

# **CONFIDENTIAL**

## ***Financial Professionals Title Protection Act, 2019***

### **General Rule**

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#### **Definitions**

1. In this rule,

“Act” means the *Financial Professionals Title Protection Act, 2019*;

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the *Financial Services Regulatory Authority of Ontario Act, 2016*;

“CEO” means the Chief Executive Officer appointed under subsection 10 (2) of the *Financial Services Regulatory Authority of Ontario Act, 2016*.

### *Applications*

#### **Credentialing Bodies – Application**

2. A person or entity who wishes to apply for approval as a credentialing body shall submit an application to the CEO that demonstrates compliance with the requirements of subsection 4 (1).

#### **Credentials – Application**

3. (1) An approved credentialing body that wishes to apply for approval of a financial planning credential shall submit an application to the CEO that demonstrates compliance with the requirements of subsection 5 (1).

(2) An approved credentialing body that wishes to apply for approval of a financial advising credential shall submit an application to the CEO that demonstrates compliance with the requirements of subsection 6 (1).

### *Credentialing Bodies – Criteria and Duties*

#### **Credentialing Bodies – Criteria and Duties**

4. (1) An application by a person or entity for approval as a credentialing body must demonstrate that the applicant has

- (a) an effective governance structure and administrative policies and procedures that serve the public interest,
- (b) the necessary expertise, resources, policies, procedures and administrative practices to effectively administer and maintain a credentialing program,
- (c) a code of ethics and professional standards for its officers, directors and employees that serve the public interest, and
- (d) the necessary expertise, resources, policies, procedures and administrative practices to effectively oversee the conduct of individuals holding approved credentials it has issued.

(2) An approved credentialing body shall regularly review its educational curriculum to ensure that it is up to date having regard to issues such as industry best practices, legal requirements and developments in the economy and the financial services sector.

(3) An approved credentialing body shall maintain effective processes to

- (a) respond to complaints from the public related to individuals holding approved credentials it has issued, and
- (b) adjudicate complaints and enforce discipline in a transparent and impartial manner.

(4) An approved credentialing body shall maintain and make public on its website:

- 1. A current list of individuals holding approved credentials it has issued, including the type of credential issued to each individual.
- 2. Information with respect to disciplinary action taken against individuals who currently hold or previously held approved credentials it has issued.

(5) An approved credentialing body shall provide to the CEO, within the time and in the form that the CEO specifies, the information described in paragraphs 4 (4) 1 and 2.

(6) An approved credentialing body shall effectively monitor and enforce the requirements of subsections 5 (3) and 6 (3).

#### *Credential Criteria*

#### **Credential Criteria – Financial Planning**

5. (1) Any financial planning credential offered by an approved credentialing body shall be

- (a) based on a program designed and administered to ensure that an individual using the credential will be required to deal with the individual's clients competently, professionally, fairly, honestly and in good faith, and
- (b) subject to such educational requirements related to financial planning and associated matters that provide the technical knowledge, professional skills and competencies that would reasonably be expected of an individual providing financial planning recommendations and preparing financial plans, including, without limitation, educational requirements related to:
  - 1. The Canadian financial services marketplace and regulatory environment.

2. Estate planning, tax planning, retirement planning, investment planning, finance management and insurance/risk management.
3. Ethical practices and professional conduct.
4. Dealing with conflicts of interest.
5. Collecting personal and financial information.
6. Identifying client objectives, needs and priorities.
7. Providing suitable financial planning and investment recommendations to a client.
8. Developing and presenting an integrated financial plan for a client.

(2) An approved credentialing body shall not issue an approved financial planning credential to an individual unless the individual has passed a documented examination process that adequately tests all components of the educational curriculum established pursuant to clause (1) (b).

(3) An approved credentialing body shall require that any individual to whom it has issued an approved financial planning credential must comply with

- (a) a code of ethics and professional standards that is consistent with the standard of care described in clause (1) (a), and
- (b) continuing education requirements that reinforce the requirements described in clause (1) (b).

(4) For the purpose of section 2 of the Act, an individual's approved financial planning credential is in "good standing" if the individual continues to hold the credential and has satisfied the on-going requirements of the approved credentialing body including, without limitation, the requirements established pursuant to subsection (3).

### **Credential Criteria – Financial Advising**

**6.** (1) Any financial advising credential offered by an approved credentialing body shall be

- (a) based on a program designed and administered to ensure that an individual using the credential will be required to deal with the individual's clients competently, professionally, fairly, honestly and in good faith, and
- (b) subject to such educational requirements related to financial advising and associated matters that provide the technical knowledge, professional skills and competencies that would reasonably be expected of an individual providing financial advice, including, without limitation, educational requirements related to:
  1. The Canadian financial services marketplace and regulatory environment.
  2. The products and services provided by the individual.
  3. Ethical practices and professional conduct.
  4. Dealing with conflicts of interest.

5. Collecting personal and financial information.
6. Identifying client objectives, needs and priorities.
7. Providing suitable financial and investment recommendations to a client.

(2) An approved credentialing body shall not issue an approved financial advising credential to an individual unless the individual has passed a documented examination process that adequately tests all components of the educational curriculum established pursuant to clause (1) (b).

(3) An approved credentialing body shall require that any individual to whom it has issued an approved financial advising credential must comply with

- (a) a code of ethics and professional standards that is consistent with the standard of care described in clause (1) (a), and
- (b) continuing education requirements that reinforce the requirements described in clause (1) (b).

(4) For the purpose of section 3 of the Act, an individual's approved financial advising credential is in "good standing" if the individual continues to hold the credential and has satisfied the on-going requirements of the approved credentialing body including, without limitation, the requirements established pursuant to subsection (3).

#### *Transitional Matters*

#### **Transitional Matters**

7. (1) Subject to subsections (2) and (3), an individual who, immediately prior to January 1, 2020 and up to the date this rule comes into force, used in Ontario the title

- (a) "Financial Planner" or "planificateur financier", an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title; or
- (b) "Financial Advisor" or "conseiller financier", an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title,

may continue to use that same title.

(2) An individual may continue to use a title pursuant to clause (1) (a) until the earlier of,

- (a) the date on which the individual complies with section 2 of the Act, or
- (b) the ~~four~~<sup>four</sup>th anniversary of the date this rule comes into force.

(3) An individual may continue to use a title pursuant to clause (1) (b) until the earlier of,

(a) the date on which the individual complies with section 3 of the Act, or

(b) the ~~thir~~secondd anniversary of the date this rule comes into force.