



# Training

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## Overview

Professional regulatory organizations are committed to the ongoing professional development of their members. Equally, professional regulatory organizations should be committed to the ongoing professional development of their regulatory committees and administrators. The reasons are self-evident: regulatory functions are challenging; the stakes are high for the member; and the public interest is fully engaged. Volunteers serving on regulatory committees are experts in their own profession but are usually not experts in regulatory functions. Training helps volunteers and staff become high-performers in their roles while at the same time minimizing legal risks.

As part of the Field Law commitment to “preventative lawyering”, our Professional Regulatory Group provides a broad range of training and workshops for regulatory committees and administrators. “Preventative lawyering” means helping clients take proactive steps to prevent legal problems from arising rather than only addressing the legal issues after a problem has occurred.

In addition to our free “[Perspectives for the Professions](#)” newsletter and regular case law updates, Field Law’s Professional Regulatory group offers “Roundtable” meetings for regulators to meet with us and discuss current challenging issues as well as fee-based workshops on many key topics for regulatory committees and administrators.

Regular training is cost effective and in the public interest helping regulatory committees make better decisions and greatly reduce the risk of successful legal challenges. Preventing just one legal challenge from arising will pay for many years of training.

Training for regulators is most effective when it is offered on a regular, annual basis with adjustment to the training program each year depending on need. The composition of regulatory committees frequently changes. New members need orientation and experienced members require reinforcement of their knowledge and skills. Regulators which offer training on an irregular basis will fail to reap the full benefits of a formal training program.

Our Professional Groups customize our workshops depending on the needs of the individual organization.

Click on the Workshops tab to see a list of the workshops we currently offer, or contact us to discuss a custom workshop for your organization.

## News + Views + Events

June 13, 2024

[Reviews of Registration + Practice Permit Decisions Under the Health Professions Act](#)

## Services

Professional Regulatory  
 General Counsel for Professional  
 Regulatory Organizations  
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 External Reviews of Professional  
 Regulators  
 Legislative Reform + Development  
 Litigation for Regulators  
 Administration

June 5, 2024

Discipline Tribunal Essentials: Fundamental Skills

## Workshops

### Registration

**“Making Appropriate Registration Decisions”:** This half day workshop addresses how to interpret governing legislation regarding eligibility to enter practice; how to assess “good character”, and how to reduce the risk of human rights challenges in the registration context. The workshop also provides tips on how to prepare written reasons in the registration context. This workshop is appropriate for members of registration committees or staff working in the registration area.

### Privacy

**“Privacy: Understanding Privacy Legislation in the Context of Professional Regulation”:** This half day workshop explains a regulator’s obligations under the Personal Information Protection Act, including what constitutes “personal information”, and the key rules relating to collection, use and disclosure of personal information. Other topics covered include tips to ensure compliance, and how to deal with privacy breaches if they occur. This workshop is useful for staff members of regulatory organizations.

### Investigations

**“Conducting Effective Professional Discipline Investigations”:** This full day workshop is designed for investigators and those who supervise the investigatory process.

### Complaint Dismissals

**“Reviewing the Dismissal of Complaints”:** This half day workshop is designed for members of Committees which have the obligation to review dismissal of complaints. What is your role? What is the standard of review? What are the major areas of focus? How do you prepare effective reasons for your decision?

### Discipline Hearings

**“Orientation of Public Members”:** This half day workshop is designed to familiarize new public members with their role and responsibilities as the “public member.” Participants are provided with an overview of the discipline and hearing process. Tips on meeting the challenges are presented including tips on how non-professionally trained public members can effectively judge the conduct of professionals in a technical context.

**“The Top 10 Tips and Traps for the Conduct of Discipline Committee Members During Hearings”:** A two hour presentation providing practical guidance to discipline committee members on how they should and should not conduct themselves during a hearing. What type of conduct engenders confidence in the process and what creates legal and institutional risk. The “traps” identified are all taken from case law in which tribunal member conduct resulted in a judicial review or an appeal.

**“Running a Professional Discipline Hearing and Preparing Effective Decisions”:** A full day workshop designed for members of discipline committees. This workshop can be custom-tailored to the appropriate degree of complexity but the workshop is generally presented at an introductory level and is useful for new discipline committee members, those without significant hearing experience, and experienced members wanting a refresher.

**“Assessing Credibility: More Art than Science”:** Assessing credibility is one of the most difficult of all the adjudicative arts. This half-day, interactive, small group workshop is designed to teach discipline committee members how to make credibility assessments. Members of Field Law’s Professional Regulatory Group present the credibility factors that must be considered in every case. What factors are considered reliable indicators of credibility and what factors are unreliable? In addition, we present a structured methodology for discipline committee members to use in caucus while assessing credibility. Tips and pitfalls with respect to addressing credibility in written decisions are addressed. The pitfalls are identified from the case law where credibility findings by tribunals were challenged in Court. After the initial presentations, participants are shown a videotaped mock discipline hearing professionally developed by our Professional Regulatory Group. The video is based on some of the most challenging credibility issues we have faced in real-life hearings. After each examination and cross-examination the video is stopped and Field Law lawyers facilitate discussion with the participants identifying what factors are important in the particular examination. The video proceeds with more group discussion after each witness. Closing arguments are made. The participants are broken into small groups to act as a discipline committee making credibility findings and preparing reasons for their decisions. A spokesperson for each “committee” reads their reasons. Field Law lawyers critique

providing supportive coaching. By the end of the workshop, attendees will be able to identify the credibility factors to be considered; practiced the assessment of credibility through use of the video and role plays; applied the structured methodology of assessing credibility while in caucus; and practiced writing the part of a decision dealing with credibility assessment.

**“Professional Discipline Sanctions”:** This half day workshop is designed for members of discipline committees. We address the purpose of disciplinary sanctions, the role of case law, the range of options available, and pitfalls to avoid.

**“Developing Advanced Skills in Running Discipline Hearings”:** This full day small-group workshop is designed for experienced adjudicators seeking to enhance their skills or develop the skills necessary to be a Chair. The workshops consist of a series of role plays with attendees serving as members of a discipline committee. The hearing scenarios unfold with members of Field Law’s Professional Regulatory Group playing the roles of prosecuting counsel, defence counsel, and witness. Each scenario represents real-life difficult challenges faced by chairs and discipline committees. At the end of each scenario, we review how the discipline committee handled the situation. What went well? What did not? While we critique how the scenario was handled, the goal is to provide supportive coaching to improve performance. All attendees will have the opportunity to sit on one or more of the committees addressing a scenario.

**“Conducting Effective Caucus Sessions and Preparing Effective Reasons”:** A workshop designed for members of discipline committees that can be completed in a half day or extended depending on preference. The workshop is useful for all committee members but it is especially useful for committee members who have the responsibility of leading caucus meetings or preparing a first draft of the decision. A useful template for decisions is presented.

### Appeals

**“Hearing Discipline and Registration Appeals”:** A half day workshop designed for Council or committees serving in an appellate role. Topics include standard of review, the conduct of appeals, new evidence, and preparing effective reasons.

### Governance and Strategy

**“Trends in Professional Regulation: Identifying and Formulating Effective Responses”:** This workshop is designed for Council members and senior regulatory staff. The workshop explores major trends affecting professional regulators across Canada. The Field Law presenter facilitates discussion helping attendees identify effective responses for their organization.

We typically offer our workshops on a “fixed fee” basis so that our clients have complete cost certainty with respect to the training initiative. The precise cost will depend on the nature of the workshop. However, given the number of individuals that an organization can send to a workshop, our training is cost-effective for organizations and is much less than an organization would spend sending attendees to conferences offered by professional conference companies. We offer our workshops across western Canada.

Any organization that wishes to explore retaining our Professional Regulatory Group to provide a workshop to one or more of its regulatory committees are invited to contact the leader of our Professional Regulatory Group, [Greg Sim](#) or 780-423-7673. Greg can discuss your particular needs and provide you with a fixed fee quotation for the proposed workshop.