



OMFC REGISTRATION REVIEW

**Association of Manitoba Land Surveyors
Final Registration Review Report (2013)**

OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER

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Introduction

This Final Registration Review Report presents the results of the Office of the Manitoba Fairness Commissioner's (OMFC) registration review with the Association of Manitoba Land Surveyors (AMLS) as of June 2013.

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).

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. Two senses of compliance are at work in the legislation. First and foremost, it refers to the fairness of assessment and registration practice, with particular attention drawn to the need for the fair consideration of internationally educated applicants. Secondly, it refers to the co-operation of the regulator with the Fairness Commissioner.

The Act stipulates that a registration review for any given regulator is to be undertaken at times specified by the Fairness Commissioner. It also stipulates that the content of a registration review is to 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. This may involve the review of any third parties employed in the assessment and registration process.

The OMFC's review process culminates in a Final Registration Review Report, complete with an Action Plan from the regulator. This report is a public document submitted to the Province's Minister of Immigration and Multiculturalism and posted on the OMFC's website.

The OMFC undertook a registration review with the AMLS between January and June of 2013 (see appendices A & B). Several meetings were involved, documentation was gathered and reviewed, field work was conducted and the AMLS provided an Action Plan in response to the Fairness Commissioner's recommendations. The AMLS' Action Plan, as well as the OMFC'S review findings and the Fairness Commissioner's recommendations follow throughout this report.

Registration Review Process

The OMFC's multi-step review process has several key phases: agreeing to a review schedule, documenting and understanding, evaluating and drafting the findings and recommendations, and achieving an action plan to move things forward. The process is designed to support meaningful reviews that concretely identify fairness issues and lead to progressive change.

For the purposes of the 2012/2013 registration review cycle, regulatory practice is evaluated against a single, broad 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.***

Recommendations, Action Plan & Compliance Statement

The Fairness Commissioner makes recommendations based on a consideration of the issues of non-compliance and areas that show opportunity for improvement.

The action plan is drafted by regulators to respond to the Fairness Commissioner's recommendations. For each of the Fairness Commissioner's recommendations, regulators reply with a plan to address the concern as well as a timeline for the execution of the plan. Regulators are given opportunity to remark upon any recommendation made by the Fairness Commissioner.

Finally, the Fairness Commissioner's Compliance Statement provides comment on the suitability of the regulator's Action Plan and the overall compliance of the regulator's registration practice.

OMFC Support

Addressing problematic practice can pose considerable challenges for regulators. No remedy may be readily at hand; third-parties may be involved; resources and expertise may be wanting. In these circumstances, the OMFC is committed to working with regulators to support and assist the development of innovative solutions and better practice.

The Profession of Land Surveying in Manitoba

Land surveyors plan, direct and conduct legal surveys to establish and maintain property boundaries. They prepare and maintain official plans, records and documents related to these surveys. Land Surveyors are employed in both the public and private sectors, including self-employment.

Celebrating its 133rd annual general meeting this year, the Association of Manitoba Land Surveyors (AMLS) is distinguished as the first regulated profession in Manitoba and the oldest Land Surveyor association in Canada.

Currently in Manitoba there is a strong demand for practitioners. The Association of Manitoba Land Surveyors (AMLS) reports a shortage of land surveyors in the province and that a serious shortage of practitioners is looming on the horizon as a significant portion of their 53 body membership are within a few years of retirement.

Overview of Assessment and Registration Process of the Association of Manitoba Land Surveyors

The Association of Manitoba Land Surveyors (AMLS) regulates the practice of land surveying in Manitoba under the authority of *The Land Surveyors Act* (C.C.S.M. c. L60). Registration with the AMLS grants both right to title and to practice. Unless registered, no person may use the title “Manitoba land surveyor” or the letters “MLS” nor are persons permitted to practice land surveying unless registered under the *Land Surveyors Act* or acting under the direct supervision of a registered member.

Qualifications

Principal qualifications for registration as a land surveyor include obtaining a ‘Certificate of Completion of Academic Requirements for Professional Surveyors’ from the Canadian Board of Examiners for Professional Surveyors (CBEPS or National Body) and successfully completing a two-year period of articles with the AMLS. Academic qualification for CBEPS certification requires graduation from a recognized two-year geomatics program or Geomatics Engineering degree and possibly completing CBEPS exams. AMLS’ articling requires fulfilling projects and work experience requirements under supervision and passing a series of professional practice exams.

Assessment and Registration Process

National Body Academic Certification

The first step in the assessment and registration process involves securing a ‘Certificate of Completion of Academic Requirements for Professional Surveyors’ from the CBEPS. Applicants complete an application form, pay a \$315.00 application fee and submit the following documents:

- A summary of education and training
- An official transcript of grades directly submitted from the educational institution
- A certified copy of any diploma, degree or certificate
- For internationally educated applicants, a basic credential evaluation report from an international credential evaluation service affiliated with the Alliance of Credential Evaluation Services of Canada.

The CBEPS assesses the applicant’s academic credentials against its core and elective syllabi. Academic qualifications evident in an applicant’s professional work are factored in the assessment.

Within 2 to 3 months upon completed application, the CBEPS informs applicants in writing of their assessment results. Those with gaps identified may be assigned up to 12 core syllabus exams and possibly 1 of 4 elective exams. Foreign – Trained

Candidates who possess a Geomatics Engineering Degree are awarded between 9 credits to full exemption. The remaining exams are jurisdictional only.

CBEPS exams are short answer, cost \$135.00 per exam and can be written in English or French. Examinations are held in Winnipeg twice a year—usually March and October, and typically over a period of 3-5 days. Candidates have up to seven years to complete all of the examinations. Exams results are provided within 6-8 weeks of writing.

AMLS Articles and Professional Exams

After receiving a CBEPS Certificate of Completion, individuals apply to the AMLS for membership as a student. Applicants complete an application, pay \$130.00 in application, article and student fees and submit the following:

- A summary of academic education and training, together with an official transcript of marks in respect of any post secondary school education
- Certified copy of any diploma, degree, certificate, commission or other similar evidence of academic standing given by a college, university, or other educational institution, or a certifying body or professional association
- A resumé of past work experience in surveying

Following acceptance by the AMLS, the applicant, now a student member, must article for two years under the supervision of a registered Manitoba land surveyor and complete a series of professional exams. Although the AMLS will provide informal assistance and support, it is the responsibility of the student to secure an appropriate articling opportunity.

Articling involves working under supervision in a variety of specified practice areas for specified time periods and completing three AMLS approved practical surveying projects with a full report on each project. The projects are based on actual work undertaken by the firm or agency with which the student is associated. Depending on the applicants work experience, exemptions from one or more projects is possible.

Within two years of completing their articles, student members are required to take six AMLS professional practice examinations, including an oral interview. The short and long answer format exams are written in April and require a 65% pass mark. To write, students apply to the AMLS, pay \$100.00 per exam and supply the following documents:

- CBEPS Certificate of Completion
- Certificate of Training & Experience for the applicant's term of service under articles
- The "Surveyors Certificate of Service" acknowledging that the applicant has completed the required period of articles under a registered Manitoba Land Surveyor
- Written final approval from the Board for the applicant's projects and reports

Appeal Process

Decisions which condition or deny registration can be appealed to AMLS Council. Appeals must be made within 30 days of the negative decision. Unsatisfied appellants then have the option of appealing to a Court of Queen's Bench. This appeal must be filed within 30 days of the Council's decision.

Time and Cost

The time and cost required for registration varies depending on the circumstances of the applicant. Direct costs will range from \$1,200.00 to \$3,000.00; there likely will be a variety of associated costs, including possible translations, exam preparation materials, appeal fees, and others. A list of direct costs can be seen below.

The current practise is that financial assistance is provided by the firm the candidate is working for.

National academic certification, the first step in the process, is easily the most time consuming part of the process for both Canadian and internationally educated applicants alike. Only a handful of education institutions in Canada provide academic training that will result in full academic qualification. The AMLS estimates that 3 to 4 years to be deemed academically qualified is not uncommon. In addition, articling will require at least two years. Altogether, for both Canadian and internationally trained applicants, it can take upwards of seven years to be registered as a Manitoba Land Surveyor. Often, those individuals who are motivated to complete the process as quickly as possible take between three to four years.

Fees

CBEPS Assessment Fee	\$315.00
CBEPS Examination Fee - \$135/examination	\$1,755.00
Credential Assessment Fee (basic assessment from an agency affiliated with the Alliance of Credential Evaluation Services of Canada)	\$125.00 to \$200.00
AMLS Student Assessment Fee	\$60.00
AMLS Article Fee	\$20.00
AMLS Student Fee	\$50.00
AMLS Professional Practise Exam Fees \$100/exam	\$600.00

Registration Review Findings

Summary of Findings

The Association of Manitoba Land Surveyors (AMLS) has established an in-depth assessment process to evaluate articling competencies. The AMLS' articling program is focused on training with remedial opportunities available. Students receive strong personal support and assistance from the association. The Canadian Board of Examiners for Professional Surveyors (CBEPS) has established a rigorous strategy to evaluate academic qualification against its education standard. Both assessment steps, CBEPS' academic evaluation and the AMLS' articling program, include a consideration of foreign professional work experience.

The reality, however, is that the current assessment and registration process is not working. The AMLS is seeing too few new applicants, Canadian or internationally educated. Few new Land Surveyors are being licensed. There is a shortage of practitioners and the aging population of registered members threatens a crisis in Manitoba.

The principal reason for this problem is the long and arduous licensing process. Applicants can face dozens of exams and a road seven years or more in length.

Currently the AMLS legislation is undergoing amendment. Under their current act, the AMLS does not have the ability to waive elements of its articling requirements, no matter the qualification evident in an applicant's professional work history. New legislation will remove these requirements from the act into regulation. This will give the AMLS greater flexibility adjusting its policies to more fairly recognize internationally acquired work experience and where appropriate, the ability to waive additional components of its articling program and professional exams.

In 2012, however, the AMLS reviewed its registration process and requirements to consider actions to ameliorate the situation and grow its membership. Feedback from AMLS membership was that the current registration process is reasonable and that the status quo should be maintained.

Revisions to improve the efficiency of AMLS articling program aside, the OMFC understanding is that this by itself will not address the issue. A critical problem revolves around the ability of individuals to meet academic certification and so to be qualified to enter into articling in the first place.

Very few individuals are academically qualified and most face several years of study to achieve it. There is no geomatics academic program in Manitoba that will fully qualify applicants for CBEPS certification. Moreover in Canada, only two professional engineering programs in B.C. and Alberta offer this type of specialized academic training. Other Canadian engineering and technologist programs offer training that results in only partial recognition from CBEPS. The two year geomatics program requirement is not a common diploma; much of the coursework required is technically advanced and only found in third and fourth year professional engineering programs.

Whatever the merit of revising the efficiency of AMLS' articling program under its newly amended legislation, until the first step, academic roadblock is dealt with any changes will have little impact. Few will apply, membership will continue to decline and it will be increasingly difficult for this group of professionals to meet the land surveying needs of our community.

Given the situation, we will forego presenting detailed review findings of the AMLS' assessment process. Usually in an OMFC registration review, practice is judged against a range of fairness areas as defined by the Fairness Standard and Criteria Document. In this context, this form of scrutiny appears an empty pursuit. Rather in the interest of realizing more meaningful action, we suggest the AMLS direct its attention and energy to the more relevant matter, that is, putting in place a more efficient and relevant licensing process and growing the profession in Manitoba.

The AMLS needs to review and revise its assessment and registration process to ensure the relevance of its requirements and to reduce the time it takes for both Canadian and internationally educated applicants to be registered.

The assessment and registration process needs to be looked at in whole and in part, including the academic requirements. There is a need to be mindful of limited support given to the profession by Canada's educational institutions and the type of training many applicants do possess. More emphasis may need to be placed on the articling program as a more efficient tool to ensure and provide applicants the expertise they require. The competency-based approach recently introduced in Ontario is an example of the type of alternative licensing pathway that may provide a solution.

Fairness Commissioner's Recommendations


As a result of the OMFC's registration review of the Association of Manitoba Land Surveyors (AMLS) and to ensure compliance to *The Fair Registration Practices in Regulated Professions Act*, the Fairness Commissioner recommends:

1. *That* AMLS review and revise its assessment and registration process, including its academic requirements to realize a fairer, more accessible and timely pathway to licensure.

Association of Manitoba Land Surveyors' Action Plan

In response to the Fairness Commissioner's Recommendations, the Association of Manitoba Land Surveyors proposed the following action plan as of June 2013. The plan is reprinted in its entirety under the 'AMLS' Planned Action(s)' column in the table below.

The AMLS' Action Plan will form the basis of its relationship with the OMFC moving forward. The plan is monitored by the OMFC and will be tracked in the 'Completion Date' box of the Action Plan as it comes to fruition. As the report will be available online, this allows any interested party to see the progress to date.

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>1. That AMLS review and revise its assessment and registration process, including its academic requirements to realize a fairer, more accessible and timely pathway to licensure.</p>	<p>Background:</p> <p>The current academic requirements are the same in 8 out of ten Provinces with only Quebec and Ontario having different evaluation regimes. Quebec requires a degree in Geomatic Engineering from Laval University which is essentially the same as having a CBEPS certificate (this is an engineering degree granting programme) ,which Manitoba Requires. Ontario evaluates candidates on a competency based evaluation which is as rigorous as obtaining a CBEPS certificate. This competency based evaluation system was established by the Ontario Land Surveyors Association with the help of the Ontario government and required an investment of several hundreds of thousands of dollars as well as significant resources. This system allows for a different way to assess candidates but is shown to be no shorter in duration.</p> <p>The AMLS Professional Registration requirements are entrenched in the Land Surveyors Act Chapter L60. Changes to this process will require amendment to the Legislation. The professional article time is currently two years under the supervision of a registered Manitoba Land Surveyor with an examination requirement at the end of this article period, which involves six written examinations and one oral interview. This process allows the candidate the core knowledge necessary to practise Land Surveying in the Current Manitoba Property Rights System.</p> <p>Action Plan:</p> <p>The AMLS has presented a new Land Surveyors Act to the Government which will allow for flexibility in our registration process. This flexibility will allow for alternative evaluations of candidates such as exemptions from Professional exams based on Prior Knowledge gained by the applicant in a specific area of</p>				

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
	<p>expertise. The new Act will also allow our Association to comply with existing Labour Mobility Legislation.</p> <p>The board of examiners of the AMLS have been asked to review specific policies for the assessment and examination of foreign-trained candidates that recognizes previous work experience.</p> <p>It is also recognized that better information on registration requirements have to be presented to applicants. This relates to both the academic and professional requirements. The AMLS is currently in the process of revamping its website where a section dedicated to Foreign trained professionals will better set out the process, and provide details on costs and time frames that candidates can expect.</p> <p>The AMLS is also working closely with the CBEPs (Canadian Board of Examiners for Professional Surveyors) to make material required for the academic exams readily available to all candidates. A study guide for several subjects is being developed to better assist candidates.</p> <p>Courses that are eligible for exemption at Red River College are being presented to CBEPs on an ongoing basis and AMLS works closely with Red River College in this endeavour to provide a local venue of expertise where Foreign Trained candidates can gain academic exemptions from a local school while being employed in the industry.</p> <p>In addition more and more courses that qualify for academic exemptions are being offered online from educational institutes in Canada. AMLS will provide links to these courses and will direct candidates to these courses through our website.</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p>	<p>✓</p>	

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
	Assistance to foreign-trained applicants in the form of a mentor who will guide the applicant in obtaining the local knowledge required to practise Land Surveying will be investigated. This will supplement the existing articles, which the applicant serves under a Manitoba Land Surveyor and will help bridge the gap for candidates to allow them a better understanding of the Manitoba Property Rights System.			✓	
Regulator's Comments:					

Fairness Commissioner's Statement of Compliance

The Association of Manitoba Land Surveyors action plan is in many respects a very positive response to the recommendation that resulted from the OMFC's registration review.

The actions committed to by the Association are important: improving information; introducing flexibility into its articling requirement; developing a capacity to recognize qualifications acquired through professional work experience; introducing a mentorship role; working with Canadian Board of Examiners for Professional Land Surveyors to develop better preparation supports for national exams.

These actions will support fairer practice and are fully consistent with *The Fair Registration Practices in Regulated Professions Act*.

Despite the merit of these actions, however, it is not clear that this will solve the problem the Association is currently facing. Fine tuning of the process may still result in the registration of few new land surveyors and the predicted shortage of practitioners will not be addressed.

I appreciate the professionalism and openness of the Association's staff and board as we worked through this challenging review and look forward to our work in the future.

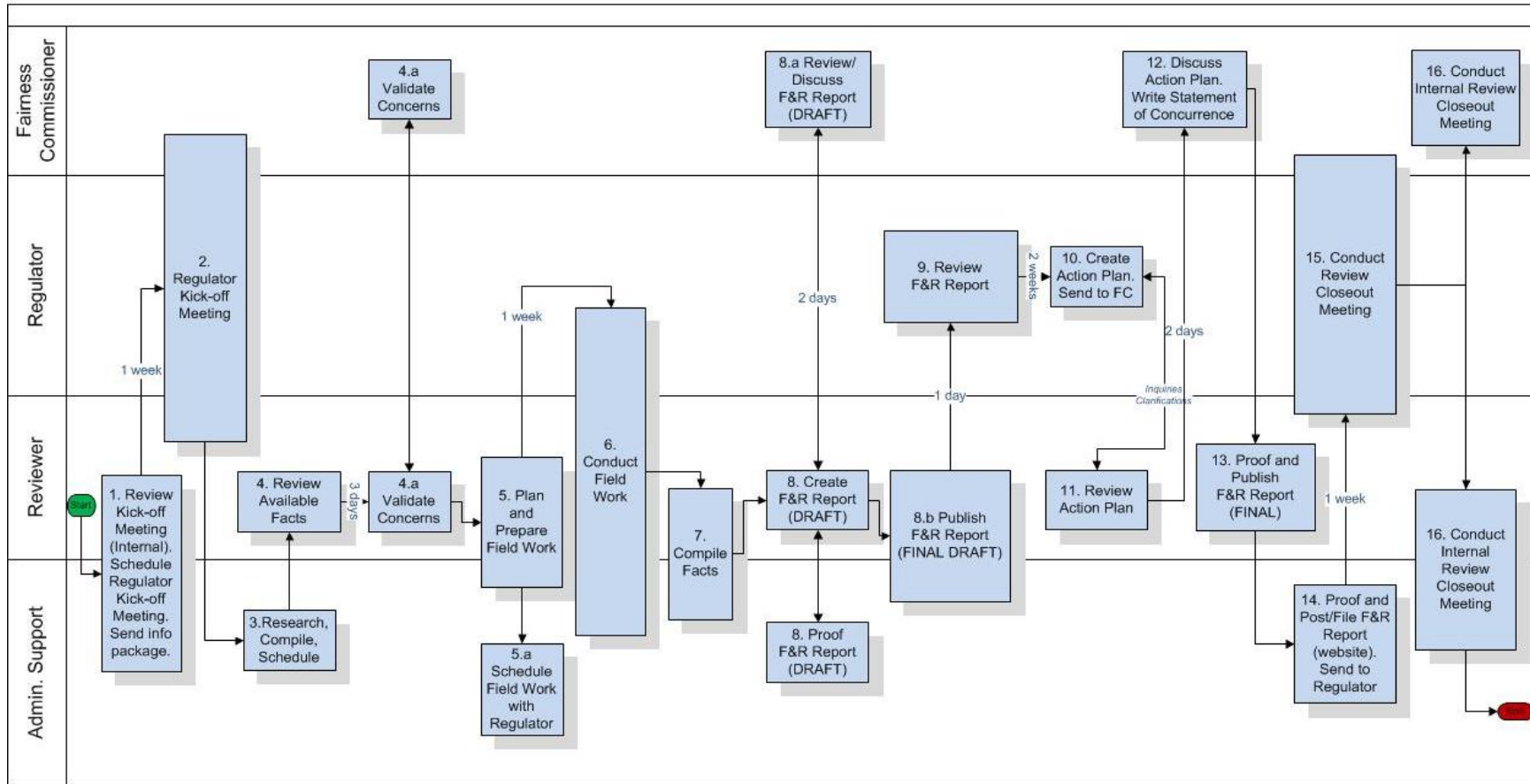


Ximena Munoz

Manitoba Fairness Commissioner

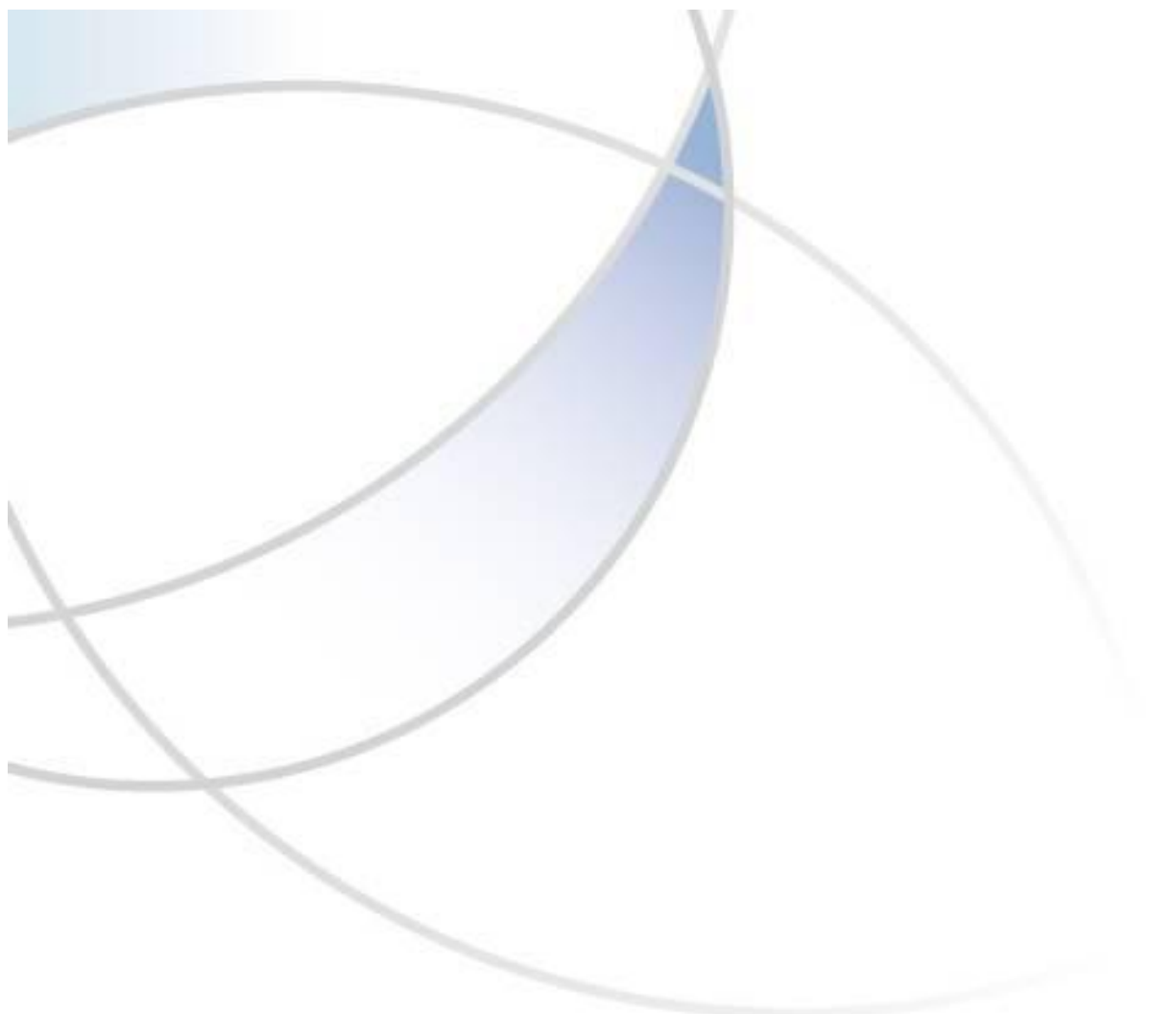
Appendix A

OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER Registration Review Process



Appendix B

AMLS's Registration Review		
Activity	Description	Date
Block Meeting	<ul style="list-style-type: none"> Meeting between OMFC, AMLS and other regulators in the block of reviews for this period Registration review process presented Review schedule set Documentation requested 	<ul style="list-style-type: none"> January 15, 2013
Kick-Off Meeting	<ul style="list-style-type: none"> Launch of AMLS' registration review Key decisions makers from regulator in attendance Collect requested documentation Fieldwork planned 	<ul style="list-style-type: none"> January 30, 2013
Fieldwork	<ul style="list-style-type: none"> Collect information otherwise unavailable through public information and policy documents Clarify information and acquire a more in-depth understanding of policy and practice 	<ul style="list-style-type: none"> February 15, 2013
Findings and Recommendations Report	<ul style="list-style-type: none"> AMLS receives a report with the review findings, the Fairness Commissioner's recommendations and a request for an Action Plan Findings and Recommendations Meeting 	<ul style="list-style-type: none"> February 27, 2013 February 28, 2013
Action Plan	<ul style="list-style-type: none"> AMLS' Action Plan submitted to OMFC 	<ul style="list-style-type: none"> May 16, 2013
Final Registration Review Report	<ul style="list-style-type: none"> Final report submitted to AMLS; report contains the review findings, the Fairness Commissioner's recommendations, AMLS' Action Plan, and the Fairness Commissioner's Compliance Statement 	<ul style="list-style-type: none"> June 17, 2013
Registration Review Closeout Meeting	<ul style="list-style-type: none"> Discuss review results & Action Plan Final report uploaded to OMFC's website 	<ul style="list-style-type: none"> June 25, 2013 June 25, 2013



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