

OFFICE OF THE MANITOBA
FAIRNESS COMMISSIONER



*The Fair Registration Practices
in Regulated Professions Act*

A Report on its Implementation and Effectiveness

January 2011 - December 2012



Manitoba 

Dr. Earl Jamora, Optometrist
Education: Philippines
Arrival 2004 | Licensure 2008



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Office of the Manitoba Fairness Commissioner

301-155 Carlton Street, Winnipeg, Manitoba, Canada R3C 3H8
T 204-945-7353 F 204-948-4712
manitobafairnesscommissioner.ca

Dear Minister,

It is my duty and privilege to submit to you the Manitoba Fairness Commissioner's report covering the period January 2011 to December 2012, in accordance with Section 13(1) of *The Fair Registration Practices in Regulated Professions Act*.

Highlights of accomplishments by my office during this time include:

- 1 31 self-regulated bodies and one government regulator have collected data on applicants in 2011 and 2012 and reported to OMFC.
- 2 Regulators have responded positively to recommendations by the fairness commissioner by committing to actions that will improve the assessment and registration of internationally educated professionals such as:
 - Improving dedicated information on their processes, requirements, fees and length of time;
 - Improving and expanding appeal processes, access to records and the quality of reasons for assessment decisions;
 - Streamlining and rationalizing documentation requirements, introducing alternative documentation process, reviewing expiration and criminal records check policies;
 - Ensuring the relevance of requirements, developing standards documents and allowing for a more relevant assessment of qualifications;
 - Reviewing language proficiency policies to ensure they are reasonable and fair;
 - Developing and implementing better mechanisms to recognize qualifications acquired through professional work experience;
 - Developing gap training opportunities and ensuring proper assessment preparation supports are in place.
- 3 We supported the development and delivery of gap training programs for agrologists, engineering technicians and technologists, nurses, accountants, dentists, teachers, medical laboratory technologists and midwives.
- 4 We provided Manitoba regulators impacted by the Act with information and capacity development in areas such as managing cultural differences, linguistic and communication styles, the Canadian Language Benchmarks, essential skills, professional regulatory trends, development and use of oral assessments and structured interviews; preparing written reasons, reconsideration process, and examples on prior learning assessment processes, among others.
- 5 We participated in numerous local, provincial, national and international fora to share Manitoba's approach to qualification recognition; the Act and our experience to date.

I am encouraged by our achievements to date and the commitment to fair practices shown by regulators and other stakeholders. I believe that together we will continue to make progress toward recognizing the competences internationally educated professionals bring to Manitoba and valuing the contributions they make to life in our province.

Respectfully submitted,

Ximena Munoz
Manitoba Fairness Commissioner

Bureau du commissaire à l'équité du Manitoba

155, rue Carlton, bureau 301, Winnipeg, Manitoba, Canada R3C 3H8

Tél 204-945-7353 Téléc 204-948-4712

manitobafairnesscommissioner.ca

Madame la ministre,

J'ai le devoir et l'honneur de vous présenter le rapport de la commissaire à l'équité du Manitoba couvrant la période de janvier 2011 à décembre 2012, conformément au paragraphe 13(1) de la *Loi sur les pratiques d'inscription équitables dans les professions réglementées*.

Voici les réalisations marquantes accomplies par le Bureau durant cette période :

- 1 Trente et un organismes d'autoréglementation et un organisme de réglementation gouvernementale ont rassemblé des données sur les demandeurs en 2011 et 2012 et en ont fait rapport au BCÉM.
- 2 Les organismes de réglementation ont répondu de façon favorable aux recommandations faites par la commissaire à l'équité. Ils se sont engagés à prendre des mesures qui amélioreront le processus d'évaluation et d'inscription des professionnels formés à l'étranger. Par exemple :
 - Améliorer l'information spécialisée sur les processus, les exigences, les frais et les délais;
 - Améliorer et élargir les processus d'appel, l'accès aux dossiers et la qualité des motifs pour les décisions prises relatives à l'évaluation;
 - Simplifier et justifier les exigences relatives à la documentation, introduire un processus de documentation de remplacement, passer en revue les politiques relatives à la fin de validité et aux casiers judiciaires;
 - Veiller à la pertinence des exigences, élaborer des documents standard et rendre possible une évaluation des qualifications plus pertinente;
 - Passer en revue les politiques relatives à la compétence linguistique afin de veiller à ce qu'elles soient raisonnables et équitables;
 - Élaborer et mettre en place de meilleurs mécanismes dans le but de reconnaître les qualifications acquises au cours de l'expérience de travail;
 - Élaborer des possibilités de formation pour combler les lacunes et veiller à mettre en place de bons soutiens de préparation à l'évaluation.
- 3 Nous avons appuyé l'élaboration et la prestation de programmes de formation pour combler les lacunes destinés aux professions suivantes : agronomes, techniciens et technologues en ingénierie, infirmières, comptables, dentistes, enseignants, technologues de laboratoire médical, sages-femmes.
- 4 Nous avons fourni aux organismes de réglementation du Manitoba touchés par la Loi l'information et le renforcement des capacités dans des domaines tels que la gestion des différences culturelles, les styles linguistiques et de communication, les Niveaux de compétence linguistique canadiens, les aptitudes essentielles, les tendances dans la réglementation des professions, l'élaboration et l'utilisation des évaluations orales et des entretiens structurés; et avons préparé, entre autres, des motifs écrits, la procédure de réexamen et des exemples sur les processus antérieurs sur l'évaluation de l'apprentissage.
- 5 Nous avons participé à de nombreux forums à l'échelle locale, provinciale, nationale et internationale afin de communiquer l'approche adoptée au Manitoba pour reconnaître les qualifications, la Loi et notre expérience à ce jour.

Je me sens encouragée par nos accomplissements à ce jour et par l'engagement de nos organismes de réglementation et autres intervenants envers les pratiques équitables. Je crois que nous continuerons à faire du progrès ensemble pour reconnaître ce que les compétences des professionnels formés à l'étranger apportent au Manitoba et la valeur de leurs contributions qui enrichissent la vie dans notre province.

Le tout présenté respectueusement par

La commissaire à l'équité du Manitoba,



Ximena Munoz



Yuri Fraiter, P.Eng.
Education: Latvia
Arrival 2008 | Licensure 2012

Jenny Z. Zhou, P.Eng.
Education: China
Arrival 1999 | Licensure 2000

Vivek Gupta, P.Eng.
Education: India, Canada
Arrival 2003 | Licensure 2011

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Moving Forward

Message from the Manitoba Fairness Commissioner

2011 and 2012 have been a busy, demanding, yet progressive two years. Building on the knowledge and approach we developed in our first 2 years of operation, much has been accomplished.

We have conducted effective reviews that have resulted in meaningful recommendations. Sensitive to the profession-specific challenges faced by regulators, these reviews shed light on the nature of the challenges we confront with our current licensing processes. The recommendations point a way forward and are grounded in the real possibility of progressive change.

The commitment to fair practice amongst Manitoba regulators is there. All regulators want to have confidence in the processes they use in determining professional competence. Some understand the challenge of fair practice for internationally educated applicants, see the need for change and are taking action. Others have a difficult time with the notion of different treatment to ensure fair treatment and are not prepared to change problematic treatment. Many struggle with limited resources and expertise or are reluctant to challenge the status quo if national third parties are involved.

The Action Plans Manitoba regulators have committed to as a result of the registration reviews are largely very positive. I am encouraged by their involvement, depth of commitment and confident this work will result in fairer processes.

For the first time Manitoba regulators collected data and reported on the experience of internationally educated applicants applying for licensure. I am troubled by what we see in our preliminary data analysis which confirms a reality of a long road with little success for internationally educated professionals. The data indicates that 38% of all applicants for registration received full registration in the two year period, and only 4% of those were internationally educated. The percentage of internationally educated applicants still in process after two years is also troubling. Although internationally educated applicants represent just 29% of all applicants, they comprise 80% of applicants in process after two years. Further work analysing the data will shed more light on why this is the case. We need to better understand what change has to occur to really make a difference.

Although our work plan will need to be adjusted to reflect the new reality of our diminished human and financial resources, our work with regulators will continue. Our communication with internationally educated professionals will also continue. I am committed to realizing progressive assessment and registration processes in Manitoba, where all qualified, competent internationally educated professionals obtain timely license to practice their profession.

Ximena Munoz



Un message de La commissaire à l'équité du Manitoba

2011 et 2012 ont été des années chargées, exigeantes et progressives en même temps. Forts des connaissances acquises et de l'approche élaborée au cours de ces deux premières années en fonction, nous avons accompli beaucoup de choses.

Nous avons effectué des examens efficaces qui ont abouti à des recommandations utiles. Tenant compte des enjeux spécifiques aux professions auxquels font face les organismes de réglementation, ces examens ont fait lumière sur la nature des enjeux que nous présentent les processus actuels de délivrance de permis. Les recommandations constituent une avancée et sont ancrées dans la possibilité concrète d'apporter des changements progressifs.

Les organismes de réglementation du Manitoba ont fait preuve d'engagement envers les pratiques équitables. Tous les organismes de réglementation veulent se fier aux processus auxquels ils ont recours pour déterminer les compétences professionnelles. Certains d'entre eux comprennent les défis en matière de pratiques équitables pour les demandeurs formés à l'étranger, voient le besoin d'apporter des changements et prennent des mesures en conséquence. D'autres ont de la difficulté à concevoir l'idée d'un traitement différent afin d'assurer un traitement équitable et ils ne sont pas prêts à changer un traitement problématique. Plusieurs autres organismes ne disposent que de ressources et d'expertise limitées ou résistent à défier le statu quo lorsque des organismes tiers nationaux sont impliqués.

Le Plan d'action manitobain dans lequel les organismes de réglementation se sont engagés suite aux examens d'inscription a produit des résultats très positifs. Je me sens encouragée par leur participation et leur engagement profond, et je suis confiante que ce travail aboutira à des processus encore plus équitables.

Pour la première fois, les organismes de réglementation du Manitoba ont recueilli des données et ont fait rapport sur l'expérience des demandeurs formés à l'étranger demandant l'autorisation d'exercer. Les résultats des analyses préliminaires des données me préoccupent : ils confirment que nous avons parcouru une longue distance sans beaucoup de succès pour les professionnels formés à l'étranger. Les résultats indiquent que 38 % de tous les demandeurs à l'inscription ont obtenu l'inscription complète dans le délai de deux ans, mais que seulement 4 % de ceux-ci étaient formés à l'étranger. Le pourcentage des demandes provenant de professionnels formés à l'étranger encore en cours après deux ans me préoccupe également. Bien que les demandeurs formés à l'étranger ne représentent que 29 % de tous les demandeurs, ils constituent 80 % des demandeurs dont le processus est en cours après deux ans. Des analyses plus poussées nous éclaireront davantage sur les raisons de cette situation. Nous devons mieux comprendre quels changements apporter afin de réellement faire une différence.

Même si notre plan de travail doit être ajusté pour refléter la nouvelle réalité de nos ressources humaines et financières diminuées, nous poursuivrons notre travail auprès des organismes de réglementation. Nous poursuivrons également la communication auprès des professionnels formés à l'étranger. Je m'engage à réaliser une évaluation et des processus d'inscription progressifs au Manitoba, où tout professionnel formé à l'étranger qualifié et compétent puisse obtenir un permis d'exercice pour sa profession dans un délai raisonnable.

Ximena Munoz



Context

Glossary

Regulator

A government sanctioned organization, usually an association, institute or college, that is responsible for the governance of a profession. A regulator ensures that its members are qualified to provide safe and competent practice to the public. Registration is required for membership.

Registration

The licensing or certification process whereby applicants acquire legally sanctioned professional recognition with rights to practice and/or title within a jurisdiction. The term is used broadly to refer to the entire process, including application, assessment registration and licensing or certification.

Internationally Educated Professional (IEP)

A professional with international education and work experience.

Internationally Educated Applicant (IEA)

An IEP who is applying for registration with a Canadian regulator.

The Fair Registration Practices in Regulated Professions Act

Helps ensure that regulators' registration practices are transparent, objective, impartial and fair


Applies to 31 self regulatory bodies and 3 government regulators

Sets out a Fair Registration Practices Code

Appoints a Minister responsible for the Act and a Manitoba Fairness Commissioner who ensures compliance

The Act is proclaimed

2009



Manuel Araullo, P.Ag.
Education: Phillipines
Arrival 2007 | Licensure 2011



1

The Office of the Manitoba Fairness Commissioner (OMFC) opens April 2009

OMFC gathers information and consults with IEPs and other stakeholders

Advises stakeholders about matters under the Act

Helps regulators understand how to comply with the Act

Provides opportunities to regulators for information, access to expertise and funding support for new initiatives

Crafts a Registration Review Process

Reports to the Minister

Report to the Minister, December 2008-2010

This report makes reference to information that was detailed in OMFC's first Report to the Minister, December 2008-2010. As you read, this icon will point you to a specific page of the first report for further background: Contact OMFC for a copy of the first Report to the Minister or visit the Resources section of our website to download.



2008-2010

2

Registration Reviews begin

Reviews/assesses regulators' registration practices to identify fairness issues and make recommendations on how to comply with the Act

Continues to provide opportunities to regulators for information, access to expertise and funding support for new initiatives

Develops printed and web based materials to support fair practices

Crafts Data Collection and Reporting Process

Regulators begin Data Collection January 2011

2010-2012

Implementing the Act

3

Continues the Registration Reviews and Data Collection process

Conducts analysis of Registration Reviews and Data reports to quantify the challenges and determine what the problems are and why they exist

Supports regulators as they execute Action Plans to improve fairness and compliance with the Act

Reports to the Minister

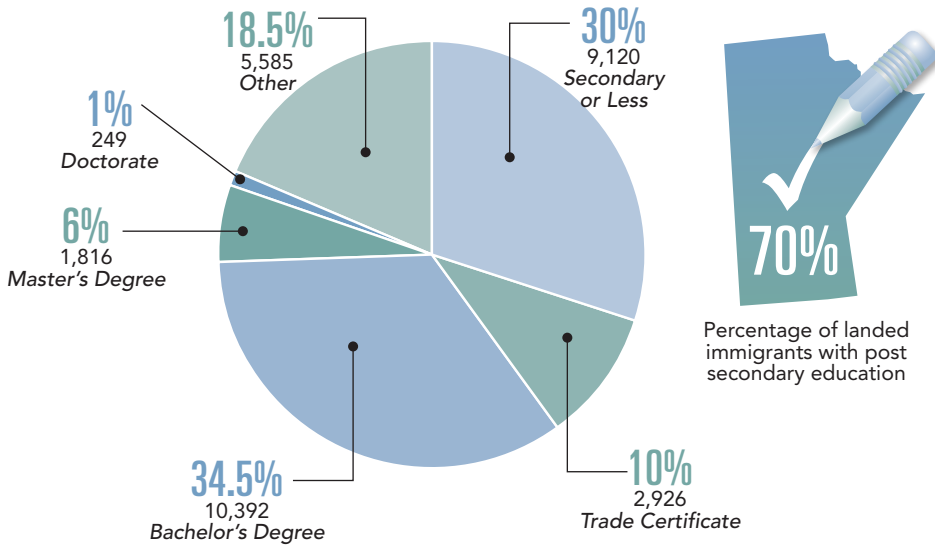
2012-Present



Education

Landed Immigrants 2009-2011 (MB)

Source: Citizenship and Immigration Canada



77%

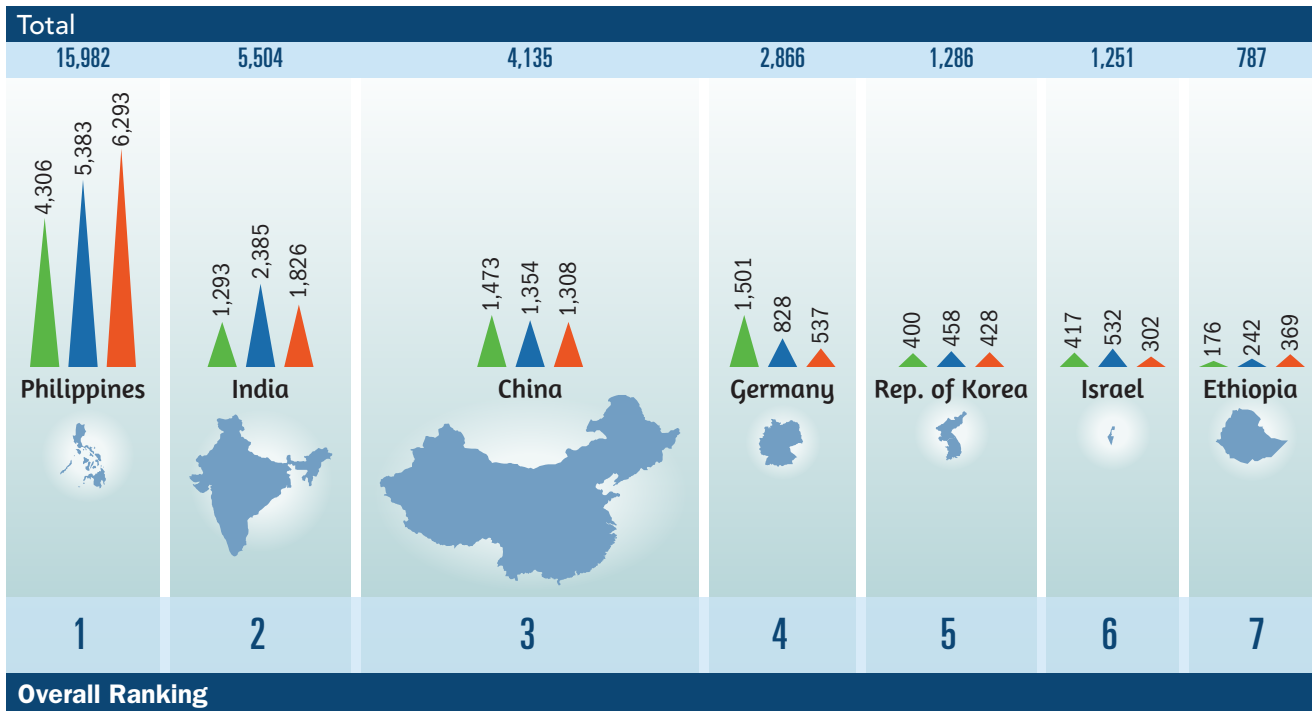
Percentage of arrivals who are *Provincial Nominees*



Top Source Countries

Landed Immigrants 2009-2011 (MB)

Source: Citizenship and Immigration Canada



2009 ▲ 2010 ▲ 2011 ▲

Top 15 Professions

Landed Immigrants 2009-2011 (MB)

Source: Citizenship and Immigration Canada

4
Number of professions with no arrivals

1,100
Accountants

709
Teachers

614
Technicians and Technologists

367
Engineers and Geoscientists

59
Dentists

81
Pharmacists

132
Physicians

346
Registered Nurses

40
Architects

38
Agrologists

35
Medical Laboratory Technologists

22
Licensed Practical Nurses

15
Midwives

18
Lawyers

19
Physiotherapists

Registration Reviews

Registration reviews are conducted as part of the Fairness Commissioner's mandate to review the registration practices of regulatory bodies subject to *The Fair Registration Practices in Regulated Professions Act* (Act).



Learn more about the Act

The purpose of a registration review is to enable the Fairness Commissioner to determine a regulator's compliance to the Act and to make recommendations to improve compliance. Compliance refers to the fairness of assessment and registration practice, with particular attention drawn to the need for the fair consideration of internationally educated applicants and to the co-operation of the regulator with the Fairness Commissioner.

In accordance with the Act, registration reviews are undertaken at times specified by the Fairness Commissioner and include an analysis of the relevance and necessity of registration requirements, the timeliness of decision making, the reasonableness of fees and the registration of internationally educated individuals.

Final Registration Review Reports include an Action Plan from the regulator and are public documents posted on the OMFC's website and submitted to the Province's Minister of Immigration and Multiculturalism as well as the Minister responsible for the regulator's legislation.

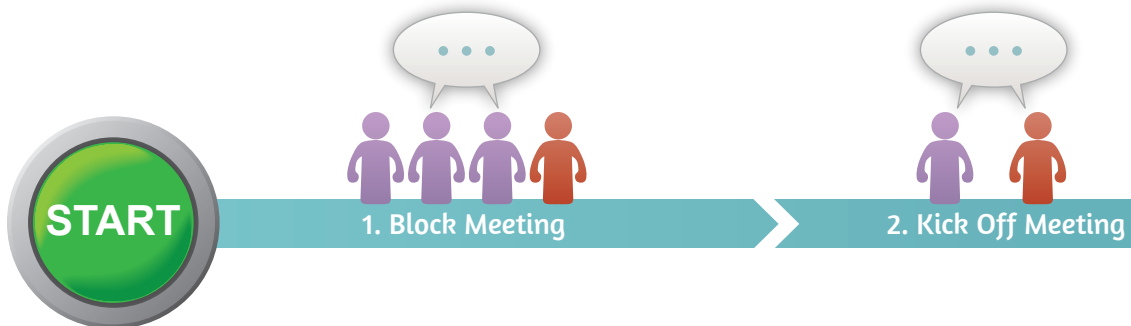
By mid 2013, all 34 of Manitoba's regulators subject to the Act will have undergone a Registration Review.

The Office of the Manitoba Fairness Commissioner has developed a *Fairness Standard and Criteria Document* for the purpose of reviewing regulatory practice. Fairness Standard:

Dedicated and fair practices are applied for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure their effectiveness.

Process

The Registration Review process takes 3 months to complete.





Luis Rubin, CA
Education: Argentina
Arrival 2002 | Licensure 2005



3. Fieldwork



4. Findings and Recommendations Report

Registration Reviews

Visit manitobafairnesscommissioner.ca > Registration Review Reports

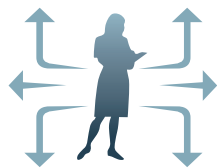
Regulator Actions Plans are monitored by the OMFC and as actions are completed they are identified in the online plans with a purple check (✓) and date.

Review Findings and Fairness Commissioner Recommendations

To date, all of the registration reviews conducted by the OMFC have included recommendations from the Fairness Commissioner to improve fairness of practice or compliance to the Act and regulators committing to action.

Findings from the reviews paint a picture of regulatory practice in Manitoba that is diverse, complex and challenging. The picture in broad strokes:

1. Driven both by the rise in skilled immigrant professionals and the harmonizing of provincial standards following the Agreement on Internal Trade, regulatory practice is evolving rapidly in Manitoba. Health regulators are transitioning under Manitoba's Regulated Health Professions Act. Many Manitoba regulators have seen major changes to their assessment processes in the last 5 years;
2. Manitoba regulators' ability to effectively assess internationally educated professionals varies markedly; some regulators have developed dedicated and sophisticated strategies to recognize internationally acquired qualifications, others have had little experience with this group and have little in place;
3. Manitoba regulators provide timely assessment decisions -- 1-2 months is the norm;



5. Action Plan



6. Statement of Compliance



7. Final Registration Review Report

4. Many Manitoba regulators rely heavily on national bodies to conduct assessments of professional qualifications and are not positioned to conduct their own assessments.

The next pages provide a summary of key findings from the registration reviews in terms of best practices, areas that show need of improvement, and areas of serious non compliance.

Many Manitoba regulators deserve recognition for implementing milestone strategies home grown in partnership with others:

- The College of Dental Hygienists of Manitoba & the University of Manitoba's Competency Assessment
- The College of Licensed Practical Nurses of Manitoba & Assiniboine Community College's Competency Assessment
- College of Occupational Therapists of Manitoba & Employers supporting supervised practice
- The College of Registered Nurses of Manitoba & Red River College's Bridging Program for Internationally Educated Nurses
- The College of Physicians and Surgeons of Manitoba & The University of Manitoba's International Medical Graduate Conditional Licensure Program
- The Manitoba Institute of Agrologists & the University of Manitoba's Internationally Educated Agrology Program
- The Association of Professional Engineers and Geoscientists of Manitoba & the University of Manitoba's Internationally Educated Engineers Qualification Program
- The Certified Technologists and Technicians Association of Manitoba & Red River College's Technical Report Writing Course
- Manitoba Early Learning and Child Care's Internationally Educated Qualifications Program & Competency Based Assessment Program



8. Close Out Meeting



9. Make Report Public



SEE REPORTS AT
manitobafairnesscommissioner.ca

Review Findings

Registration Information

The Fairness Commissioner calls for regulators to provide dedicated information for Internationally Educated Applicants (IEAs) that are clear, complete and accurate and that support ease of navigation and planning.

All of the reviews conducted to date have flagged registration information as needing attention in some way. The Fairness Commissioner's recommendations have ranged from those that identify minor areas needing improvement to major compliance concerns.

Several of Manitoba's regulators have done considerable work on their registration material and provide strong information packages. Serious compliance concerns have been raised with others as critical information is missing or little guidance is provided about the process.

Most regulators provide reasonable fee and key date information, but few provide a realistic range of the full costs and likely time commitment involved in the registration process. Upon arrival, many IEAs believe they will be recognized and working within six months to a year of immigrating. In some professions, 6 years would be the more accurate estimation. There is a real need for realistic time range information.

Many regulators provide technically accurate, true-to-regulation information that is difficult to discern. Often, far too little detail is provided with no information targeted to IEAs. Some regulators have very large websites with a wealth of information but still are poorly organized and difficult to use. Depending on the particular piece of information in question, an applicant's misunderstanding of the process can be devastating and result in significant delay.

In 2012, the OMFC heard from an IEP who based on misleading registration information, drove to Toronto and back over the course of a weekend to take an eleventh hour language test; the test in fact was not required.

The OMFC has developed a clear language guide, *To the Point* and a site map prototype to support regulators improving information packages.



Learn about
the issues
for IEPs



Download *TO THE POINT: A Plain Language Guide for Regulators*
at manitobafairnesscommissioner.ca

Several Manitoba regulators received OMFC funding to work on improvements:

- The College of Dietitians of Manitoba
- The College of Occupational Therapists of Manitoba
- Manitoba Association of Registered Respiratory Therapists
- College of Registered Psychiatric Nurses of Manitoba
- College of Medical Laboratory Technologists of Manitoba
- Manitoba Institute of Agrologists
- Opticians of Manitoba
- College of Physiotherapists of Manitoba
- College of Midwives of Manitoba

Shortcomings in information available online are often mitigated by the personal support and assistance regulators provide to internationally educated applicants (IEAs) upon contact. The provision of strong personal support and assistance is a great strength among Manitoba's regulators. While this type of support is critical, well developed, comprehensive, online information is also critical because:

1. Applicants need to be able to understand how the process works from abroad.
2. IEAs often do not know what they do not know and so may fail to get the information they need even when they contact the organization.
3. Different pieces of information are critical at different times in the process and so warrant access to the details at any time.

Manitoba regulators provide strong personal support and assistance to IEAs. In the OMFC registration reviews, the Manitoba Institute of Agrologists and the Association of Professional Engineers and Geoscientists of Manitoba were both commended for having introduced dedicated staff positions to support IEAs.

Review Findings

Documentation Requirements

For IEAs, documentation requirements for registration in the professions are quite extensive; academic transcripts and syllabi, previous registration documentation, employer references, criminal records, language test results, to mention common documents. Certified translations may be required for any documents not in English or French. Expiration dating can also apply to documents. In many cases, applicants must make arrangements with third parties to submit documents directly to the regulator.

Immigrants are subjected to an extensive security check by the Federal Government as a condition of immigrating and receiving a permanent resident card. These checks are as thorough as, and often more thorough, than what can be provided by the applicant making arrangements with authorities in their home jurisdictions. Consequently, the Fairness Commissioner asks all Manitoba regulators to recognize the security check done by the Federal Government and only ask for checks to cover the applicant's time in Canada.

Meeting documentation requirements is a major challenge for IEAs and is often the cause of significant delay and expense in the registration process.

Proper documentation is essential. Documentation requirements should be no more onerous than necessary or act as an unnecessary barrier.

Both The College of Physicians and Surgeons of Manitoba and The Law Society of Manitoba recognize the security checks conducted by the federal government and only require criminal records checks for the applicant's time in Canada.

The OMFC has found several cases where regulators are requiring applicants to repeatedly supply difficult-to-acquire documents. A national body will require the applicant to arrange for directly submitted education transcripts and then the provincial regulator will pose the same requirement. We have seen examples of registration processes where IEAs have to re-submit the same documentation several times as a result of an extended registration process and highly restrictive expiration policies. Some of Manitoba's regulators provide alternative documentation opportunities for applicants that cannot with good reason provide documentation. Unfortunately many do not.

The Fairness Commissioner has made recommendations to Manitoba's regulators to improve the fairness of documentation requirements. These include calls to streamline and rationalize requirements, introduce alternative documentation processes, review expiration policies and to revise criminal records check policies.

The College of Licensed Practical Nurses of Manitoba has implemented a variety of progressive documentation policies to support IEAs:

- Staff can act as guarantors for photo IDs;
- A database of previously obtained syllabi increasingly lessens the documentation demand;
- Staff accommodate IEAs by proactively contacting third parties to confirm documentation;
- Alternative documentation is possible;
- Criminal records checks and Vulnerable Sector searches are not required of IENs from their home country; only Canadian checks are required.

Review Findings

Standards of Practice and Relevant Qualifications

Standards lay the foundation for rational regulation by defining the various aspects of what is being regulated. Competent, safe practitioners are qualified to practice in virtue of identified academic training, work experience, technical skill sets and professionalism qualities. Standards are reflected in a variety of documents: codes of ethics; entry-to-practice competencies; education standards; competency profiles and maps. Periodic review is important to ensure continuing relevance of standards in the context of changes in the field and the evolution of the professional practice.

Qualifications required for registration are warranted insofar as they are connected to and relevant for competent practice as defined through standards documents.

The newly developed Broadly Experience Foreign Architects Program used by the Manitoba Association of Architects was preceded by extensive critical standards work that resulted in the program's Competency Matrix.

To use an architect's metaphor, BEFA is a well-designed assessment strategy: the Competency Matrix lays critical foundation for practice standards; transparent self-assessment and prior learning assessment policies and procedures build meaningful, mid-career assessment; flexible and supportive remedial responses open doors for gaps to be addressed. The result is that qualified IEAs are given opportunity to provide evidence of what they have achieved professionally, a plan of action to meet any gaps and recognition if judged equivalent to a competent Canadian Architect.

The majority of Manitoba regulators have well defined standards documents; health regulators in particular tend to have well developed standards documents. In a few of the OMFC reviews, the Fairness Commissioner calls upon regulators to ensure the relevance of requirements, to further develop standard documents, and to allow for a more relevant assessment of qualification.

In 2008, the Association of Professional Engineers and Geoscientists of Manitoba moved to adopt more relevant academic assessment standards. Better reflecting the reality of professional practice, applicants now confirm or demonstrate competence in two areas of engineering expertise; previously the standard required many more areas based on the type of academic training provided in Canadian Engineering programs.

English Language Proficiency Requirements

In many professions English language proficiency is critical for safe practice and consequently second language applicants are required to show evidence of proficiency.

Most of Manitoba Health regulators have English proficiency requirements in place. Most of Manitoba's non-health regulators do not have an English language requirement, but many will advise applicants of the importance of a reasonable degree of proficiency to be successful.

The College of Occupational Therapists of Manitoba has done significant work developing a fair English language proficiency requirement: language proficiency levels were benchmarked by Red River College; IEAs trained in a specified list of English speaking countries are exempted and do not need to be tested; a variety of language tests are accepted and those with near acceptable scores can be given the opportunity for provisional registration. The national Certification Exam has been reviewed and subject to a plain language treatment.

A significant issue raised in the registration reviews concerns the reasonable and fair institution of English language proficiency policies and requirements. The OMFC view is that:

- Proficiency levels need to be based on the linguistic and communicative demands of practice;
- The evolving character of language acquisition means that proficiency should be demonstrated at registration and not necessarily upon application;
- Expiration policies for language test results should be waived in circumstances where individuals have lived, worked or studied in an English speaking environment subsequent to taking the test.

The OMFC has provided supports to help Manitoba regulators evolve their language proficiency policies. Regulators want rational language policies, but need support and advice to move forward.

Review Findings

Fair Assessments & Recognition of Professional Work Experience

In many professions, assessment strategies and licensing regimes have evolved based on the academic and professional training Canadians receive. They are not designed to assess mid-career professionals from backgrounds with differences in academic and professional training.

Most national regulatory exams and assessments used by Manitoba regulators are subject to considerable psychometric scrutiny. For many, sophisticated techniques and review processes are in place to ensure the validity of the subject matter, scoring methods, along with proper invigilation procedures and training for assessors.



See the ideal model for Qualification Recognition (QR)

Strong psychometric measures are taken by the Professional Examining Board of Canada to ensure valid and reliable exams and assessments for the Manitoba Pharmaceutical Association. To mention a few significant examples: the subject matter of the exams is clearly linked to practice standards; the exams are psychometrically reviewed and “pre-tested” by practicing pharmacists; assessors for the OSCE are trained and a “Quality Assurance Panel” reviews each assessment to ensure the fair and accurate assessment of performance for each applicant undergoing the OSCE.

Nevertheless, IEAs often fare poorly on well vetted regulatory exams and assessments as a result of factors that still raise fairness concerns. Familiarity with testing formats and sufficient preparation are major challenges. Part of the training found in Canadian professional academic programs centers around preparation for the regulatory assessments that follow graduation. IEAs don't have the benefit of this preparation and naturally this can be seen in the results. Many regulators acknowledge that mid-career Canadian professionals would not likely do well on their assessments and exams without significant preparation.

To properly prepare for a national pharmaceutical exam, one Manitoba IEA faced with no further guidance than a long list of reference texts, enrolled to audit a 3rd year pharmacy course at the University of Manitoba. Among other subjects, the course discussed hot topics in Canadian pharmacy practice and gave students direction about what they needed to cover to pass the exam.

Professional work experience is a common qualification requirement for licensure. Above and beyond the knowledge and skills academic programs provide, individuals must demonstrate that they can apply their training and be effective in the field. The knowledge and skills professional experience provides is a key element that defines competent practice.

Some Manitoba regulators have dedicated strategies in place to recognize internationally acquired professional work experience. These include:

- The Law Society of Manitoba
- The Association of Professional Engineers and Geoscientists of Manitoba
- The Certified Technologists and Technicians of Manitoba
- The Manitoba Association of Architects
- The Psychological Association of Manitoba
- The Opticians of Manitoba
- The Certified General Accountants of Manitoba
- The Chartered Accountants of Manitoba
- The Certified Management Accountants of Manitoba
- Manitoba Early Learning and Child Care

Although a common registration requirement, many professions fail to assess qualifications acquired through professional work experience. Many assessment strategies have evolved only with a consideration of recent Canadian graduates who have no such experience.

To be fair to individuals with internationally acquired work experience, the Fairness Commissioner calls for regulators to both:

1. Take reasonable measure to assess qualifications evident in an applicant's international work experience;
2. Where Canadian-specific work experience is required, take reasonable measure to assess an applicant's international work experience against Canadian standards and that experience similar in character be recognized.

Two recurring themes in the Fairness Commissioner's recommendations revolve around the need to develop and implement better mechanisms to recognize qualifications acquired through professional work experience and to ensure proper assessment preparation supports are in place for IEAs.

Regulators may not explicitly assess qualifications acquired through work experience, but do so latently through competency assessments that provide IEAs the opportunity to demonstrate what they know and can do. Some Manitoba regulators employ competency assessments:

- The College of Licensed Practical Nurses of Manitoba
- The College of Physicians and Surgeons of Manitoba
- The College of Registered Nurses of Manitoba
- The Denturist Association of Manitoba
- The Dental Association of Manitoba
- The Manitoba Pharmaceutical Association of Manitoba
- The Opticians of Manitoba
- The College of Dental Hygienists of Manitoba
- The Manitoba Veterinary Medical Association

Review Findings

Procedural Fairness: Appeals, Written Reasons, & Access to Records

The 'Fair Registration Practices Code' of the Act identifies a variety of specific fairness duties to ensure procedurally fair registration practice. These include the need to provide sufficient written reason for unfavorable assessment decisions, an appeal mechanism for the review of assessment decisions and a process for applicants to access their records.

While the vast majority of Manitoba regulators have appeal provisions specified within their legislation, many fail to provide appeal information. Many nationally executed, third party registration exams and assessments do not provide sufficient appeal opportunities. Written assessment decisions always exist, but providing reasons that explain the basis for unfavorable assessment decisions don't always. Almost all regulators provide informal access to records and have policies in place for providing records upon request; very few provide access to records information.



Learn more
about the Code

The Law Society of Manitoba is commended in the OMFC's registration report for excelling at procedural fairness for a well implemented appeal process and written reason policy.

The Fairness Commissioner has made recommendations to several of Manitoba's regulators to improve their appeal and access to records information, to expand appeal opportunities and to improve the quality of reasons provided for assessment decisions.

The Association of Professional Engineers and Geoscientists of Manitoba has established a 'Reconsideration' process whereby applicants who are concerned about an assessment decision are first directed to meet to discuss the matter; additional relevant information may be considered, issues can be resolved in a timely way and specious appeals can be avoided.

Qualification Gaps & Upgrading Opportunities

Differences in professional training and practice found internationally often result in highly qualified practitioners seeking licensure in Manitoba with gaps in qualification relative to the Canadian standards. Individuals may have extensive academic training and professional work experience but lack a few elements of qualification needed for registration.

The provision of gap training opportunities are multi-stakeholder undertakings, often involving educational institutions, employers, the provincial or federal government, national bodies and regulators.

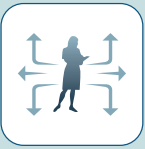
To be effective and fair, the Fairness Commissioner calls for regulators to ensure mechanisms are available for IEPs to address gaps and meet Canadian standards.

Remedial gap training and upgrading opportunities range markedly amongst Manitoba Regulators. In professions such as architecture, law and accounting, flexible pathways are available to achieve academic qualification. In nursing, Red River College and Assiniboine Community College have a dedicated bridging program in place. Unfortunately, in many professions in Manitoba, gap training opportunities are scarce, out of province or unavailable.

The Fairness Commissioner has made recommendations to several Manitoba regulators to better realize gap training opportunities for IEAs.



Jocelyn Dumatol-Sanchez, Family Physician
Education: Philippines
Arrival 1994 | Licensure 2003



Manitoba Regulators Taking Action

As part of the OMFC review process, the Fairness Commissioner requests that regulators respond to her recommendations with plans of action to address the issues. Responses to the Fairness Commissioner's recommendations have been very positive, reflecting a strong commitment to fair practice by Manitoba's regulators.

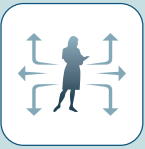
On a variety of fronts, actions are being taken to improve the assessment and registration process of IEAs. A summary of the action plans by the 29 Manitoba regulators whose reviews have been completed (as of June 2013) are provided below. Full details of these plans can be found in individual regulator's Registration Review Reports posted on the OMFC website.

Still under review and with reports and action plans expected by mid 2013:

- The College of Registered Psychiatric Nurses
- The Manitoba Dental Association
- Certified General Accountants of Manitoba
- Institute of Chartered Accountants of Manitoba
- Society of Management Accountants of Manitoba

| Associations | Commitments |
|---|---|
| College of Dietitians of Manitoba | <ul style="list-style-type: none"> • Significantly improve information package, including appeal and alternative career information; • Develop alternative documentation policy, criminal records policy and explore possibility of accepting Federal records check; • Implement assessment and appeal training programs for Council. |
| College of Licensed Practical Nurses of Manitoba | <ul style="list-style-type: none"> • Significantly improve the information package. A dedicated IEN Guidebook will be introduced that supports navigation and planning and provides better information about the education standard, assessment process, work experience assessment, documentation requirements, access to records and appeals; • Formally introduce a pre-appeal process; • Develop policies for the provision of more detailed reasons for assessment results; • Review language proficiency requirements and policies. |

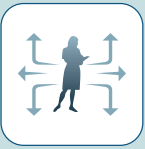
| Associations | Commitments |
|--|--|
| College of Medical Laboratory Technologists of Manitoba | Fine tune a strong information package with information about fees, financial support opportunities, realistic time ranges, alternative documentation, criminal records policy and access to records. |
| College of Midwives of Manitoba | Several plans were in place to improve the quality of information about the registration and assessment process. Subsequent to the review, the College has undergone a major transition in its assessment process. Currently the College is working with the University College of the North, the Provincial Government and other stakeholders to develop new licensure pathways for internationally educated midwives. |
| College of Occupational Therapists of Manitoba | <ul style="list-style-type: none"> • Significantly improve information package, including a plain language review, the introduction of appeal information, a pre-appeal reconsideration process and access to records; • Raise appeal policy concerns with national body; • Explore possibility of accepting Federal criminal records check. |
| College of Physicians and Surgeons of Manitoba | Significantly improve information package, including the introduction of a dedicated IEA section that clearly outlines categories of registration and provides step-by-step pathways to registration with time frames and costs. |
| College of Physiotherapists of Manitoba | <ul style="list-style-type: none"> • Update the Internationally Educated Physiotherapists web portal, introducing information about financial support opportunities, alternative documentation and gap training opportunities; • Raise concern with the national body about the need to provide better timeline information and easier-to-navigate assessment information; • Explore possibility of accepting Federal security checks. |
| College of Podiatrists of Manitoba | <ul style="list-style-type: none"> • Revise their website to provide better access to registration documents; • Make clear the English or French language proficiency requirement; • Revise criminal records check policy, recognizing the security check conducted by the Federal Government. |
| College of Registered Nurses of Manitoba | <ul style="list-style-type: none"> • Improve information, providing timeline, cost, application and expiration date information; • Review application fees annually to ensure they do not exceed cost-recovery; • Work with relevant stakeholders to provide information about exam preparation supports; • Review immigration requirement; • Provide more detailed assessment results and implement an appeals process for assessment results. |



Manitoba Regulators Taking Action

| Associations | Commitments |
|--|---|
| Denturist Association of Manitoba | <ul style="list-style-type: none"> • Significantly improve information package, including clarifying registration requirements and criteria, more information about the assessment process, documentation, fees and timelines; • Introduce appeal information; • Revise criminal records check policy, recognizing the security check conducted by the Federal Government. |
| Manitoba Association of Optometrists | <ul style="list-style-type: none"> • Significantly improve information package, including a dedicated landing page for IEAs with requirements, process outline, fees, key date and timelines, and links and information about the International Optometrists Bridging Program; • Review policies and introduce information about appeals, alternative documentation and access to records; • Introduce information about the importance of English language proficiency and explore a proficiency requirement; • Explore possibility of accepting Federal security checks. |
| Manitoba Association of Registered Respiratory Therapists | <ul style="list-style-type: none"> • Significantly improve information package; including a step-by-step application information and clear documentation requirement and assessment criteria details; • Work to implement a self-assessment tool for IEAs; • Review English language proficiency requirement to ensure best practice; • Work to improve systematic communication with applicants throughout the registration process; • With third parties, work to improve assessment of international qualifications; • Develop a policy for the provision of more detailed written reasons for assessment decisions. |
| Manitoba Chiropractic Association | <ul style="list-style-type: none"> • Significantly improve their information package, including dedicated landing page for IEAs with qualification requirements and criteria, fees, timelines and step-by-step process outline; • Introduce information about English language proficiency, appeals and access to records; • Streamline documentation requirements with national body; • Revise criminal records check policy, recognizing the security check conducted by the Federal Government; • Working with the national Chiropractic Review Committee, implement training for assessment and appeals. |

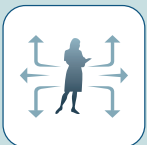
| Associations | Commitments |
|--|---|
| Manitoba Naturopathic Association | <ul style="list-style-type: none"> • Significantly improve their information package, including a dedicated landing page for IEAs with straightforward, easy to navigate information about assessment and registration process; • Work with national body developing 'National Competency Model' to support stronger assessments for IEAs; |
| Manitoba Pharmaceutical Association | <ul style="list-style-type: none"> • Fine tune a strong information package with alternative documentation and access to records information; • Further strengthen support provided to IEAs seeking internships and employment opportunities; • Streamline documentation requirements with the Pharmaceutical Examining Board of Canada; • Facilitate a discussion with the OMFC and the Pharmaceutical Examining Board of Canada concerning appeals and assessments. |
| Manitoba Speech and Hearing Association | <ul style="list-style-type: none"> • Improve information package, including information on associated costs and financial support opportunities, key dates and timelines; • Introduce appeal and access to records information. |
| Opticians of Manitoba | <ul style="list-style-type: none"> • Fine tune a strong information package with more detailed information about qualifications, assessment criteria, alternative documentation, documentation requirements, timelines and key dates; • Work with the national 'Competencies Steering Committee' to review and update standards to further strengthen and develop criteria for a progressive assessment model; • Improve provision of written reasons, broaden appeal policy, and formalize pre-appeal process; • Introduce access to records information and appeal information with assessment decisions. |
| Psychological Association of Manitoba | <ul style="list-style-type: none"> • Significantly improve information package, including clarifying registration classifications and right to title, providing more information about assessment and assessment criteria, timeframes and access to records, and subjecting material to a clear language review; • Introduce appeal information and contact North American body to raise concern about appeal opportunities for the North American exam; • Work to establish English language proficiency benchmarks and provide information about the importance of English language proficiency and upgrading opportunities; • Streamline documentation requirements and explore the possibility of accepting a Federal security check. |



Manitoba Regulators Taking Action

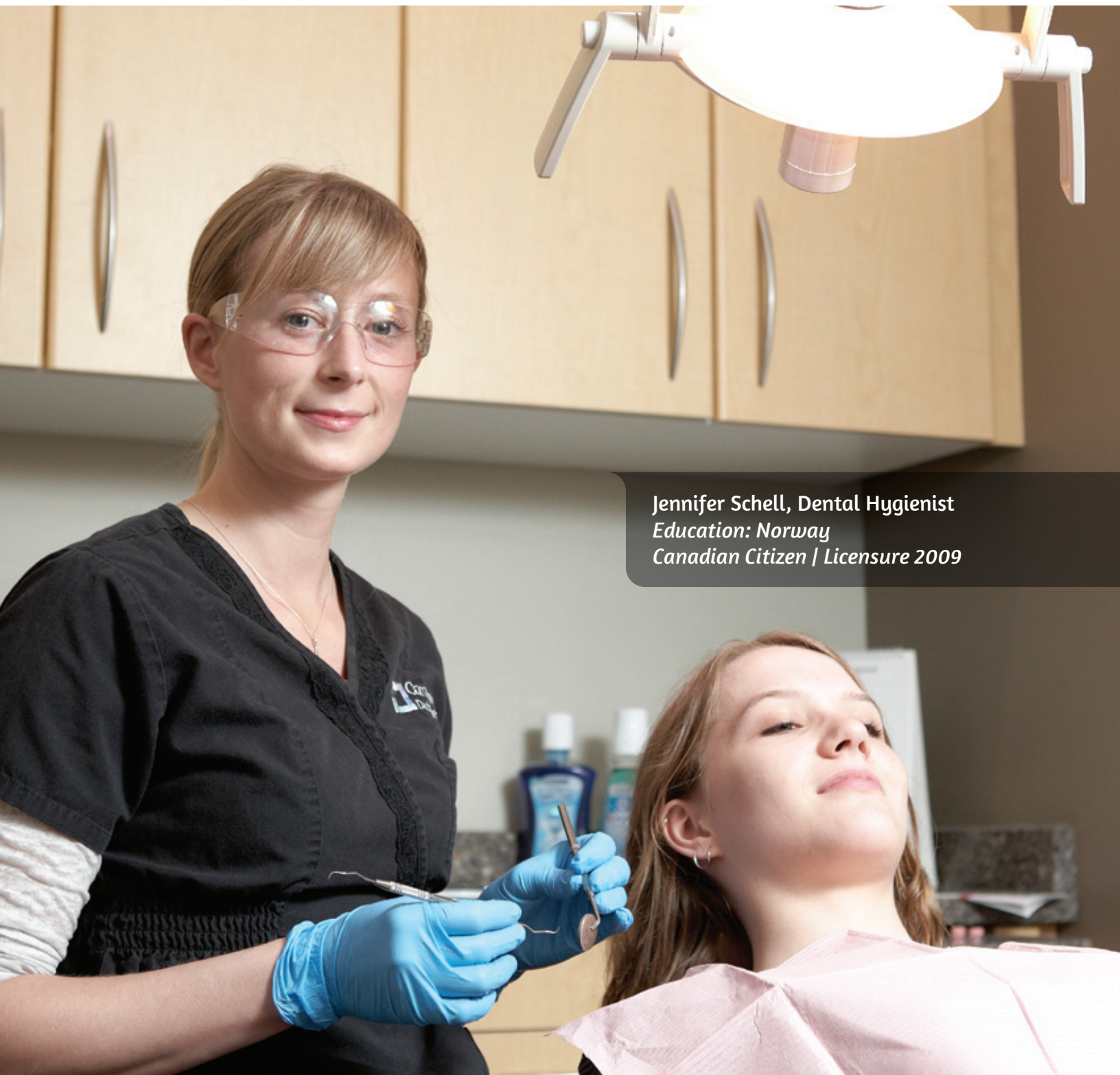
| Associations | Commitments |
|--|---|
| College of Dental Hygienists | <ul style="list-style-type: none"> • Significantly improve information package, including an easy-to-navigate landing page for IEAs with cost, timeline, financial support and upgrading information; • Extend application window, make available 'Competency Assessment Guide' and introduce information that explains flexibility and supports provided; • Review and streamline documentation requirements with national body, including concern with previous documentation requirement; • Develop and implement alternative documentation and written reason policies; • Explore partial credit opportunity for competency assessment; • Introduce appeal and access to records information. |
| Association of Professional Engineers and Geoscientists of Manitoba | <ul style="list-style-type: none"> • Improve and revise an extensive information package, including the provision of a dedicated section for IEAs, information about the assessment of work experience, rights of licensure, alternative documentation and access to records; • Explore possibility of reducing 10 year experience criteria for the fast-track, interview registration path; • Research the possibility of a restricted scope of practice license; • Review volunteer service registration requirement and language proficiency policies; • Raise possibility of extending the time limit on the national Professional Practice Exam with the National Admissions Office; • Request Engineers Canada publishes its data-base on international engineering programs to allow no-charge self-assessments. |
| Certified Technicians and Technologists Association of Manitoba | <ul style="list-style-type: none"> • Improve and revise a strong information package, including a new, dedicated landing page for IEAs and a link to the progressive, 'Canadian Technology Immigrant Network'; • Introduce appeal and access to records information. |
| Law Society of Manitoba | <ul style="list-style-type: none"> • Fine tune strong information package, including an IEA step-by-step guide and the introduction of information concerning realistic cost and timelines, academic upgrading opportunities, financial support opportunities, and English language proficiency; • Review academic certification challenges for IEAs and explore remedies for unnecessary challenges, in coordination with the National Committee on Accreditation. |

| Associations | Commitments |
|--|--|
| Manitoba Association of Architects | <ul style="list-style-type: none"> • Improve information, including amending and clarifying requirements and assessment of work experience policies, update fees, introduce cost and time range information, financial support opportunities and access to records; • Provide information about support and assistance provided by the Association as well as links to information about the progressive Broadly Experienced Foreign Architect Program. |
| Manitoba Institute of Agrologists | <ul style="list-style-type: none"> • Revise and fine tune information provided on the dedicated IEA web portal, including introducing information about timelines, cost ranges, and gap training options; • Introduce appeal and access to records information; • Develop policies to support the provision of more detailed written reasons for assessments; • Work to develop a competency framework, including a strategy to better assess work experience and a gap training needs assessment tool in partnership with Agrologists Canada; • Work to improve documentation of assessment policies and procedures. |
| Manitoba Veterinary Medical Association | Significantly improve information, including a flowchart and description of registration process, links to national assessment body, as well as information about financial supports and academic upgrading opportunities. |
| Association of Manitoba Land Surveyors | <ul style="list-style-type: none"> • Significantly improve registration information on AMLS website; • Work to develop assessment strategy to recognize qualifications evident in professional work experience and introduce a mentorship program for internationally trained articling candidates; • Work to amend <i>The Land Surveyors Act</i> to allow greater flexibility with AMLS's articling program, including the ability to waive elements of the program for appropriately qualified applicants; • Work with the Canadian Board of Examiners for Professional Surveyor and Red River College to provide better supports and upgrading opportunities for internationally trained surveyors. |



Manitoba Regulators Taking Action

| Associations | Commitments |
|---|--|
| Professional Certification and Student Records Unit (Teachers) | <ul style="list-style-type: none">• Improve registration information provided for IEAs;• Work with the Teacher Education and Certification Committee to develop entry level competencies and criteria to assess work experience;• Remove secondary academic attainment assessment criteria;• Strengthen appeal process by formalizing reconsideration process;• Develop policies for the provision of more detailed written reasons for assessments;• Research English language proficiency needed for successful practice;• Work with post-secondary institutions to ensure availability of relevant upgrading courses for IEAs. |
| Apprenticeship Manitoba | <ul style="list-style-type: none">• Fine tune extensive information provided to IEAs, including information about appeals and Workplace Integration of Skilled Newcomers in the Trades;• Establish a working group to review IEA participation in the Trades Qualification Process;• Continue to work to strengthen exam preparation supports;• Working with the Adult Language Training Branch, review English language proficiency issues;• Raise concerns with Canadian Council of Directors of Apprenticeship about the need to provide more detailed reasons for exam results, allow certified translators with content expertise and partial credit for certification exams;• Raise concern with the Apprenticeship and Certification Board about the need to allow greater flexibility around currency requirements. |
| Manitoba Early Learning and Child Care | <ul style="list-style-type: none">• With regard to the progressive information package under development, include information about access to records, realistic cost and time ranges, greater information about the meaning of classifications and education requirements;• Provide more detailed reasons for assessment results and develop alternative documentation policy;• Raise concern with the Child Care Staff Qualifications Review Committee about the need to provide sufficient written reasons for appeal decisions and for appropriate app. |



Jennifer Schell, Dental Hygienist
Education: Norway
Canadian Citizen | Licensure 2009

Data Collecting and Reporting

In addition to the review of registration practices, the Act calls for reporting on the registration of internationally educated applicants (IEAs).

Up until the implementation of the OMFC data collection and reporting initiative, there had been limited information regarding the number of IEAs applying for registration, the number which were successful, how long it took them to get licensed and all of the steps involved.

Most Manitoba regulators had not been recording or tracking their IEAs, and had no system in place to do so.

OMFC drew on the expertise of business solutions specialists, consulted with regulators, and was guided by Manitoba legal counsel to put a process in place. This process included providing Manitoba regulators with financial support to develop or enhance their data gathering capacity.

Regulators began collecting data on applicants as of January 1, 2011. Data being collected include not only overall numbers of both domestically educated and internationally educated applicants (IEAs) but also the tracking of the steps for IEAs as they move through the assessment and registration process.

The information collected will allow us:

1. to better understand the actual pathways and timelines for applicants in the registration process, and
2. to identify issues in the assessment and registration processes that may warrant further exploration.

Here is an example of the type of elements on which data is being gathered:

- Number of times the IEA applied
- Application from within or outside of Canada
- Country of education
- Availability of required documents
- Dates for the different stages in the process, such as when regulator received complete application for assessment; when an assessment decision was made; when the assessment decision was conveyed to the IEA; and when the applicant got provisional or full registration
- Data also includes information on whether Canadian educational standards were met or not; whether English language proficiency requirements were met or not; and the exam results





Data Findings

Data

January 1, 2011 to December 31, 2012.
All figures rounded to the nearest percentage.

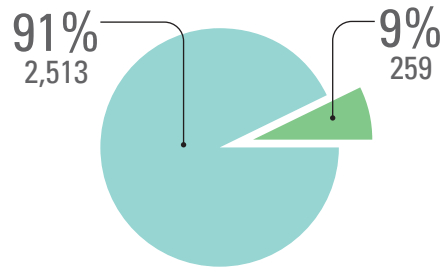
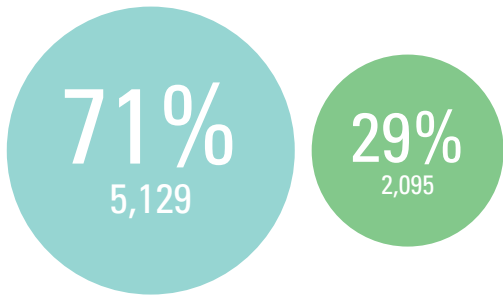
LEGEND

 Domestically Educated Applicants (DEAs)

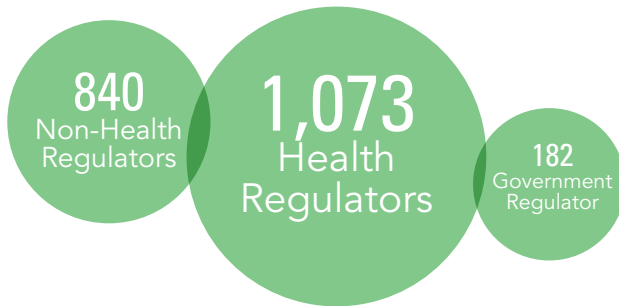
 Internationally Educated Applicants (IEAs)

 **7,224**
Number of applications for registration received by Manitoba regulators.

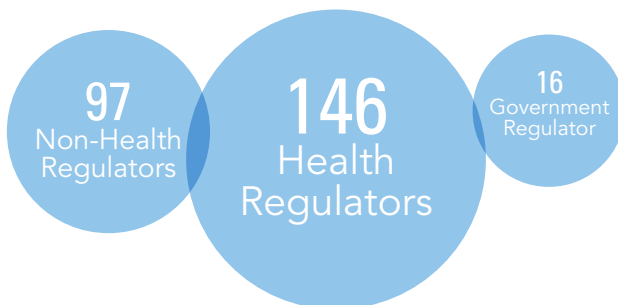
 **2,773**
Number of applications for registration that resulted in full registration.



Number of IEAs who applied for registration:



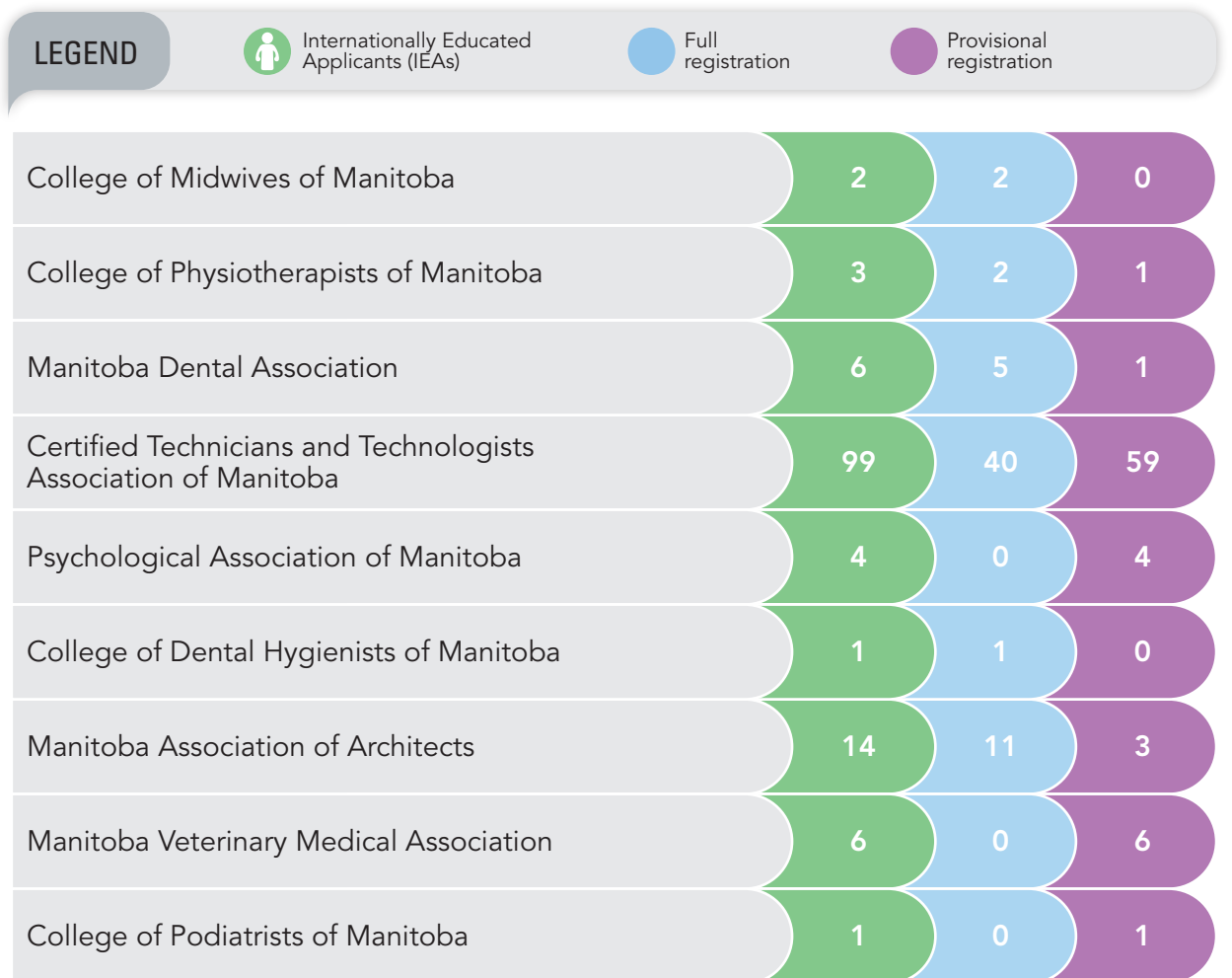
Number of IEAs fully registered by the regulator to whom they applied:



9



Number of regulators who registered either fully or provisionally all IEAs:



Data Findings

Data

January 1, 2011 to December 31, 2012.
 All figures rounded to the nearest percentage.

LEGEND

 Domestically Educated Applicants (DEAs)

 Internationally Educated Applicants (IEAs)



6 
 regulators registered more IEAs than DEAs:

| Association | DEAs | IEAs |
|---|------|------|
| Manitoba Dental Association | 3 | 5 |
| Manitoba Pharmaceutical Association | 16 | 69 |
| Manitoba Institute of Agrologists | 0 | 5 |
| Manitoba Association of Architects | 0 | 11 |
| Manitoba Chiropractors Association | 2 | 10 |
| The Manitoba Speech and Hearing Association | 7 | 13 |

2

regulators—Manitoba Naturopathic Association and Association of Manitoba Land Surveyors—had no IEAs.

Preliminary data shows that a very small percentage of IEAs start the application process outside of Canada, and applications come largely from countries where education is predominantly in English such as India, USA, Philippines and Nigeria.
Source: OMFC Data Reporting 2012



Received the largest number of applications from IEAs.



Fully registered the highest number of IEAs.

2

regulators *registered only IEAs* – Manitoba Institute of Agrologists and Manitoba Association of Architects.

Regulatory Bodies

By the Numbers

| Regulatory Body | Registered members | Staff | | Total Applicants | IEAs | Total Fully Registered | Fully Registered IEAs |
|---|--------------------|-------|----|------------------|------|------------------------|-----------------------|
| | | FT | PT | | | | |
| Professional Certification and Student Records Unit (Teachers) | 25,000+ | 7 | .5 | 1,128 | 182 | 779 | 16 |
| College of Registered Nurses of Manitoba | 13,331 | 28 | 3 | 822 | 223 | 492 | 11 |
| Association of Professional Engineers and Geoscientists of Manitoba | 6,844 | 12 | 1 | 1,282 | 273 | 567 | 10 |
| Law Society of Manitoba | 4,130 | 32 | 11 | 223 | 27 | 118 | 11 |
| College of Physicians and Surgeons of Manitoba | 3,647 | 26 | 3 | 965 | 422 | 103 | 23 |
| College of Licensed Practical Nurses of Manitoba | 3,037 | 7 | 3 | 317 | 246 | 48 | 6 |
| Institute of Chartered Accountants of Manitoba | 2,946 | 8 | 3 | 466 | 31 | 73 | 5 |
| Certified Technicians and Technologists Association of Manitoba | 2,451 | 4 | 0 | 251 | 99 | 155 | 40 |
| Certified General Accountants Association of Manitoba | 2,074 | 22 | 1 | 599 | 172 | 1 | 0 |
| Manitoba Dental Association | 1,861 | 5 | 0 | 9 | 6 | 8 | 5 |
| Society of Management Accountants of Manitoba | 1,687 | 8 | 0 | 479 | 160 | 18 | 2 |
| Manitoba Pharmaceutical Association | 1,587 | 7 | 2 | 123 | 98 | 85 | 69 |
| College of Medical Laboratory Technologists of Manitoba | 1,140 | 1 | 1 | 71 | 15 | 63 | 12 |
| College of Registered Psychiatric Nurses of Manitoba | 1,043 | 3 | 1 | 58 | 16 | 40 | 0 |
| College of Physiotherapists of Manitoba | 890 | 2 | 2 | 56 | 3 | 50 | 2 |
| College of Dental Hygienists of Manitoba | 716 | 2 | 1 | 35 | 1 | 35 | 1 |

(2012 Reporting Period)

| Regulatory Body | Registered members | Staff | | Total Applicants | IEAs | Total Fully Registered | Fully Registered IEAs |
|---|--------------------|-------|----|------------------|------|------------------------|-----------------------|
| | | FT | PT | | | | |
| College of Occupational Therapists of Manitoba | 648 | 1 | 2 | 43 | 4 | 41 | 2 |
| Manitoba Institute of Agrologists | 609 | 2 | 2 | 77 | 36 | 5 | 5 |
| Manitoba Speech and Hearing Association | 462 | 1 | 2 | 38 | 28 | 20 | 13 |
| The Manitoba Association of Architects | 431 | 2 | 0 | 32 | 14 | 11 | 11 |
| College of Dietitians of Manitoba | 425 | 0 | 3 | 27 | 4 | 3 | 0 |
| Manitoba Veterinary Medical Association | 397 | 3 | 2 | 30 | 6 | 0 | 0 |
| Manitoba Association of Registered Respiratory Therapists | 305 | 198 | 98 | 22 | 1 | 21 | 0 |
| Psychological Association of Manitoba | 280 | 0 | 1 | 18 | 4 | 1 | 0 |
| Manitoba Chiropractors Association | 270 | 3 | 1 | 13 | 11 | 12 | 10 |
| Opticians of Manitoba | 270 | 1 | .6 | 16 | 6 | 11 | 1 |
| Manitoba Association of Optometrists | 141 | 2 | 1 | 10 | 3 | 6 | 2 |
| Association of Manitoba Land Surveyors | 64 | 0 | 1 | 5 | 0 | 0 | 0 |
| College of Midwives of Manitoba | 63 | 1 | 2 | 7 | 2 | 7 | 2 |
| Denturist Association of Manitoba | 57 | 0 | 1 | 1 | 1 | 0 | 0 |
| College of Podiatrists of Manitoba | 35 | 1 | 1 | 1 | 1 | 0 | 0 |
| Manitoba Naturopathic Association | 23 | 0 | 1 | 0 | 0 | 0 | 0 |

Number of staff, registered members based on Regulator Profile Form
Applicant data based on Data Export Aggregate from Correlate

Other Activities

Building Capacity

Manitoba Regulators received information on various topics in presentations organized by the Office of the Manitoba Fairness Commissioner:

The following regulators shared best practices:

- Certified Technicians and Technologists Association of Manitoba (CTTAM): Canadian Technology Information Network - national web portal for internationally educated technicians and technologists
- Association of Professional Engineers and Geoscientists of Manitoba (APEGM): Reconsideration process
- Opticians of Manitoba (OOM): Prior Learning Assessment Process
- Law Society of Manitoba (LSM): Written Reasons
- Canadian Society for Medical Laboratory Sciences (CSMLS): Prior Learning Assessment Process
- Manitoba Early Learning and Child Care (MELCC): Early Childhood Education: Internationally Educated Qualifications Program

- **Financial supports to internationally educated professionals (IEPs)** – Employment Manitoba, Immigration and Multiculturalism, February 2011
- **Managing Cultural Differences** - February 2011, March 2011, November 2011, February 2012
- **Linguistic and Communication Styles, Canadian Language Benchmarks** – April 2011
- **Manitoba Start** – April 2011, June 2012, September 2012
- **International Qualifications Network website** – Foreign Credentials Referral Office, Citizenship and Immigration Canada, December 2011
- **Benchmarking and Language Proficiency assessment tools** – Language Training Centre, Red River College, February 2012
- **Essential Skills and Recognizing Prior Learning** – Entrepreneurship, Training and Trade, February 2012
- **Professional Regulation: Global Trends and Challenges** – Deanna Williams, February 2012
- **Assessment of Internationally Educated Nurses** – Health Science Centre, March 2012
- **ePortfolios for Professionals** – Learning Agents and Entrepreneurship, Training and Trade, March 2012
- **Update on Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications** – Immigration and Multiculturalism, April 2012
- **Financial Support for Internationally Educated Professionals** – SEED Winnipeg, September 2012
- **Development and Use of Oral Assessments/Structured Interviews** – Canadian Tourism Human Resource Council, December 2012

Speaking on Qualifications Recognition (QR)

The Manitoba Fairness Commissioner is frequently invited to speak on Manitoba's Act and approach to Qualifications Recognition (QR). In 2011 and 2012 the Commissioner made approximately one presentation per month. Highlights include:

National

- National Metropolis Conference Workshop – Immigrant Teachers in Western Canada, Vancouver, March 2011
- Ministerial Conference on the Canadian Francophonie on Francophone Immigration, Vancouver, March 2011
- Canadian Network of National Associations of Regulators (CNNAR) 2011 Canadian Regulators Conference, Toronto, November 2011
- Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, House of Commons, Ottawa, November 2011
- Citizenship and Immigration Canada's Foreign Qualifications Recognition Data Workshop, Edmonton, February 2012
- 2012 CAPLA Conference on Recognizing Learning, Skills and Competencies: Strengthening today's workplace for a better tomorrow, Halifax, October 2012
- CAPLA's Strategic Advisory Panel, Halifax, October 2012

International

- Council on Licensure, Enforcement and Regulation (CLEAR) Annual Educational Conference, Pittsburgh, Pennsylvania, September 2011

Local

- Manitoba Institute of Agrologists Annual Meeting, January 2011
- City of Winnipeg's Citizen Equity Committee, February 2011
- Foreign Trained Professionals and Skilled Workers Accreditation Information Session, May 2011
- Teacher Education and Certification Committee, June 2011
- Hindu Society of Manitoba, October 2011
- Manitoba Ethnocultural Advisory and Advocacy Council, February 2012
- Manitoba Prior Learning Assessment Network Symposium, May 2012
- Manitoba Immigrant and Refugee Settlement Sector Association (MIRSSA) Settlement Conference, October 2012

Other Activities

Project Funding

In 2011 and 2012, the OMFC provided funding in the amount of \$1,286,000 for activities and projects addressing different aspects of qualifications recognition.

Gap Training

This category included development and delivery of training projects to fill gaps identified by regulators for IEPs. The projects involved partnerships between regulators, post-secondary institutions, employers, and government.

16 projects for a total of \$578 thousand.

Orientation, Preparation and Assessment

This category included development and delivery of projects that provide direct programming to help IEPs seeking recognition.

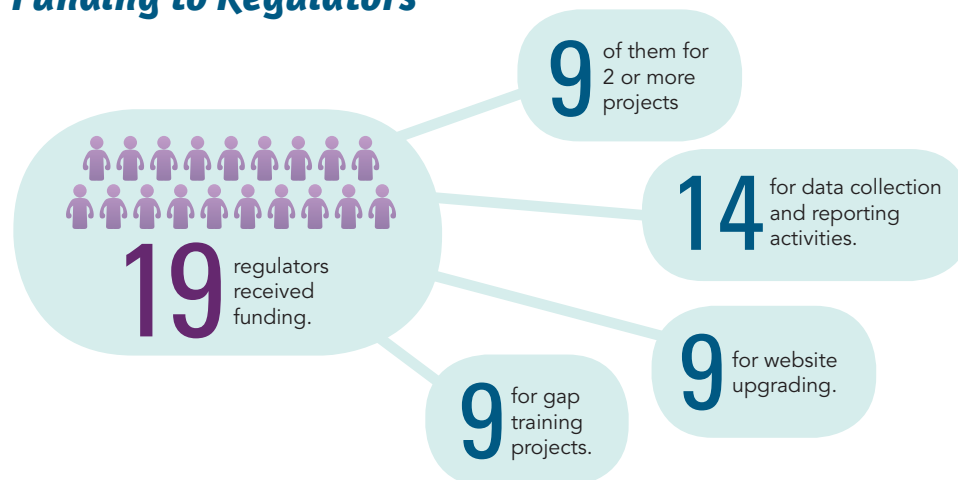
3 projects for a total of \$166 thousand.

Development and Support

This program included activities aimed at improving the assessment and recognition of IEPs, including supporting capacity development of regulators in improving information and advice, more effective pathways, systems for collecting and reporting on applicant data and researching and documenting delivery models.

32 projects for a total of \$542 thousand.

Funding to Regulators





The next 2 years will see the work of the Office of the Manitoba Fairness Commissioner focus on:

Manitoba Regulators' Action Plans

The OMFC will be supporting and ensuring the implementation of actions Manitoba regulators committed to as a result of the Fairness Commissioner's recommendations.

Applicant Data Provided by Manitoba Regulators

The OMFC will continue consolidation, validation and analysis of the data on the experience of internationally educated professionals applying for licensure in Manitoba.

Regulatory Challenges

The OMFC will be pursuing resolutions to a few prominent issues described below stemming from contested recommendations made as part of the registration reviews.

Language Proficiency Policies in the Nursing Professions

A move to harmonize standards across provinces as well as a concern for communication challenges amongst Internationally Educated Nurses (IENs) motivated the National Fluency Working Group to recommend higher proficiency requirements. As a result, Manitoba Nursing regulators adopted higher English and French proficiency levels in 2011. The new proficiency standards replaced levels previously established through extensive field based research by the Centre for Canadian Language Benchmarks (CCLB) in 2003.

In the Fairness Commissioner's judgement, raising language test scores is not the right strategy to address the situation and that the instrument being used to remedy a complex communication issue in the field is the wrong one. Language proficiency and communicative competence are related but distinct phenomena. Raising proficiency levels will not necessarily raise communicative competence.

The Fairness Commissioner has recommended Manitoba's nursing regulators put a moratorium on the new, higher proficiency levels, and has suggested a collaborative effort to investigate the language and communication issues in the field to ensure the right language standards are put in place.

The Medical Council of Canada's Evaluating Exam for International Medical Graduates

The Medical Council of Canada's (MCC) Evaluating Exam is a mandatory, first step screening exam for International Medical Graduates (IMGs) that tests for basic, universal medical knowledge for the purpose of eliminating applicants who will not likely be successful with the MCC's next step, the Qualifying Exam Part One. The Qualifying Exam Part One is a summative exam that assesses medical knowledge, and clinical decision making ability at a level expected of a graduate of a medical program in Canada. The content of these exams is similar, although the Qualifying Exam is more comprehensive and intensive.

A predictor test that reduces the time and expense unsuccessful applicants face is commendable. Unfortunately, as it is currently implemented, the merit of the exam is questionable.

The Evaluating Exam needs to be implemented in a way that better realizes its predictive, cost and time saving purpose. The exam could be evolved into a low-cost, non-mandatory, on-line self-assessment tool where IMGs could be given realistic information about their preparedness for the Qualifying Exam.

The Fairness Commissioner is recommending that the College of Physicians and Surgeons of Manitoba remove the requirement for the Medical Council of Canada's Evaluating Exam and that the College work with the Medical Council of Canada to explore ways of implementing the Evaluating Exam in a manner more appropriate for a predictive assessment.

The Pharmacy Examining Board of Canada's Evaluating Exam

The Pharmacy Examining Board of Canada (PEBC) has implemented a multiple choice Evaluating Exam that tests for general academic pharmaceutical knowledge and knowledge of Canadian pharmacy practice. Its purpose is to determine whether International Pharmacy Graduates (IPGs) possess knowledge similar to their Canadian graduate counterparts and so qualify for the next step Qualifying Exams.

Prior to the introduction of the Evaluating Exam, upon successful credential assessment, IPGs were allowed to directly challenge the Qualifying Exams. IPGs with gaps identified in their academic programs relative to the Canadian standard were first required to take upgrading coursework.

The PEBC reports that the Evaluating exam is a more valid measure of qualification for the Qualifying Exam than a credential assessment alone.

Moving Forward

Regulatory exams not directly relevant for the demonstration of professional qualification, but whose function is rather a screen for more relevant assessments to come, often act as an unnecessary cost and delay.

The Fairness Commissioner is recommending that the Manitoba Pharmaceutical Association work with the PEBC to request both a review of the relevance and necessity of the Evaluating Exam and a consideration of alternative eligibility routes for IPGs to challenge the Qualifying Exams.

Systemic Changes in Qualification Recognition

The OMFC will continue to work with stakeholders in the post secondary education system, employers, government and others in the pursuit of appropriate and effective policy and programming responses to address barriers to qualification recognition.

OFFICE OF THE MANITOBA
FAIRNESS COMMISSIONER

301-155 Carlton St.
Winnipeg, MB
R3C 3H8

E: omfc@gov.mb.ca
T: 204-945-7353
F: 204-948-4712

manitobafairnesscommissioner.ca