

# The Registrar magazine

Issue 1  
Winter 2021 Edition

## IN THE PUBLIC INTEREST:

Push for greater regulation in massage, counselling therapy professions

## NEW CANADIAN LEADERSHIP

Profiling RECO's Director of Litigation

## CONSUMER PROTECTION IN THE TERRITORIES:

The challenge of self-regulation North of 60

## CONSUMER FOCUS

A Nova Scotia family's devastating sinkhole story

## FRAUD PREVENTION MONTH 2021

Canadian regulators collaborate to raise awareness

## TOW TRUCK TROUBLES:

Ontario considers its options

## MILLENNIAL MAKING MOVES:

Catherine Ouimet's Rise to CEO of the Barreau du Québec







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## ***From the Editor's Desk***

It all began in 2017 at the CLEAR Annual Education Conference in Denver, Colorado. In a conversation with other regulatory communications practitioners from Canada and the US, we were seated in the hotel lobby excited to once again be in each other's presence. That evening, while updating each other about our lives and work, we also discussed opportunities to improve sector-wide communications and learn from each other to jointly protect the public interest.

Almost four years later, some of that has now been realized.

Welcome to the first edition of The Registrar magazine, a national publication about consumer protection in Canada.

In this inaugural issue, we recognize March 8, International Women's Day, and dedicate the cover to a young CEO in Quebec. We profile the journey of a director of litigation in Ontario whose humble roots began in Uganda. March is the Competition Bureau's annual Fraud Prevention Month, and The Registrar presents some of your fellow regulators' campaigns. We also share a heartbreaking consumer story from Nova Scotia.

The Registrar magazine is the result of hundreds of phone calls, emails and in-person meetings. I am truly thankful for the talented, curious and diverse group of journalists from across Canada that was assembled to create this publication about you, for you.

Thinking about our initial meeting, I hope that in some small part, The Registrar magazine reflects of the great ideas we discussed that evening in Denver.

**M. Daniel Roukema**

**NEXT EDITION: JUNE 7**

**The Registrar**  
magazine

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# Saskatchewan Paves Way to Establish College of Massage Therapy

*Marco Vigliotti*

**M**assage therapists in Saskatchewan marked a major victory. Regulation for practitioners, say industry advocates, is paving the way for health professional status and greater recognition of credentials outside the province.

In December, the Saskatchewan Party government introduced legislation to establish the Saskatchewan College of Massage Therapy, a new regulatory body that will govern the province's massage therapists. The regulator will function like many other health







***This legislation will provide the legitimacy to work within health care systems and provide services to those residents in Saskatchewan in need of massage.”***

professional regulators. It will provide examinations for entry to practice, enforce the criteria to be permitted to practice, and serve as a disciplinary and complaints body.

The three associations representing massage therapists in the province -- the Natural Health Practitioners of Canada, Massage Therapist Association of Saskatchewan and the Canadian Massage and Manual Osteopathic Therapists Association -- are applauding the legislation, saying establishing a formal regulator will allow members greater legitimacy to work within the healthcare system and ensure their credentials are recognized in different provinces.

Lori Green, executive director of the Massage Therapist Association of Saskatch-

ewan, says creating a regulator will also allow patients to claim massage therapy as a medical expense on their income tax forms. Currently this is not permitted in provinces where the profession is not regulated. “This legislation will provide the legitimacy to work within health care systems and provide services to those residents in Saskatchewan in need of massage,” she told The Registrar, adding that she expects the legislation to pass this spring.

While the provincial legislation is a necessary first step, it will be up to the three associations -- operating as a transitional council -- to determine the College’s bylaws and structural and governance framework. Their challenge includes how to recognize practicing massage therapists who do not have degrees from recognized educational institutes.

“The desire is not to exclude anybody who’s been working for years as a massage therapist,” Green explained. “We’ll have to go through some credentialing and make sure that our standards are up to the standards that throughout Canada, so definitely, that will be the hardest part.”

Once a regulator is up and running, massage therapists in Saskatchewan can expect to have their credentials recognized in jurisdictions like Ontario and B.C. that already have regulatory bodies, Green says. This will allow for greater labour mobility





for those in the profession. “We will have labour mobility; our members can work in B.C. and Ontario if they choose to go there,” she added.

At the end of the day, establishing a province-wide regulator to oversee the industry will provide greater comfort to the public and provide title protection for practitioners, says Jeremy Sayer, government and industry relations manager with the Canadian Massage and Manual Osteopathic Therapists Association.

“In unregulated provinces, anyone can call themselves a massage therapist -- even if you have no training,” he explained.

“For our members, there will be mul-

ti-ple benefits [of having a regulator], the biggest will be the automatic recognition of [being a] healthcare professional.”

Tendai Nzuma, the CEO and Registrar of the Natural Health Practitioners of Canada, says establishing a new regulator will “raise the status of the profession in the province” and create “more opportunities for collaboration with other health professionals, [and] as such improving health outcomes for the public.” It also underscores the professional and government’s commitment to consumer protection. “We are pleased at the decision to go forward with regulation, and will continue to support our therapists in the province through the transition,” he added.



# A Nationwide Effort to Regulate Counselling Therapists is Being Realized

*Anqi Shen*

Counselling therapists in several provinces can establish a practice without need for proof of training and professional oversight.

That is because counselling therapists are not recognized and regulated like other health professionals. Counselling therapists are calling on





their respective health ministries to regulate their profession to establish greater safeguards in the public interest. Associations advocating on behalf of practitioners say the timing for regulation is more urgent than ever as demand for mental health services are surging as a result of the COVID-19 pandemic.

Glen Grigg is chair of the Federation of Associations for Counselling Therapists in British Columbia (FACT-BC) which collectively represents approximately 6,000 counselling therapists. He contends that an unregulated marketplace increases risk. Associations whose roles are to solely advocate on behalf of professions, not the public, are ill-equipped to regulate the therapists. “There’s no one body that can set standards and hold people responsible for those standards. It’s not safe and it’s not fair,” says. “If you don’t have one authority that can do that, the kinds of harms that can slip into a system are very serious,” Grigg says. “We hear about unregulated people who have provided incompetent and harmful care, and there’s nothing we can do about it.”

For decades, the FACT-BC has been lobbying for regulation of the profession, and in December, it submitted a formal application to the BC Minister of Health, Adrian Dix, calling on the province to declare regulation of psychotherapists in the public’s interest.



***For decades, the FACT-BC has been lobbying for regulation of the profession, and in December, it submitted a formal application to the BC Minister of Health”***

In Alberta, after years of lobbying, a new college is set to open this fall after 12 years of lobbying. Fourteen associations merged to become the Association of Counselling Therapists of Alberta (ACTA), which will transition to the College of Counselling Therapy of Alberta in the near future. Linda Sahli, CEO and registrar of ACTA, says she expects up to five thousand practitioners to be registered with the College. “It’s a long time coming. I think yesterday was the right time to do it, but today is a critical time to do it. Especially during pandemic times, mental health services are becoming so much more important,” Sahli says. “We’re also dealing with the opioid crisis layering on top of it and exacerbated by the situation. Becoming





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a regulated profession will increase the capacity in a province to provide [mental health] resources.”

Psychotherapy is currently regulated in four provinces: Quebec, Ontario, Nova Scotia and New Brunswick. FACT’s Saskatchewan chapter and the Prince Edward Island Counselling Association (PEICA) have also put forward applications for regulation. Newfoundland & Labrador is in active discussions with the government, while Manitoba also has an application ready to submit, says Barbara MacCallum, CEO emerita of the Canadian Counselling and Psychotherapy Association.

“In PEI, it’s moving along really nicely now but they had to wait a few years because there was new umbrella health legislation, and there were four or five professions ahead of the counselling profession,” MacCallum says. “The process is different in every province; it’s really a matter of the will of the ministry of health to go ahead with regulation.”

As it stands, associations have professional codes of ethics but because they aren’t granted statutory authority to regulate a profession, there are limits to recourse with no disciplinary consequences if practitioners do harm. “The worst we can do to somebody if they are practicing unethically is to say that they can’t be a part of the association anymore, but we can’t

stop them from practicing. We can’t pull licenses or levy fines; we can only work with the counsellor to rectify the situation if possible,” MacCallum says.

Regulation also helps make counselling therapists part of healthcare teams, MacCallum says. “A family doctor sometimes would be reluctant to refer to a counsellor if they weren’t regulated because they weren’t actually sure if they were referring to a practitioner that is appropriately trained. Now, in Ontario, for example, there is a regulatory body and there are standards.”

Health plans that employers offer to employees often only include psychologists and social workers, but not psychotherapists, MacCallum says. “We’ve been talking to insurance companies for years and have advocated for the inclusion of counsellors, and they always said come back when you’re regulated. We’ve been working really hard at regulation and we’re starting to see a shift in the insurance industry.”

With these efforts it is hoped that regulation of the Counselling Therapists will be widely implemented across Canada. This will benefit the counsellors and patients in assuring the professionalism of their craft.

More information on counselling therapy and other regulated health professions can be found in the [Canadian Regulatory Guide](#).



# Addressing Reconciliation through Canada's Legal System

*Damian Ali*

**A pledge for greater Indigenous inclusion in modern Canadian law practices has taken a firm step forward.**

**T**he Federation of Law Societies of Canada has reaffirmed its commitment to supporting reconciliation efforts by adopting new guiding principles designed to foster greater inclusion of Indigenous perspectives and principles.

"We are committed to fostering reconciliation in all aspects of our work and have adopted Guiding Principles to ensure Indigenous perspectives inform our progress," reads a Dec. 2020 statement from the group, which is the coordinating body for Canada's 14 law societies,

"We are also committed to supporting the efforts of law societies and law schools to enhance the knowledge and competency of future and existing law professionals across Canada."

In the statement, the Federation -- whose members regulate lawyers, (and some oversee paralegals and other legal professionals within their jurisdictions) -- laid out various frameworks and principles they developed from their June 2020 Truth and Reconciliation Commission (TRC) Calls to Action Advisory Committee report. The group also acknowledged that legal professionals and others in the justice field must improve their relationships with Indigenous individuals and communities.

## Truth and Reconciliation

The Truth and Reconciliation Commission of Canada was created in 2008 with the purpose of documenting the



abhorrent historical implications of Indian Residential Schools, or IRS.

As described on the National Centre for Truth and Reconciliation's website, Canada's relationship with Indigenous peoples has suffered greatly because of the adverse impacts of IRS systems. The commission was established to help repair this relationship through a more

concrete understanding of the events that transpired.

The Truth and Reconciliation Commission's final report in 2015 included nearly 100 separate calls to action, including several demanding reforms in the legal system, with the commission emphasizing the unique importance of Indigenous rights and sovereignty in the country.



**“Developing a justice system that works alongside Indigenous-inclusive law societies and schools was clearly an important goal of the Commission”**





*Justice Murray Sinclair was chairman of Canada's Truth and Reconciliation Commission from 2009-2015.*

Developing a justice system that works alongside Indigenous-inclusive law societies and schools was clearly an important goal of the Commission, who felt this was necessary to address the past harms that currently affect Indigenous communities, and survivors of IRS systems.

### Showing Commitment

The Federation says implementing these calls to actions and improving the relationship between the legal system and Indigenous peoples are a priority.

Specifically, the 2015 Final Report called upon the Federation through Calls to Action 27 and 28. Call to

Action 27, as described in the Federation's Advisory Committee report, demonstrated the need for lawyers to receive appropriate cultural competency training.

Call to Action 28, on the other hand, spoke to the need for law schools themselves to educate their students about the relationship between Indigenous individuals and the law.

"The recommendations put forward in this report reflect a broad interpretation of the goals of the TRC Calls to Action," the Federation's Advisory Committee report read. "They also suggest an expanded role for the Federation and legal regulators in advancing Reconciliation with Indigenous peoples across Canada."





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Consulting with Indigenous legal experts and ensuring that Indigenous perspectives were reflected in these initiatives was paramount, the Federation said in its statement. This commitment was also reflected in several, practical initiatives developed by the Federation, including working with law schools that have developed their own creative academic initiatives.

Professor Frankie Young of Western Law applauded the Federation for recognizing the need to act.

“Historically, the law has been used as a lever against Indigenous nations and that certain activities, such as ceremonies, were found to be illegal,” said Young.

“For the Federation to recognize how important it is for the legal profession to become competent in understanding how critical Indigenous culture, traditions, and legal Indigenous orders are to the fabric of Canada is really significant.”

Law societies across Canada noted their own efforts towards reconciliation, in accordance with the Federation’s pledge. Spokesperson Jennifer Wing says that the Law Society of Ontario supports the Federation’s statement of commitment.

Although their own work is ongoing, Wing says that the Law Society of Ontario offers a myriad of programs to assist lawyers in their endeavours.

One such program is a guide -- created to assist lawyers and litigation counsel in particular -- about working with Indigenous clients.

“The LSO has a duty to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario and to protect the public interest,” said Wing.

“As such, the LSO has been working towards reconciliation and building cultural competency in the legal professions for many years.”

President of the Law Society of British Columbia Dean Lawton said that reconciliation with Indigenous peoples in Canada is an absolutely essential goal for not just law societies and the Federation, but also all citizens.

“Our law society in 2019 passed a resolution requiring all lawyers in the province to take a course that will deal with and help them with cultural competency, anti-racism and other important initiatives,” Lawton said.

“We want to augment not just written history, but also stories and video reflections by many people in different communities about this experience and the importance of reconciliation.”

Becoming a National Information Hub was also crucial, the Federation said in its statement of commitment. Steve Raby, President of the Federation of Law Societies of Canada, says that a public information site is in development,



which will include initiatives undertaken by justice system actors, and provide better transparency about the Federation's reconciliation activities.

Young says that this is an excellent idea, as it is important for legal professionals to understand Indigenous legal traditions, in addition to gaining a holistic understanding through resources and training.

"Indigenous nations are diverse across Canada," said Young. "The Mi'kmaq people in Eastern Canada are going to be different [from] the Anishinaabe people, so I think an area that parties can go and get information would be very critical. It would give them the opportunities and resources that will lead them in the direction to where they can at least learn more."

## Moving Forward

Young says that the path forward involves legitimizing Indigenous legal traditions, as well as giving them the same weight and effect as common and civil law systems in Canada.

Reconciliation efforts, as it pertains to the plurality of Canada's legal system, need to recognize that Indigenous legal traditions have an integral role to play, she says.

"I cannot imagine law students coming into the legal system, in 2021 onward, without being exposed and aware of



these legal traditions in Canada," said Young. "This preliminary education is really critical for many students and legal professionals, if they haven't learned about it in prior education."

In regards to the Federation, law societies across the country and stakeholders, Lawton says that consultation is imperative, with respect to the continued commitment towards truth and reconciliation efforts.

"A colleague of mine once gave me this phrase a number of years ago, to guide us when thinking about consultation," he said. "It is 'nothing about us, without us.'"

"In other words, if you are a policy maker, and are looking at initiatives involving Indigenous peoples, consultation is essential," said Lawton. "That to me is critical, and is something I try to remind myself about as often as I can."



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## **Nursing in The North: A Look at The NWT's Only Self-Regulated Health Profession**

*Natalie Pressman*

**O**ur northern territories create a unique landscape for consumer protection. Compared to the considerably larger numbers of self-regulating professions in most Canadian provinces, far fewer exist in the North.

Combined with the sparse population in the Arctic region and its vast geography, self-regulation becomes challenging.

With dozens of regulators in most provinces, only accountants, architects, engineers, geoscientists, and lawyers oversee their professions in the Northwest Territories.

The Department of Health and Social Services (HSS) governs 15 health professions covered by 14 different Acts, all overseen by one registrar.



*Denise Bowen, Executive Director, RNANT/NU*

HSS explained that self-regulation is not feasible in most cases. “The small pool of professionals could pose conflicts of interest,” said Umesh Sutendra, a department spokesperson.



“[This is] especially in circumstances when intervention is required.”

The Registered Nurses Association of the Northwest Territories and Nunavut (RNANT/NU) is the jurisdiction’s only self-regulating health profession. And the RNANT/NU is the only health profession not under the HSS registrar’s purview. Despite its regulatory role, it serves a dual purpose, also representing the interests of nurses.

Denise Bowen, the executive director of RNANT/NU for four years, explained that while the advocacy and regulatory model was once widespread across the country, RNANT/NU will soon become one of the last Canadian nursing associations with a dual mandate.

In August 2020, one of the associations with a dual mandate, the Col-

lege and Association of Registered Nurses of Alberta (CARNA) moved to discontinue its dual mandate.

According to its website, CARNA’s decision was “pre-empted [by] the Provincial Government’s announcement requiring associations and colleges currently operating as one entity to separate.”

Bowen said the Northwest Territories and Nunavut continue to hold the role of advocate and consumer protector, in part because of its population size. The dual mandate “encourages more accountability and responsibility from the nurses.”

As members of the association, nurses sit on committees to look at documentation standards or draft new guidelines,” Bowen said. “Our members have input where elsewhere they wouldn’t.”

RNANT/NU’s ongoing challenge is that half of the nurses practising in the Northwest Territories and Nunavut are not long-term residents but instead practitioners from southern Canada with temporary contracts. This has created an ongoing need to remind nurses to register with RNANT/NU, even if they are not residents. Practitioners are also in need of training to help them effectively navigate nursing in northern jurisdictions.







Some nurses visit the Northwest Territories and never leave. “I moved here more than 20 years ago,” said one nurse, originally from Nova Scotia who wishes to remain anonymous. “It’s an amazing work-life balance living in the spectacular Northwest Territories.”

But indeed, it’s important that temporary nurses have the right training to respond to this region’s unique circumstances.”

With decades of her life dedicated to nursing, Bowen’s commitment to an organization that is fair, balanced and transparent is evident.

“Nurses take on the responsibility of taking a reasonable, prudent, sober second look at things,” Bowen said of the importance of RNANT/NU to the profession and the public. “I think it means a lot to healthcare up here.”

***This article  
is the first  
instalment in a  
series examining  
consumer  
protection in  
Northern Canada.***



# Could Professional Regulation Solve Ontario's Tow Truck Industry Woes?

*Lana Hall*

Coast-to Coast-to Coast

In 2020, Ontario's tow truck industry made headlines after large-scale police stings resulted in charges of arson, drug and weapons possession, and even homicide, in an ongoing turf war among industry operators. Allegedly, some towing groups also defrauded insurance companies by staging collisions.

According to transportation, consumer protection and towing industry representatives, limited regulatory oversight has enabled this industry to operate

under the radar for years. Provincial regulation could change that.

Currently, 18 out of 444 municipalities in Ontario have bylaws governing towing, but no province-wide regulations or professional licensing exist, says Raymond Chan, government relations manager at the Canadian Automobile Association's (CAA).

"There's no requirement for any sort of formal training or education or certification," he says. "It's pretty much the Wild West. As long as you've got a G license, you are qualified to start hooking up vehicles and start towing them up and down the roads of Ontario."

In June 2020, following a blitz that resulted in 50 charges against towing industry members and a Toronto police officer, all allegedly assumed to be part of a tow truck corruption ring, Ontario Premier Doug Ford announced the cre-







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ation of a provincial task force to oversee the industry.

“The task force will help develop a regulatory model that will increase safety and enforcement, clarify protections for consumers, improve industry standards and consider tougher penalties for violators”, reads a press release issued at the time. At a related press conference, Ontario’s Minister of Transportation Caroline Mulroney called for legislation to be enacted by the fall of 2021. The Ontario Provincial Police is conducting their own internal probe into towing-related corruption and on February 25, charged one of their own inspectors with breach of trust.

The idea of tow industry regulation isn’t new. In 2014, Gila Martow, Progressive Conservative MPP for Thornhill, began fielding complaints from her constituents about tow truck activity in her riding.

“I started hearing all these reports of cars being taken to places they hadn’t agreed upon and being charged for things they hadn’t agreed to,” she says. “I heard of people going to see their car once they figured out where the car was, and it was far more damaged than when it was hooked up to the tow. So obviously there’s a bigger problem there.”

After consulting with the CAA, the Ontario Provincial Police, the Provincial Towing Association of Ontario and other



**“Ultimately, provincial legislation could protect the public interest and safeguard the reputation of the industry’s many operators committed to honest service and ethical professional standards.”**

industry groups, Martow tabled a private member’s bill to reform the industry. Recommendations included a provincial registry for tow truck operators and an “Uber-type system” for dispatching, paying and regulating service.

“Every tow truck would be on the system, so the clients would know exactly where their car is and would get paid through the system so there couldn’t be extra billing or cars being taken to unusual places,” says Martow. “It would just be done properly.” The bill, however, didn’t reach legislation. Now, Martow is hopeful the government will implement regulation. “If there is one thing the pandemic has shown us, it’s



that the government can move really fast when it wants to,” she says.

Ultimately, provincial legislation could protect the public interest and safeguard the reputation of the industry’s many operators committed to honest service and ethical professional standards, according to CAA.

“For most people, the second largest investment outside of their home is probably their vehicle. I’m not sure about you, but I wouldn’t want an individual hooking up my vehicle without knowing what to do. We need some level of

standardization and we need to ensure that consumers are protected,” Chan says. “Most of the towing industry itself in Ontario is good ... but the fact that we have all these people who are doing these illegal activities or are trying to seek revenge on each other in the tow industry really says a lot and we think by reforming it and providing these levels of oversight, we will definitely seed out some of these problem areas.”

The provincial government is expected to announce an update on the task force’s activities in the spring of 2021.



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# Catherine Ouimet

## **Millennial Making Moves:**

Le Barreau du  
Québec Hires  
Youngest CEO  
in its History

*Marco Vigliotti*





**C**atherine Ouimet's start to her tenure as executive director of the Barreau du Québec was unlike any of her predecessors.

She took the reins of the regulator for Quebec's nearly 28,000 lawyers this past August in the midst of one of the worst pandemics in modern history, grappling with court closures and restrictions on public gatherings that impacted the delivery of everything from the bar exam to regular meetings.

But this wasn't entirely uncharted territory for Ouimet.

She had spent the past four-plus years as the director of the organization's clerk's office (or registry office), which allowed her to more readily adapt to the challenges of the new role and reduce the learning curve in a time of unprecedented disruption.

"I think I was very lucky, in a sense. I can't imagine [a new executive director] coming from outside and taking this position, not knowing the culture — how we do things must be a greater challenge," she said in a telephone interview with The Registrar.

Ouimet falls into the small but growing ranks of young, female professionals holding leadership positions within Canada's regulatory bodies. In a field where many professionals work well past retirement age, this millennial's elevation to such a high-profile and influential position at an earlier part of her career especially stands out. But,



***Ouimet falls into the small but growing ranks of young, female professionals holding leadership positions within Canada's regulatory bodies. In a field where many professionals work well past retirement age, this millennial's elevation to such a high-profile and influential position at an earlier part of her career especially stands out. But, there should be no doubt about her experience."***



there should be no doubt about her experience.

Her career in the legal field started in the latter half of 2008 as an articling student with the Quebec ombudsman's office. Then in early 2009, she became the executive director of the Jeune Barreau de Montréal — the youth or young bar association — and would lead the organization for nearly eight years, taking on many of the responsibilities she now has on her plate with the Barreau du Québec.

These include developing plans, policies and priorities for the group; managing staff and major events; representing the organization publicly; negotiating agreements on its behalf; and keeping on top of financial matters.

“What really appealed to me [about the organization] is it had a really big action in pro bono [work]. We had a lot of different programs to give legal advice to the public,” Ouimet said of the Jeune Barreau de Montréal.

“[During my time], we really grew as an association. When I started at the young bar, we had three employees. And when I left, we had six and we had doubled attendance for all our activities. So, it was really interesting for me to see the growth during these years.”

In fact, Ouimet started her MBA during her time with the young bar association, providing her with specific education on managing businesses and organizations.

“I really liked the role as an executive director there. I started my MBA ... and I figured it was the best thing to do to get more knowledge on how to run things and how to manage properly. So, I pursued my career in management and I really, really enjoyed it,” she explained.

After a successful tenure at the young bar association in Montreal, Ouimet moved to the Barreau du Québec in the summer of 2016, becoming the director of the clerk's office, where she managed all of the legal and disciplinary committees and was responsible for client services and the main registration process for entry to





the bar. In essence, she directly oversaw the organization's major regulatory functions.

And after four years or so in the role, the Barreau's executive director retired and Ouimet decided to apply for the top job, saying she thought it was a "good time" for her to seek out that role.

Unfortunately, the COVID-19 pandemic temporarily derailed the hiring process.

Ouimet says she participated in the first round of interviews for the position in February 2020 but when the

pandemic hit, the hiring process was delayed and she wouldn't be named to the post until August.

Unsurprisingly, she says the ongoing COVID-19 crisis represents her biggest current challenge in the position as she's had to shift her attention away from implementing her long-term vision to focus on crisis management instead.

"Because I came from the inside, I knew everybody and I already was very familiar with the culture and how we do things at the Quebec bar. But I think the most challenging part is when you're in a new position, you want to

*Le Barreau du Quebec is the regulatory body that oversees the province's 28,000 lawyers.*







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**#ChooseToChallenge**



come in with your vision and you want to put things in place and be able to improve things,” she explained.

“But with COVID, know that it's hard. You need to focus on things that aren't going to be there in the future necessarily. We need to focus on problems that are short term. So it's hard to, for a new leader to do that, instead of really trying to work on their long-term vision. So I guess that's what's [been] the most challenging for me.”

“I still continue [to pursue] my projects and my vision, but it has to make room for the day-to-day focus on COVID [and] the impact on our employees and on the members,” she said.

Ouimet says communications to members has been a major priority during the pandemic as members need to feel that they are being properly informed and the Barreau is representing their interests, especially as the sector faces court closures and major disruptions to their standard practices.

“They need to feel that they're also to in-

form them, and to represent them when it's necessary, on different committees, and liaison committees with the courts and with the practice,” she explained.

When asked for her thoughts on the impact of her new title, Ouimet says she hopes her elevation to the top job in the provincial legal field's regulatory body sends a positive signal to younger lawyers in the profession that their voices matter.

“When I took the position, I received a lot of congratulatory emails, and I was very curious to see the reaction of our members and [stakeholders]. It was very positive. People saw that as a kind of a message from our governing body, saying we want or we trust the new generation. We want to go forward with change,” she said.

“So it was really fun to see that. I guess it could be seen as a message to younger people to tell them, ‘there are opportunities there. And it's not just the older people who are more experienced. It's also open to everyone who [will] work hard.’”



[Video Message – click to view](#)

A woman with curly hair, wearing a white shirt and a dark blazer, is shown from the chest up. She is looking directly at the camera with a slight smile. The background is a blurred office or modern building interior with large windows.

**I AM QUALIFIED.**



International Women's Day



# A Home Destroyed by a Sinkhole Leaves a Nova Scotia Family with Few Answers and Little Hope

*Ritika Dubey/M. Daniel Roukema*

Consumer Focus

**I**t was 3 AM when the house shook. Then glass broke and the power went off. Just like a horror movie, that is how the ordeal began more than three years ago for a Nova Scotia family whose home collapsed into a sinkhole, crushing their dreams, and nearly their lives.

Heather Strickey and her teenage daughter experienced that terrifying reality in the early hours of September 3, 2017. They were in their Falmouth home on Mountain View Drive about 65 kilometres northwest of Halifax in the Annapolis Valley. Her husband, Chris Strickey, and their other child were away on a father-daughter trip that Labour day weekend. They returned to find themselves homeless.

Terrified by the house's unexpected movements, Heather grabbed her phone, hid in the bathroom with her daughter and dialed 911. "I called and told the operator what was hap-

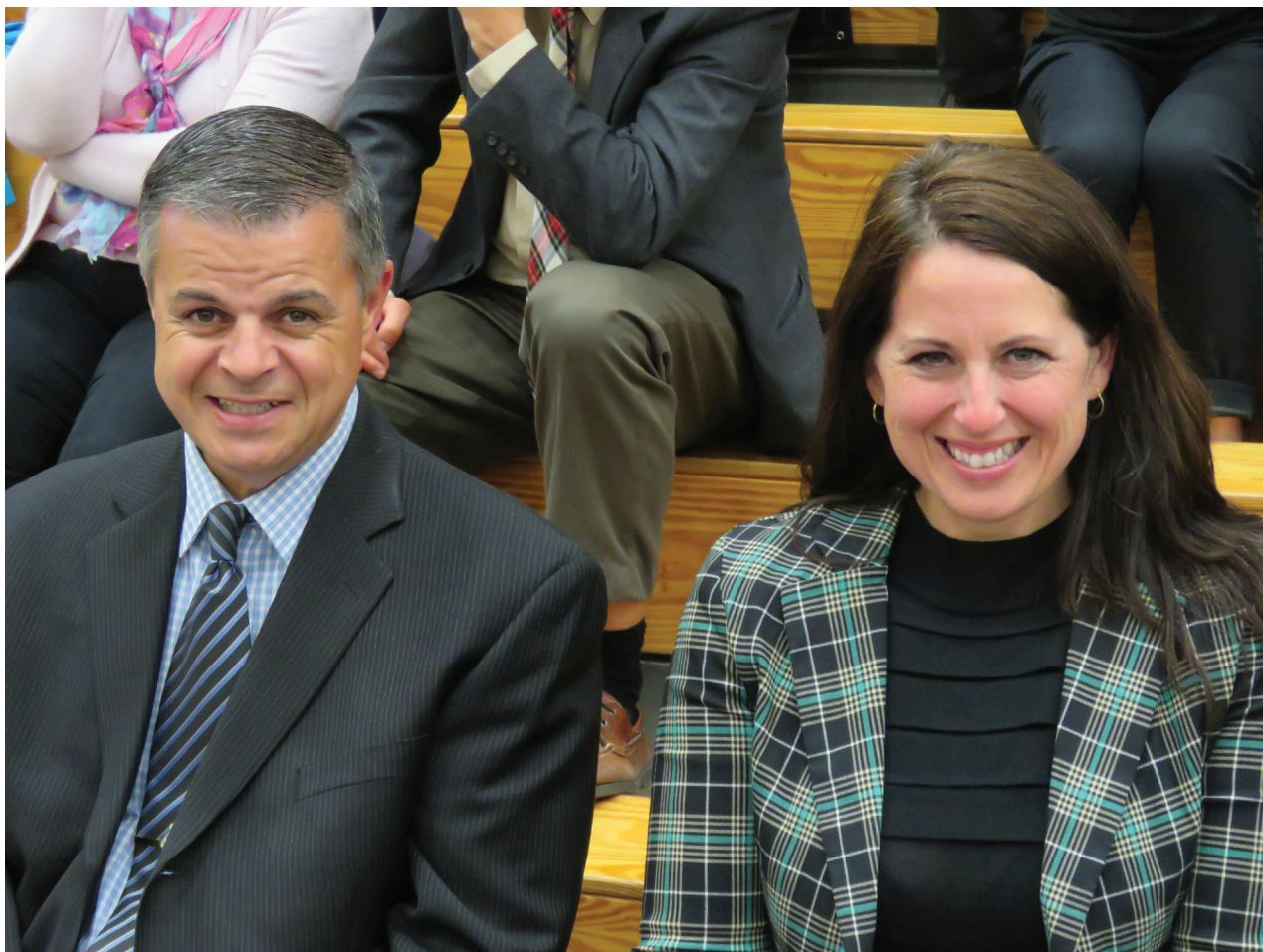
pening," she said, recollecting those frightening moments. "I am pretty sure there are intruders in our house."

Relaying the conversation from the police to Heather, the 911 operator said "it's a sinkhole. You need to get out of your house immediately. Only grab the most important things and get out." At that moment, Heather had no idea that the family would never return.

Overnight, the Strickeys lost their entire home, personal items, and memories to a nine-meter-deep sinkhole. The terrifying incident was compounded when the family's insurance company, Wawanesa Mutual Insurance, denied them coverage citing that "earth movement" or settlement was not covered in their plan.

Both Heather and Chris work at King's-Edgehill School, a private co-educational institution in the





*Brave Faces: Despite the lingering trauma, the Strickeys remain engaged and do all they can to appear upbeat and positive for their children and the school's students.*

neighbouring town of Windsor. After temporary stays with friends and family for ten months, the school responded to the family's plight and offered them temporary residence while they sorted out the ordeal. Shouldered with mortgage payments on a \$500,000 home that was eventually torn down in 2018, the family remains to this day in a small apartment on campus.

After years of seeking answers, compensation, and a return to a normal life, the Strickeys find themselves

“**The only clarity they have is that seemingly, all protections afforded to them as consumers have failed.**”



running out of options. The family continues to wonder whether there were any warning signs for a sinkhole and who should be accountable. The only clarity they have is that seemingly, all protections afforded to them as consumers have failed.

Sinkholes are sudden depressions of earth formed from changes in soil density. The province of Nova Scotia has a large land area near the former Strickey home that is at risk of sinkholes from karst topography, which is created by the dissolution of soluble rocks such as limestone and gypsum.

In an attempt to navigate the complexity of this issue, The Registrar contacted the provincial government. “Where buildings are permitted to be built is a planning issue [and] that is generally decided by a municipality,” said Krista Higdon, Media Relations Advisor for the Department of Municipal Affairs and Housing and the Office of the Fire Marshall.

Higdon explained to The Registrar that for homes and small buildings the only need for an assessment is if there are known problems in the area or if a building official noted some abnormalities during a so-called foot-

*Almost four years after the sinkhole occurred, the family still seeks answers.*





ing inspection, which is designed to ensure a home's foundation will bear the load of the building.

However, the Windsor-West Hants Regional Municipality has rejected any responsibility because the statute of limitation afforded to homeowners had passed. According to the Municipal Government Act, "the Limitation of Actions Act or another statute, a municipality or a village and its officers and employees are not liable for a loss as a result of an inspection or failure to inspect, if the claim is made more than six years after the date of the application for the permit in relation to which the inspection was required."

The Strickeys moved into the house - built in 2003-04 - in June 2007, only two years before the statutory deadline.

"Technical issues aside, this is a tragic situation, and my heartfelt thoughts are with the family," said Melissa Peneycad, Managing Director of the Washington, DC-based Institute for Sustainable Infrastructure. An authority on environmental sustainability who assesses billions of dollars of infrastructure projects in the US, Canada, and around the world, Peneycad contends that the possibility exists that at the time of the home's construction, the risk of a sinkhole might not have existed or even been explored.

"When a development is being planned, risks of sinkholes can be re-



*The Strickeys's \$500,000 home was destroyed due to a nine-metre sinkhole.*

duced by thoroughly investigating the karst potential of the area and determining appropriate mitigation measures based on the level of risk. While many sinkholes are created by natural processes, many more are induced by human activity. If human activity, or the failure to investigate the karst potential of the area is to blame for this tragedy, then this family and other consumers in Nova Scotia or anywhere that karst topography is present are at risk."

Peneycad added that human activities such as the overuse of groundwater causing the water table to drop, drilling, mining, broken underground pipes, improper grading or other activities that can alter natural surface water run-off and infiltration can contribute to the emergence of new sinkholes.

Nova Scotia is known for its karst topography. In recent months, there





*Dreams demolished. The home was eventually torn down leaving an unstable and empty lot.*

have been multiple cases of sinkholes damaging properties in other parts of Nova Scotia, including a recent collapse in the community of Oxford. Often, no prior warnings exist for a sinkhole until the soil collapses. Though gradual slumping or sagging structures such as doors may be indicators, these can also occur in non-karst areas and are therefore not definitive signs of an impending collapse.

Building in karst environments is risky. Larger infrastructure projects such as schools and shopping centres receive greater scrutiny before and during con-

struction to help mitigate the possibility of sinkholes. However, unless consumers exercise their due diligence, private residences such as the Strickey's are not necessarily examined with the same rigour.

Pal Mann is a professional engineer and CEO and Registrar of Engineers Nova Scotia, the licensing and regulatory body for the province's 7,000 professional engineers and engineers-in-training.

When asked whether an engineer, geologist or geoscientist would have signed off on the land to clear it for development, he said, "it depends on what was asked by the municipality," adding that various entities often request soil tests. "Ultimately, it's up to the municipality when they issued the permits what they need in terms of information to satisfy the regulations or the bylaws of the municipality."

Mann acknowledged that consumers should be more aware of the risks and make informed choices before purchasing property. Yet, in a province where karst landscape is abundant, public awareness is limited. Few consumers, in Nova Scotia or elsewhere, are proactively informed about the risks.

Wawanesa Mutual Insurance Company refused to disclose the details of the case, citing the obligation to protect the interests and privacy of its policy holders. "For this reason, we do not publicly





# EMPLOYMENT OPPORTUNITY

## Deputy Registrar

Ontario College of Social Workers and Social Service Workers



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comment on the specifics of any claim, nor do we discuss matters currently under dispute,” said Brad Hartle, senior communications specialist.

“With regard to specific risks in different areas of Canada, we only distribute our insurance products through independent insurance brokers, who are experts in risk management and advocate for consumers across Canada. Not all risks are insurable,” Hartle replied to a question about whether a specific plan existed to protect homeowners.

The Registrar contacted the Insurance Brokers Association of Nova Scotia about the availability of sinkhole insurance. The association representing insurance professionals in the province would not respond to requests for information.

Wawanesa referred The Registrar to the Financial Consumer Agency of Canada (FCAC), which oversees federally regulated financial entities. The FCAC recommended that The Registrar contact the Insurance Bureau of Canada, which did not respond to requests for an interview.

Nova Scotia does not stand alone as a sinkhole-prone jurisdiction. “It’s a natural phenomenon that occurs around the world,” said John Drage, a Senior Geologist/Hydrologist with the Nova Scotia Department of Lands and Forestry.

“There are established methods for reducing sinkhole risks, and they start

right at the planning stages.” Drage added that once construction is complete, ongoing monitoring and maintenance are required.

This case is one that illustrates how, despite all perceived protections afforded by insurance companies and best efforts by regulatory organizations to serve the public interest, consumers may still be at risk. “Honestly, it is so hard...we have no idea what to do,” said Heather Strickey. “I was shocked to learn that we weren’t covered by Wawanesa as we asked for full coverage, there was nothing in our policy to exclude a sinkhole. Now, Chris and I have no idea about when or if we will ever be able to retire. We lost everything. Our investments were our house.” The Strickeys have retained legal counsel and are considering their options.

While this Nova Scotia family continues to navigate the traumatic experience that haunts them almost four years later, their story serves as an important lesson to all home builders and homeowners about the risks of sinkholes: Do your homework. Examine the risks before you buy or build. Obtain municipal records and get second opinions.

“After the [sinkhole] event, you’re just trying to find out who should pay money to solve this issue,” noted Pal Mann at Engineers Nova Scotia. “And everyone is going to argue why someone else should have done something in that event.”





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# **March is Fraud Prevention Month Join the fight!**

## **#FPM2021**

[bit.ly/TheLittleBlackBookofScams](https://bit.ly/TheLittleBlackBookofScams)

# **Le Mois de la prévention de la fraude est mars**

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Canada





## Fraud Prevention Month 2021 Focuses on Digital Scams

*Leah Golob*

**F**raudsters are increasingly targeting consumers in cyberspace amid the COVID-19 pandemic as more Canadians turn to online shopping and digital tools and platforms.

Last year, Canadians reported losing over \$106.4 million to fraud — of that amount, \$62.6 million came from online scams, according to the Canadian Anti-Fraud Centre (CAFC). That's up from \$56.8 million in 2019.

Given that only approximately five per cent of fraud is reported, Canadians

are likely losing much more money than the statistics suggest. And with those low reporting numbers, it can be a challenge for law enforcement agencies to keep on top of fraud and collect the evidence needed to catch perpetrators and warn the public about ongoing scams.

To raise awareness, the Competition Bureau is teaming up with the Royal Canadian Mounted Police and CAFC during the month of March for Fraud Prevention Month (FPM), now in its 17th year. The idea is to bring together



the expertise of these organizations and recruit others in the fight against fraud across the country. More than 60 Canadian organizations are participating, ranging from consumer and volunteer groups, government agencies, police services and enforcement organizations to private companies.

“The Bureau is determined to crack down on those who use deceptive marketing practices to steal Canadians’ hard-earned money,” said Josephine Palumbo, deputy commissioner of deceptive marketing practices directorate of the Competition Bureau, in a statement to *The Registrar*.

## The evolution of fraud

FPM initially launched back in 2004, with the hope of helping Canadians recognize and avoid scams, and has since become an annual event.

Back then, the Bureau was primarily focused on deceptive telemarketing, fraudulent sweepstakes or lottery winnings, and fake job opportunities, Palumbo says. Some of those scams from the early 2000s are still around today.

However, due to the rapidly growing digital economy, Canadians have been facing newer scams, such as subscription traps, non-delivery of products, fake online reviews and more.

“

**The Bureau is determined to crack down on those who use deceptive marketing practices to steal Canadians’ hard-earned money”**

“Scams are now more complex and global, and typically involve multiple players,” Palumbo said

Given how fast the digital economy is growing — in fact, 30 per cent faster than the overall economy from 2010 to 2017 — this year’s campaign will focus on digital scams, says Palumbo.





## Special

“That explosive growth means that digital is now more important to our economy than many of the more traditional sectors,” she noted.

While at the start of the pandemic certain types of fraud, such as telephone scams, experienced a decline because many fraud call centre operations were shut down due to social distancing, other types of fraud rose, particularly phishing scams via text messaging or email, says Jeff Thomson, senior RCMP intelligence analyst at the CAFC.

With the rise of e-commerce, there's also been an increase in phishing scams. In these scenarios, scamsters ask people to update their profiles on online shopping sites or view an attached receipt of a recent purchase — even if they haven't bought anything or don't have an account with the re-

  
**CONSUMER PROTECTION.INFO**





tailer. They're designed to trick people into clicking on attachments or links, allowing the scamsters access to sensitive information or email accounts.

"They're very sophisticated in the sense that it looks like they're coming from a legitimate organization, institution, or government agency," Thomson said.

Phishing is the preparatory phase of an identity theft crime where fraudsters are trying to gather personal and financial information to be used for further fraud, he explains.

Depending on the type of information fraudsters acquire, they can create fake IDs to open up new accounts in the victim's name, such as credit cards, bank accounts, loan applications and more.

"At the end of the day, they're capturing all the necessary information to

further other frauds," Thomson said.

One such fraud seen in the news lately is credential stuffing, where fraudsters harvest usernames and passwords from the links Canadians are clicking on.

"With that information, they can start punching it into other websites that have log-in credentials, such as banking and government websites, hoping that you use the same username and password across various accounts," Thomson explained.

## Fighting fraud with awareness

To combat fraud, raising awareness is key. While traditionally people have thought that only certain demo-



graphics are vulnerable to fraud, anyone can become a target, whether they're a teenager, senior, or anything in between. Likewise, large corporations can fall victim to fraud as much as everyday consumers.

In this year's effort to connect with Canadians, the Bureau plans to leverage social media to post fraud prevention tips, links and videos using the hashtag #FPM2021. They'll also continue promoting The Little Black Book of Scams, an online resource with tips to recognize, reject and report fraud.

"The more educated Canadians are about the various types of scams, the better they can protect themselves," Palumbo said.

The Ontario Securities Commission (OSC) will be another participant this year, emphasizing that investors are often targeted and can sometimes wind up investing their life savings in these scams.

"We wanted to take a stand and provide the educational resources for investors to better prepare themselves during these difficult times," said Raj Balasubramanian, manager of investor engagement and outreach at the OSC.

"COVID-19 has impacted everybody's lives — some more than others. People are very vulnerable."

On March 10th, the OSC will hold a town hall that anyone can join or call into (similar to a radio show) to learn more about some of the COVID-19 related frauds and scams and how people can better protect themselves. Like the Bureau, the OSC will also be turning to social media and participating in a Twitter chat with its partners.

Pre-COVID-19, the OSC used to travel the province delivering free investor seminars on fraud prevention with accompanying resources. Now that it's no longer safe to do in-person, the body is hosting these workshops virtually, while working with local community organizations to deliver them.

With these education offerings, the Competition Bureau and its partners hope more Canadians begin to report the fraud that they— or someone they know— encounter. Depending on the type of fraud occurring, some people may feel shame or stigma about the experience, and avoid reporting the incidence, Thomson says. But that information is important intelligence that can help the CAFC and other agencies to provide operational support.

If you, or someone you know, has fallen victim to fraud or been contacted by a scammer, the Bureau asks that you report it directly to them or the CAFC.

A full list of partners participating in fraud month is available here:  
<https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/o1842.html>





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# GEORGE DRAMETU

## **From Humble Beginnings a World Away to Leadership at Canada's Largest Real Estate Regulator**

*Damian Ali*

*The Registrar Profiles  
RECO's Litigation and  
Privacy Chief*

**G**eorge Drametu's journey to become a senior lawyer started some three decades ago and thousands of miles away.

Drametu, the director of the Litigation Department and chief privacy officer at the Real Estate Council of Ontario (RECO), was born in Uganda, the first-born





of seven children. In 1980, amidst political upheaval, his father fled to neighbouring Kenya, which prompted his family's evacuation from Uganda. For the studious future lawyer, the transition brought uncertainty about his career prospects, with Drametu eventually heading to the Southern African country of Lesotho – a tiny nation surrounded by South Africa -- for his legal education.

After obtaining his B.A. in Law and LL.B, in 1987 and 1989, respectively, at the National University of Lesotho, Drametu was called to the Lesotho Bar in 1991. This achievement was the first step in building an impressive portfolio of academic accolades that continued in Canada after he arrived in 1992.

"When I came [to Canada], I had to start with involving myself in a lot of volunteering in the Kitchener-Waterloo community where I settled" said Drametu, who, as a practising lawyer, is now regulated by the Law Society of Ontario.

"The initial challenges had to do with finding work, but I ended up being a little lucky. I got a placement with a Waterloo Region Community Legal Clinic and worked with them, which coincided with my work legal work with the Office of the Chief Legal Aid Counsel in Lesotho. This work placement provided a nice exposure to me of the legal environment in Canada. "

“

***He was called to the Ontario Bar in 1999 and began working as legal counsel at RECO in 2000. While working at RECO, he continued to further his legal education. In 2006, he obtained a post graduate diploma in Justice System Administration, in addition to his LL.M in administrative law at Osgoode Hall Law School in Toronto. “***

He was called to the Ontario Bar in 1999 and began working as legal counsel at RECO in 2000. While working at RECO, he continued to further his





*The Real Estate Council of Ontario (RECO) regulates some 90,000 real estate registrants to support a fair, safe and informed marketplace*

legal education. In 2006, he obtained a post graduate diploma in Justice System Administration, in addition to his LL.M in administrative law at Osgoode Hall Law School in Toronto.

Drametu occupied several legal roles at RECO that culminated in his appointment in 2018 as the director of the newly formed Litigation Department.

"We continue to build an excellent litigation team and have also been working to establish key performance indicators for the Department, in order to properly measure what we do and how we can improve," Drametu said when asked about the priorities in his role.

"It's almost been three years since I've been elevated to this position, but, like anything else, one grows

with the experience and the continuous learning."

With the size of Ontario's housing marketing, RECO's work to protect the public interest is crucial. Overseeing some 90,000 real estate registrants, RECO has had to adapt to considerable changes to reflect the market landscape. *The Real Estate and Business Brokers Act, 2002 (REBBA 2002)*, the Act governing Ontario's real estate industry and enforced by RECO, was amended when in March 2020, the *Trust in Real Estate Services Act, 2020 (TRESA 2020)*, received Royal Assent. In addition to the legislative changes, RECO is adapting to the closing of the OREA Real Estate College and grappling with the COVID-19 pandemic that ceased in-person training programs for aspiring real estate agents and professionals pursuing mandated continuing education programs.



## CAREER APPOINTMENTS

But adapting to change never phased George Drametu, who remains upbeat and ready for what lies ahead.

The nature of the work in the Litigation Department at RECO is challenging and very satisfying. "We regulate the real estate industry and protect the consumers. The way I look at it is that you never really lose," said Drametu.

"Even if you take a matter and the other side wins, it sets out rules and guidelines which helps everyone. Or, if you have someone who does something terrible and gets kicked out of the industry, then you've protected the consumer. Either way, there's something nice that comes out of it."

Despite the many challenges endured along his journey from East Africa to his role with RECO, Drametu says it was all worth it.

"I find myself now living in a peaceful country where my wife and I raised three boys."

For Drametu, adapting has been part of life, and for him, the true measure of success is determined by the degree of patience one applies to the inevitability of change.

### NOVA SCOTIA

**John Hubert** was appointed **Executive Director & Registrar** of the Nova Scotia College of Counselling Therapists.

### ONTARIO

The **Home Construction Regulatory Authority** began operations on February 1. Its Senior Leadership Team includes the following new appointments:

- **Marc Specter**, Deputy Registrar, Licensing & Compliance
- **Stephanie Donaldson**, Director, Consumer & Industry Relations
- **Lisa Kerr**, Director, Information Technology & Information Management
- **Glen Medeiros**, Director, Corporate Services
- **Tim Snell**, General Counsel

The Ontario College of Teachers welcomed **Dr. Derek Haime**, OCT, as its Registrar and CEO

### SASKATCHEWAN

The **Saskatchewan Dental Hygienists Association (SDHA)** is proud to announce the appointment of **Shelby Hamm** as Registrar.



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# Administrative Authorities in Canada: Promoting Consumer Rights and Public Safety

*Trisha Richards*

**N**early a decade ago, Antonia Vanderveen and her late husband purchased prepaid funeral packages from their local Ontario funeral home.

“My husband and I wanted to be pre-

pared in case one or both of us passed away and make sure the children would not be burdened with our funeral arrangements,” she said.

Several years after her husband’s funeral, Vanderveen heard through the







grapevine of her small town that the funeral home, which still held her funeral prepayment, had been involved in some sort of conflict. After calling the company several times seeking a reimbursement for her own funeral arrangements, Vanderveen contacted the Bereavement Authority of Ontario (BAO), which acted on her behalf.

“At first, they did not want to reimburse our money, but the BAO really, really pushed so I was able to get the money back that we had invested several years ago,” explained Vanderveen.

Recently, the BAO revoked the funeral home’s license; the funeral home chose not to appeal and is no longer in operation.

## Several Agency Acronyms; One Common Purpose

As a Canadian consumer purchasing any type of product or service, you may discover with a quick Google search that there is an industry-specific organization dedicated to ensuring you get a fair deal. Depending on the province, these agencies may be classified as delegated administrative authorities (DAAs), delegated administrative organizations (DAOs) or delegated regulatory organizations (DROs), but they all share some common traits and a mutual general purpose: they license, regulate, and educate.

Deriving their authority from provincial governments, DAAs, DAOs and DROs are particularly prevalent in Alberta,



British Columbia and Ontario and deliver critical programs and services to make sure consumer protection and public safety laws are applied and enforced. Funded by revenue raised through sector-related licensing fees and services, the consumer advocacy they provide comes at no cost to taxpayers.

### **Ontario's 13 Independent DAAs**

In Ontario, the administrative authority model establishes an accountability and governance framework for the delegation of the administration of legislation to not-for-profit corporations, independent of government.

"Under this model, overall accountability and responsibility for the delegated legislation and regulations is held by the government," explained Matteo Guinci, strategic communications and media advisor, Ministry of Government and Consumer Services.

"The administrative authority is responsible for the day-to-day delivery of the delegated services."

Thirteen such authorities were assigned by the Ministry of Government and Consumer Services and range from electrical and technical safety to home renovations and condominium management.

**“Deriving their authority from provincial governments, DAAs, DAOs and DROs are particularly prevalent in Alberta, British Columbia and Ontario and deliver critical programs and services to make sure consumer protection and public safety laws are applied and enforced. Funded by revenue raised through sector-related licensing fees and services, the consumer advocacy they provide comes at no cost to taxpayers.”**



## Support-Focused Service Commitment

Consumers acquiring the support of a DAA should expect a compassionate, accommodating service experience, says David Brazeau, BAO's manager of communications.

"We try to make it as easy as possible for people to get the information they need," he explained.

"Oftentimes, families are contacting us or one of our licensees at one of the worst times in their lives."

He added that the BAO, which has been at the forefront informing Ontarians of funeral allowances during COVID-19, recently launched a new, user-friendly website with a free, plain-language consumer information guide.

"We're really here to make sure that no one's getting a bad deal or being

*The BAO protects consumers by regulating the province's funeral industry.*



mistreated in terms of the law within our sector," said Brazeau.

"And if they think they are, if they think they've paid too much or haven't been treated fairly in one manner or another, they can send us an email or come right to our website and file a complaint."

## Administrative Authorities in Western Canada

With one government delegated organization overseeing multiple sectors, British Columbia has a slightly different consumer protection model than Ontario. Consumer Protection BC is a multi-sectoral DAA that regulates a variety of industries — including payday lending, telemarketing, and travel agencies — and specific types of consumer transactions in British Columbia. Like several of Ontario's DAAs, Consumer Protection BC licenses and inspects regulated businesses, responds to consumer inquiries, investigates reported violations, and educates consumers and businesses.

"While consumer education is an important piece of the puzzle, we recognize that consumers often seek help when something has gone wrong, and we do our best to offer tools and resources to help them through that process," explains Amanda Parry,



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WINTER EDITION 2021



communications coordinator, Consumer Protection BC.

Meanwhile, the Alberta government delegates authority to independent bodies, referred to as DAOs and DROs, established to administer programs or regulate industries on its behalf. Within the Ministry of Service Alberta, there are three DROs — the Alberta Motor Vehicle Industry Council (AMVIC), Real Estate Council of Alberta (RECA), and Alberta Funeral Services Regulatory Board — and one DAO, Money Mentors, which does not have a consumer protection role but provides credit counselling and financial education.

As a first line of defense, Service Alberta encourages consumers to connect with protection advocacy agen-

cies or review their respective websites for valuable information prior to an issue resulting.

“Often, (our) Contact Centre is the first source of information for consumers, directing them to appropriate organizations that would be responsive to their concerns — unfortunately, this usually occurs during or after the need for assistance, rather than before,” said Tricia Velthuisen, press secretary to Alberta’s Minister of Service Alberta Nate Glubish.

“The key takeaway for consumers is to do their research before they have an issue so they are knowledgeable about their rights and responsibilities, who to contact should an issue occur, and the remedies available to them.”



## CONTRIBUTORS WANTED

Submit your consumer protection stories and get published

[editor@theregistrar.ca](mailto:editor@theregistrar.ca)



# Vaccine Regulation and the Race to Protect Canadians from COVID-19

*Lana Hall*

**A**s a large-scale vaccine campaign rolls out across the globe, many are uncertain about how a vaccine can be developed — and approved — so swiftly. While eight out of 10 Canadians plan to get

the COVID-19 vaccine, nearly half of respondents question its safety, according to a recent study published by KPMG. To address the Canadian public's concerns, The Registrar went beyond the professional licensing





world to answer the question: How are vaccines regulated in Canada?

Health Canada is the federal government department responsible for regulating all vaccines administered in Canada, and their involvement begins before a vaccine even hits the clinical trial phase, says Dr. Manish Sadarangani, a clinician and scientist who serves as the director of the Vaccine Evaluation Centre at the B.C. Children's Hospital.

"Most vaccine developers will have been in discussions with Health Canada pretty early on to say, 'you know, we're doing this trial. Ultimately, we want to want to come to Canada for approval. What would be the expectations in terms of what kind of data you'll want to see to be able to approve this vaccine?'" says Sadarangani. This data includes demographic information, as well as study results, with findings on side effects and the effectiveness of the drug itself.

The clinical trials themselves are not managed by Health Canada when conducted overseas, but they must pass an ethics review performed by a regulatory body in their own country before proceeding. Vaccines must also show strong pre-clinical data before being tested on humans.

"Before even entering into a clinical

trial, usually you would have some supporting data from pre-clinical research, whether that's from animal models or whatever to demonstrate that there is evidence that the product that you have is likely to be safe and effective," says Sadarangani.

Vaccines must progress through three phases of clinical trials to be eligible for approval. Phase 1 usually consists of only tens of participants and is heavily focused on safety. "These adults are very quickly monitored to look for any side effects, some of which you might expect and some of which also you may not expect," says Sadarangani.

"Then the data from that are reviewed by Health Canada and at that point there will be an independent safety and monitoring board which will include experts from relevant fields and statistical experts. Once there is evidence of safety in the phase 1 trials, you would progress to a phase 2 trial."

Phase 2 trials usually involve hundreds of participants and are primarily concerned with a drug's safety for use among larger numbers. Once phase 2 data have been approved, phase 3 trials begin, which often involve thousands, or tens of thousands. In phase 3, "you're really definitively trying to find evidence that the product works," says Sadarangani.



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**Throughout the pandemic, health care professionals have gone out of their way to reassure the public that COVID-19 vaccines have been developed rapidly because the process has become more efficient, not because safety precautions have been skipped.”**

Typically, Health Canada’s regulators review most of the data after the trial has finished, including “the pre-clinical data, the animal data, plus all the clinical data — even stuff that’s not necessarily in the public domain would all go to the regulator for them to review,” says Sadarangani. It can take an entire year — or longer — for a vaccine to be approved.

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One process that’s helped shorten the regulation timeline is something called a “rolling review,” says Sadarangani. “That has allowed companies and other vaccine developers to submit their data as they’re doing the trial and as the data are available, rather than having to wait until the end and submitting the whole thing.”

This means parts of the approval happen concurrent to the trials, eliminating a lengthy review portion at the end. Each trial, along with all pre-clinical data, however, must still be reviewed in its entirety before approval in Canada.

Vaccine regulation also continues after the dose has been administered, says Sadarangani. To track the possibility of reactions post-vaccine - called adverse effects following immunization (AEFIs) - there are several provincial and territorial systems in place. For example, the Canadian National Vaccine Safety Network (CANVAS) is a network of sites across Canada that assess vaccine safety





during large-scale implementation, including assessing safety of the flu shot every year. Systems like CANVAS collect data about side effects and report it to Health Canada. “All of that data you can only really look at once the vaccine has been implemented,” he says.

Despite the thoroughness of Health Canada’s regulatory practice, some experts are still looking at ways to make improvements. According to Janice Graham, a medical anthropologist at Dalhousie University who studies vaccine regulatory practices, the public should be able to easily understand how Health Canada makes its regulatory decisions. The government launched a clinical information portal in 2019, which provides the public with information about the safety and effectiveness of Health Canada approved drugs, but Graham believes this information should be available earlier in the process.

“They put that information up, but

they only put it up after the drug has been approved,” says Graham. “None of us can see any of that data during any of the trials. We just have to trust, I guess, that they are doing that process, but we can’t actually independently evaluate it if it’s not available to us. So, they’re treating the data as confidential business information before a regulatory decision is made.”

Graham hopes the information portal will eventually be open to the public, even before Health Canada has approved a vaccine. “I think it’s really critical for public trust, for the public to know that the data are open for assuredness that these products are safe, that they do work well, and that we can see the process of decision-making,” she says. “[We need] not just the numerical data, but the actual decision-making processes.”

Despite some challenges around transparency, vaccine processes are continuously improving. Speaking at a press conference in February 2021, Toronto’s Chief Medical Officer of Health, Eileen de Villa, praised process changes that have allowed the COVID-19 vaccines to be approved safely and efficiently.

“I’m not certain that even five years ago we could have developed vaccines such as these in the same amount of time,” she said.





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