support the performance of objects and functions under OCTAA that include, but are not limited to, the following:
 - enforcement of the prohibitions in Part II of OCTAA, including but not limited to decisions regarding skill overlaps between scopes of practice;

- establishment of apprenticeship programs;
 - review and amendment of scopes of practice; and
 - the process and criteria prescribed in O. Reg. 458/11 under OCTAA including the process and criteria for the classification or reclassification of trades as compulsory or voluntary; and
- b) what consideration the College should give, if any, to the decisions made by the Ontario Labour Relations Board (OLRB) in jurisdictional or work assignment disputes under the *Labour Relations Act, 1995* (LRA),
2. The Reviewer will develop a detailed work plan in consultation with identified Ministry of Training, Colleges and Universities (Ministry) and College staff.
3. In carrying out the mandate, the Reviewer will:
- a) act impartially and independently from the Government of Ontario and the College; and,
 - b) be cognisant of the College's objects and functions under OCTAA as well as its duty to serve and protect the public interest in carrying out those objects and functions.

3. Support

The Ministry and College will provide such administrative support to the Reviewer as agreed upon by the Ministry, College and the Reviewer. The Reviewer will be able to access outside expertise, as approved by the Minister or his designate, and in accordance with relevant directives, guidelines and policies of the Treasury Board/Management Board of Cabinet and the Ministry of Attorney General.

4. Status Reports and Meetings

The Reviewer will:

- provide regular progress reports to identified senior Ministry and College staff as outlined in the detailed work plan. Such reports will include stakeholder consultation activities;
- provide any interim analysis, advice and recommendations relating to the mandate that could provide assistance to the Minister, Deputy Minister, the Chair of the College's Board of Governors (Chair of the Board) and Chief Executive Officer/Registrar prior to the submission of the final report;

- meet with the Minister, Deputy Minister, Chair of the Board and Chief Executive Officer/Registrar at the discretion of the Minister and Chair of the Board to discuss the progress of the review and emerging issues and ideas; and
- meet with Ministry and College staff at the discretion of Ministry and senior College staff to receive briefings about matters relevant to the review as well as relevant information and documentation.

5. Final Report

The Reviewer will submit a draft final report, which fully addresses the mandate of the Reviewer, to identified senior Ministry and College staff no later than August 2015, to enable the Ministry and the College to provide any factual or editorial comments or corrections. The Reviewer's draft final report will contain evidence-based analysis, advice and recommendations on the areas under review, in addition to a high-level implementation plan for any recommendations made.

The Reviewer will submit the final report, which fully addresses the mandate of the Reviewer, to the Minister, Deputy Minister, Chair of the Board and Chief Executive Officer/Registrar no later than October 2015.

6. Ownership of Work

All work produced by the Reviewer is the property of the Crown in right of Ontario.

7. Term

These Terms of Reference will be in effect during the term of the appointment of the Reviewer and may be amended by a document in writing, dated and signed by the Minister (in consultation with the College) and the Reviewer.

8. Release of Report

The Reviewer will not disclose any findings or proposed or final recommendations without the prior written authorization of the Minister. The Minister will release the final report to the public.