

Legal and Regulatory Affairs Bulletin 2019/8

Gaining Momentum: Title Protection Arrives in Saskatchewan

The Prairie province becomes the second jurisdiction to protect the title of “financial advisor”

On December 2, 2019, the Government of Saskatchewan introduced legislation that will restrict the titles of “financial advisor” and “financial planner” to individuals holding a qualifying credential in good standing from a recognized credentialing body. In doing so, Saskatchewan becomes the second province this year to make a definitive move towards the professionalism of financial advisors and planners, with consumers standing to be the biggest beneficiaries.

Advocis’ Vision is Gaining Momentum

The elevation of financial advice and planning into a true profession has been a focus of our advocacy efforts for over a decade. In 2013, we released our Professions Model which calls for, as one of its major tenets, the restriction of professional titles to duly-qualified individuals. The simple fact is that consumers rely on titles as meaningful proxies of one’s skills, qualifications and education; this is the case for many professionals including doctors and lawyers. The fact that this isn’t the case when it comes to financial advisors and planners has been a major consumer vulnerability that the Professions Model seeks to address.

Our advocacy efforts bore fruit last April when Ontario introduced legislation that would restrict these titles to qualified credential-holders. We released a [Regulatory Bulletin](#) at the time explaining the development, stating that “the developments in Ontario give us the momentum we need to effect similar change across Canada. Ontario has made the first move and the time is right for other provinces to also step up for consumer protection.”

Professional title restriction is so sensible and effective that, once the movement gained initial momentum, we recognized that other provinces would be quickly interested in bringing in similar protections to benefit their own consumers. To that end, Saskatchewan released a consultation in August 2019 to [which Advocis responded by urging the province to mirror Ontario’s approach](#). We stated that:

“Mirroring the approach also has the salutary benefit of promoting harmonization across Canada. Professional regulation in Canada is a provincial matter, but to the extent possible, Canadian consumers should be able to expect the same high-quality standards from their financial professionals regardless of their province. Harmonization also makes regulation much more understandable to the end consumer which substantially increases its effectiveness as a consumer protection measure.”

We are absolutely thrilled that Saskatchewan has decided to implement an approach to title protection that is fundamentally compatible with Ontario’s model. In fact, Saskatchewan’s Act includes a built-in



ability for the province to establish agreements with other jurisdictions to share information and, where appropriate, reciprocate regulatory decisions in the best interest of its own consumers.

A Team Effort

We are seeing our advocacy having a tangible impact on our members, their clients and the industry as a whole. We could not have reached this point without countless submissions and meetings with regulators and senior bureaucrats in Saskatchewan and beyond, where we pushed our vision for higher professional standards. Our ideas have been heard, assessed and determined to be a realistic way to improve outcomes for advisors and consumers alike.

Further, this result could not have been possible without the tireless work of Advocis' Government Relations team who have met with politicians across the country and delivered the key messages for legislators to understand. The Government Relations team also worked closely with the Saskatchewan Provincial Advocacy Committee, engaging MLAs to put the issue at the forefront of their elected officials' minds. Bringing about changes to professional regulation truly is a team effort.

Much Work Lies Ahead

Saskatchewan's legislation is a major accomplishment, but much work lies ahead. Most of the "nuts and bolts" of the title protection regime, such as which credentials and which credentialing bodies should qualify, are not included in the Act. Instead, many details will be determined through regulation and with the expertise of, and implemented by, the Financial and Consumer Affairs Authority of Saskatchewan (FCAA).

Just as we have been working with the Financial Services Regulatory Authority of Ontario, we look forward to working closely with the FCAA over the coming months and years to work out the details and ensure we get it right. There are a whole host of issues related to grandfathering, exemptions, equivalencies and so on that merit fulsome debate to ensure we are protecting consumers without harming small business advisors in the province.

Finally, we do not believe that Ontario and Saskatchewan will be the only provinces to bring about a title protection regime for advisors and planners. We remain in active discussions with several other provinces. Momentum is building towards setting a higher bar; consumers deserve nothing less.

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If you have questions or comments about this Bulletin, or to connect with Advocis Legal and Regulatory Affairs, please contact us at:

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