

2023 Registration Review Report

Engineers Geoscientists Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for Engineers Geoscientists Manitoba (EngGeoMB) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of March 2023.

To provide context, a brief description of EngGeoMB's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

Engineers Geoscientists Manitoba (EngGeoMB) is committed to the fair assessment and registration of internationally educated engineers and geoscientists. Since the introduction of Manitoba's fairness legislation in 2009, EngGeoMB continues to co-operate with FRPO and make significant progress in fair registration practice.

Some of EngGeoMB's more recent, notable changes in assessment and registration practice for internationally educated applicants (IEAs) include:

- implementing a fairer assessment of academic qualifications for internationally educated engineers; the new approach is similar to the assessment of geoscientists and a confirmatory program is only assigned in circumstances where gaps are identified in academic qualification
- adopting a new Competency Based Assessment Program (CBA) to assess and determine whether applicants meet the four-year internship or professional work experience requirement. This removes the mandatory, one-year Canadian work experience requirement. International experience is considered and may fully qualify the applicant if there is evidence of qualification under all areas of the assessment
- removing the intern volunteer requirement
- moving to recognise the U.S. based, Fundamentals in Engineering Exam and Fundamentals in Geoscience Exam as part of their confirmatory program
- introducing a 'Specified Scope of Practice License' that allows applicants with degrees related to engineering or geoscience or with experience that falls within the scope of engineering or geosciences a licensure opportunity
- using expanded mutual recognition agreements and extending labour mobility recognition for qualified U.S. trained and licensed applicants
- improving website registration material for IEAs, including the use of online, fillable PDF forms
- providing dedicated staff to assist and advise IEAs with their applications
- supporting the creation of ethno-specific groups that help IEAs with exam preparation and integration into the profession and community
- collaborating with the Certified Technicians and Technologists of Manitoba supporting IEA qualification recognition
- introducing an alternative documentation policy
- continuing collaboration with the University of Manitoba's Internationally Educated Engineers Qualification Program

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may affect internationally educated applicants (IEAs).

EngGeoMB's compliance to necessary assessment criteria

1. EngGeoMB requires IEAs provide evidence of Manitoba residency upon application. Evidence may be provided in a variety of ways such as a driver's licence or Manitoba Provincial Nominee Program confirmation letter. FRPO understands that EngGeoMB is trying to dissuade fruitless applications and is also concerned with individuals applying in several provinces fishing for the most positive assessment result.

Residency is not a relevant qualification requirement. Moreover, for both applicants and members, a residency requirement to enter the profession or maintain registration is at odds with the mobility rights for citizens granted in Canada's constitution. Individuals with permanent resident or citizenship status have a right to be able to apply, enter the profession in Manitoba and practice while residing outside of the province.

In addition, for some IEAs intending to settle in Manitoba, but not immigrating through the Manitoba Provincial Nominee Program, this requirement potentially blocks pre-arrival application and the benefit of more timely registration and employment preparation.

II. Duty to comply with domestic trade agreements – act,4(1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

EngGeoMB's compliance to abide labour mobility obligations

EngGeoMB's labour mobility policy for individuals registered in other provincial jurisdictions applying for registration in Manitoba is largely compliant with the provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies a minor concern:

Mobility applicants registered in other provincial jurisdictions must have the ability to communicate effectively in English. EngGeoMB's application form asks the applicant to identify if English is their first language, whether English was the language of instruction at their university, if they have a language test score and if they can correspond in both English and French. Where none of this applies, applicants are asked to provide a written explanation of why they feel they are proficient in English and meet EngGeoMB's requirement.

Under labour mobility legislation, a language proficiency requirement is not permitted in circumstances where the applicant has already met a similar language proficiency requirement to register. Only in circumstances where no language proficiency requirement was required or where the requirement was substantively different, are regulators permitted to impose a language proficiency requirement on mobility applicants.

FRPO recognises EngGeoMB's language proficiency policy is progressive and only requires applicants to supply language tests where there is evidence to suggest it is necessary. Although FRPO understands EngGeoMB would not apply this requirement in the circumstance of an applicant registered in a jurisdiction with a similar language proficiency requirement, the policy, as currently written, does not make this clear. Ideally, EngGeoMB's language proficiency requirement for mobility applicants is rewritten in a way that better complies with its labour mobility obligations.

III. Notice of changes in registration practices – act, 5(2)

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

ENGGEOMB's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. EngGeoMB updated FRPO regarding several polices. EngGeoMB is compliant with the duty to notify.

IV. Duty to provide information – act, 5(c)

A regulated profession must provide the following information, in a clear and understandable form, to individuals applying or intending to apply for registration by the regulated profession:

(c) objective requirements for registration by the regulated profession, including a description of the criteria used to assess whether the requirements have been met

FRPO identifies a fairness concern under this duty:

For internationally educated engineers, the assessment criteria regarding EngGeoMB's initial assessment of academic qualification are not sufficiently clear. EngGeoMB's Manual of Admissions stipulates applicants are academically qualified if they possess a four-year degree that:

- is an Engineers Canada accredited program; or
- as determined by EngGeoMB's registration committee, is a 'recognised academic program'

EngGeoMB provides links to online information about foreign engineering programs that qualify under an accord or mutual recognition agreement. Engineers Canada, however, provides no information about the foreign programs that they have accredited. Nor does EngGeoMB provide information about the assessment criteria it employs to determine whether a foreign academic program — those not qualifying under an accord or reciprocity agreement — will be recognised. There is no policy or assessment criteria information provided by EngGeoMB as to whether applicants with engineering degrees not recognised or accredited by Engineers Canada will be assigned a confirmatory program.

FRPO understands EngGeoMB uses Engineers Canada's International Institutions and Degrees Database (IIDD) as an information resource to aid their academic assessment evaluations. FRPO also understands EngGeoMB will consider any related science degrees and graduate degrees the applicant may possess.

The IIDD is a repository of information created by Engineers Canada, providing information about educational institutions, the degrees and programs offered, as well as information pertaining to a country's education system, quality assurance systems, and registration and licensure systems. FRPO understands the IIDD is not intended to be a substitute for assessing academic qualification and does not confirm whether an education program is equivalent to an accredited Canadian engineering program.

FRPO understands the purpose and criteria used in EngGeoMB's initial academic assessment involves sorting:

- a) applicants possessing academic training recognised under various accords, recognition and mobility agreements
- b) applicants with both unrecognised professional degrees and graduate and/or related degrees who are either deemed academically qualified or qualified for the confirmatory program
- c) non-recognised academic training, something less than a four-year professional degree, where the applicant is deemed unsuitable or not qualifying for the confirmatory program

In the interests of transparency, to support better applicant planning and preparation, and to mitigate fruitless applications, EngGeoMB's assessment criteria regarding the recognition of academic qualification should be better articulated. Applicants should have a reasonable sense of the criteria the registration committee employs to make its determination about who is academically qualified.

Better assessment criteria information may also help reduce the number of applications EngGeoMB receives from IEAs applying to multiple provincial regulators in the hopes of securing recognition of academic qualification and avoiding a confirmatory program. With better assessment information, more applicants will be in a position to know if an EngGeoMB application makes sense. FRPO understands that a high number of fruitless IEA applications motivated EngGeoMB's introduction of its residency requirement. Better assessment information is the fairer remedy.

FRPO notes this concern is with the assessment criteria for internationally educated engineers only; criteria are reasonably defined for the academic assessment of geoscientists.

Recommendations

The Fair Registration Practices Office sees the following opportunity for Engineers Geoscientists Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Remove the residency requirement for application.
2. Rewrite the English language proficiency policy for mobility applicants in a manner that supports full compliance to labour mobility obligations.
3. Provide clear, accurate and easily accessible assessment criteria information for EngGeoMB's assessment of academic qualification.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the Engineers Geoscientists Manitoba committed to the following action plan, current as of March 2023:

Recommendation	Action(s)	Anticipated Completion Date
1. Remove the residency requirement for application.	EngGeoMB will remove the Manitoba residency requirement for all application types. This change will be communicated to stakeholders and posted on public communication materials including the EngGeoMB website.	April 1, 2023
2. Rewrite the English language proficiency policy for mobility applicants in a manner that supports full compliance to labour mobility obligations.	<p>EngGeoMB will modify our English language proficiency policy for mobility applicants in order to be consistent with the Labour Mobility Chapter of CFTA, to make it clear that mobility applicants coming from any province other than Quebec will be accepted as being proficient in English.</p> <p>For mobility applicants from Quebec and for applicants who are not registered in another Canadian jurisdiction, EngGeoMB will assess the applicant to ensure that either:</p> <ul style="list-style-type: none">a) the applicant has a degree from a university where English was the language of instruction; orb) the applicant can demonstrate English proficiency equivalent to Canadian Level Benchmark (CLB) of benchmark level 8¹	May 1, 2023

¹ <https://www.welarc.net/the-benchmarks>

Recommendation	Action(s)	Anticipated Completion Date
<p>3. Provide clear, accurate and easily accessible assessment criteria information for EngGeoMB’s assessment of academic qualification.</p>	<p>EngGeoMB will develop an academic assessment framework, which will guide the development of assessment criteria used for assessing engineering applicants who graduate from non-accredited programs of study. Criteria will be posted publicly on the EngGeoMB website. Criteria currently exists and is available for geoscience applicants. Criteria could be in the form of assessment tables for each engineering discipline, and would be consistent with Engineers Canada, Canadian Engineering Qualifications Board (CEQB) syllabi².</p> <p>EngGeoMB will endeavour to collaborate with other Canadian engineering regulators on the development or sharing of common assessment criteria information.</p>	<p>December 1, 2023</p>

² <https://engineerscanada.ca/become-an-engineer/examination-syllabi>

Compliance

FRPO's 2023 registration review of Engineers, Geoscientists Manitoba (EngGeoMB) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds EngGeoMB compliant with the duty to notify FRPO regarding changes in assessment in registration practices.

FRPO raises concerns about the need to remove the residency requirement for application, provide clear information about assessment criteria, and to clarify information about the English language proficiency requirement for mobility applicants.

EngGeoMB's action plan commitments fully address these concerns. These actions will help ensure fair practice and better compliance to The Fair Registration Practices in Regulated Professions Act. EngGeoMB's willingness to raise the issue of transparent assessment criteria with other provincial regulators is commendable and reflects strong leadership and commitment to fair registration practice.

Engineers
Geoscientists
Manitoba



6,737
Registered
Members

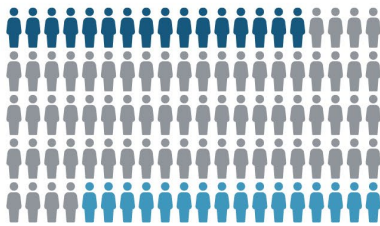
(As of December 2021)

2011-2021 Internationally Educated Applicant Data



2,268
applications

Application Outcomes

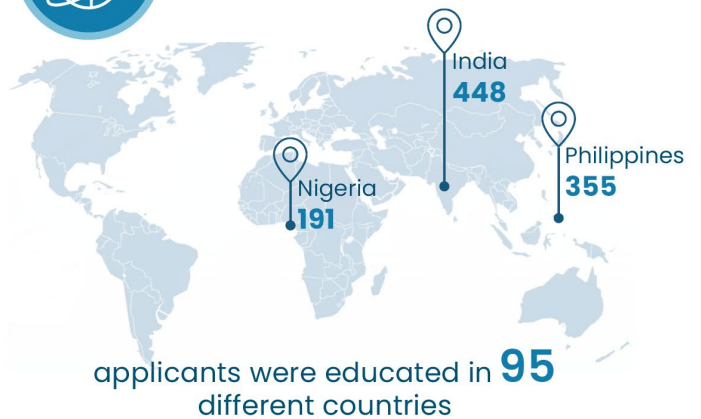


registered - 16% | in process - 68% | file closed - 16%

Closed File Status



Top Countries of Education



Median Time to Registration

3.1 years

2012-2021 Domestic Applicant Data



2,333
applications

768 (33%)
registrations