

2023 Registration Review Report

Opticians of Manitoba



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Introduction

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

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

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

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

State of Progress

Since the introduction of Manitoba's fairness legislation in 2009, OOM has and continues to work co-operatively with FRPO and is committed to the fair assessment and registration of internationally educated applicants (IEAs).

OOM has taken numerous steps to improve the fairness of its assessment and registration process. Some of the more significant measures include:

- consideration of applicants with related education
- developing web-based information for IEAs that is clear and easy to read and navigate — dedicated IEA landing page, video explaining steps and requirements for registration, supportive documents such as a summary of steps to registration and a document checklist
- developing practice directives that describe in detail the performance expectations for opticians in each area of practice addressed by the National Competencies document
- supporting applicant preparation and success with the Prior Learning Assessment and Recognition (PLAR) component of the assessment process
- streamlining documentation requirements
- providing applicants with detailed, timely feedback on gaps identified through the PLAR process
- introducing a policy to support the provision of better written reasons
- introducing remote location interviews allowing applicants to complete aspects of the assessment process from abroad
- involvement in national level work to update assessment criteria, improving validity and reliability of the gap analysis, resulting in better, more consistent recommendations to address gaps
- supporting national level work on the development of an online self-assessment tool based on the National Competencies for Opticians
- participating in a nationally sponsored project to contract educators to develop online bridging modules to prepare PLAR candidates for the PLAR process and to address gaps identified through the PLAR
- introducing strong pre-appeal and appeal processes

Starting in January 2021, IEAs apply directly to the National Alliance of Canadian Optician Regulators (NACOR). Prior to this time, the first step in the registration process was to apply to OOM. NACOR now reviews applicant documents, determines eligibility for the PLAR, conducts the PLAR and provides results of their assessment to OOM for decision. Being a small regulator, with limited capacity and few IEAs each year, OOM devolved this role to their national body to ensure consistent, quality and timely assessments.

Fair Practice Analysis

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

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

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

OOM's compliance to necessary assessment criteria

At this time, FRPO does not have concerns with the reasonableness and necessity of OOM's assessment criteria and requirements for registration. OOM is compliant with this duty. Substantive qualifications for IEAs include a background in optics or healthcare, a case based interview, a competency gap analysis and successful completion of the National Optical Sciences Examination.

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

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

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

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

OOM's compliance to abide labour mobility obligations

OOM's labour mobility policy is compliant under this duty. FRPO identifies no concerns. OOM's requirements for individuals registered and in good standing in other provincial jurisdictions applying for registration in Manitoba comply with the provisions set out in the Canadian Free Trade Agreement and the New West Partnership Agreement.

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

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

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

OOM's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. OOM responded to this request and is in compliance with the duty to notify.

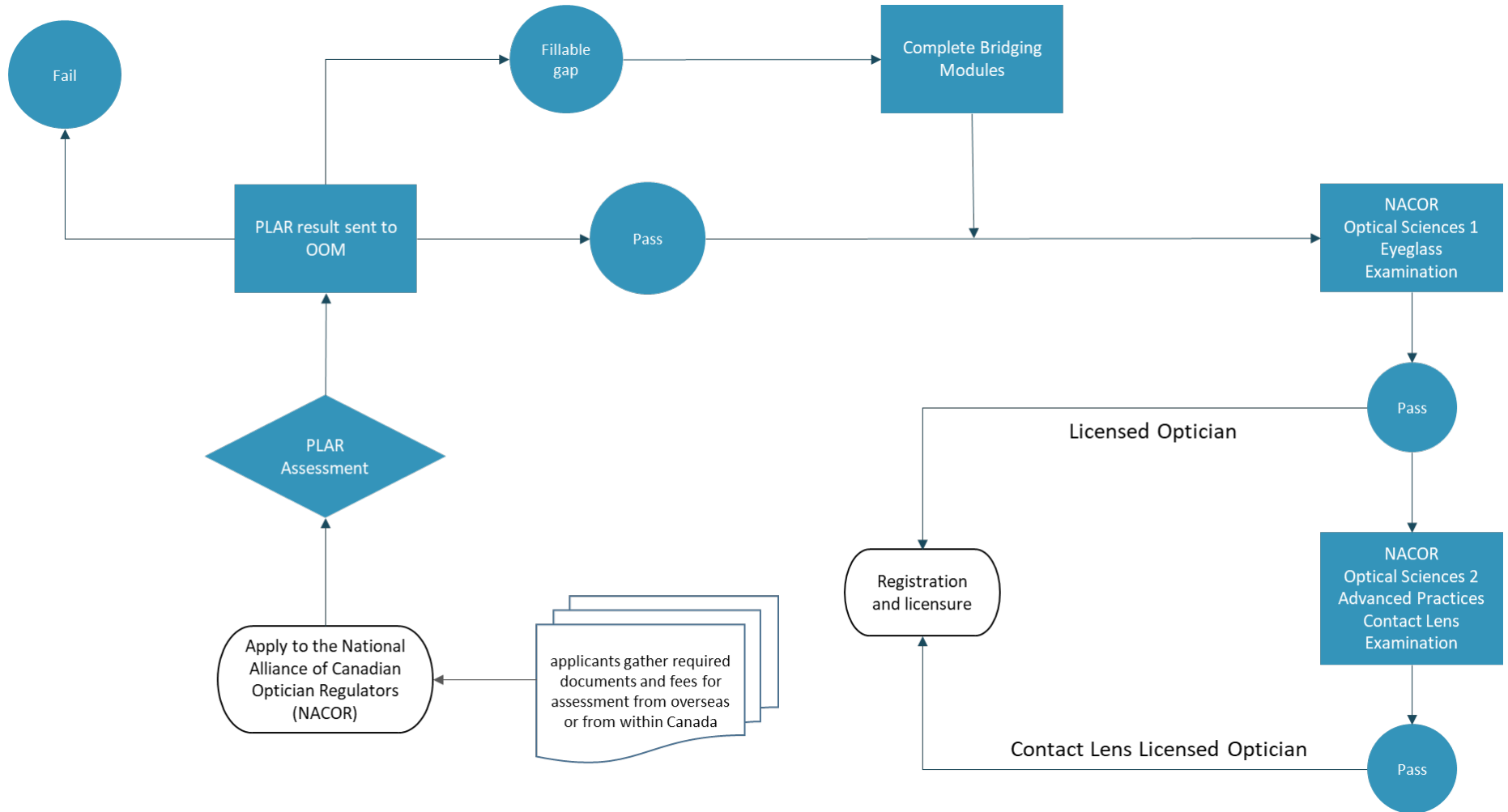
Compliance

The Fair Registration Practices Office's (FRPO) 2023 registration review of the Opticians of Manitoba (OOM) examines their compliance to three duties in the Fair Registration Practices Code of Manitoba's fairness legislation; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

At this time, FRPO finds OOM to be compliant to each of the duties under review and has no outstanding issues. No recommendations are issued.

FRPO commends OOM for its compliance and their work ensuring fair assessment and registration practice for internationally educated applicants and mobility applicants.

Appendix 1 – Registration Process for Internationally Educated Applicants



Opticians
of Manitoba



316
Registered
Members

(As of December 2022)

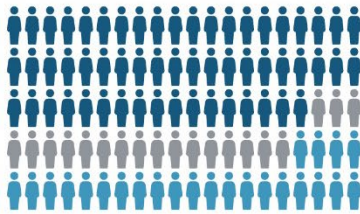
2011-2022 Internationally Educated Applicant Data



21

applications

Application Outcomes



registered - **57%** | in process - **19%** | file closed - **24%**

Closed File Status



Top Countries of Education



applicants were educated in **6**
different countries



Median Time to Registration

1.3 years

2012-2022 Domestic Applicant Data



156

applications

155 (99%)

registrations