

Duty to Collaborate Policy

November 2021

This policy clarifies the purpose of this duty, identifies measures that support compliance and stipulates the review activity required of Manitoba professions by the Fair Registration Practices Office.

Legislative Requirements

The Fair Registration Practices in Regulated Professions Act requires regulated professions to work with education providers and employers to develop remedial opportunities and programs for internationally educated applicants (IEAs). Specifically:

Regulated professions to collaborate in program development

8.1(1) A regulated profession must take reasonable steps to collaborate with education providers and employers to:

- (a) identify opportunities to develop programs that may assist internationally educated individuals and unsuccessful applicants in obtaining registration in the regulated profession; and
- (b) develop programs identified in clause (a).

Purpose

The purpose of this duty is to help maximize success rates and timely outcomes for IEAs.

Training qualifications and practice environments in regulated professions often vary abroad. Many internationally educated professionals may be well qualified and experienced, but lack some measure of qualification and experience relative to Canadian standards. For this group, successful registration depends in large part on available remedial programs and opportunities. Without these opportunities, IEA registration rates can be low, with only perfect-fit applicants completing registration in a timely way.

Manitoba professions are obligated to take reasonable steps to develop remedial opportunities. What qualifies as a reasonable step or measure is determined by the circumstance of the profession. It involves balancing practical considerations of resources, education and employer opportunity, the character of the qualification gaps seen in applicants, and the need to maintain standards and guard public safety.

Collaboration often requires other parties play a role, including government agencies, educators and employers. Whatever the character and type of obligations that may be relevant to these parties, this policy is restricted to considering the duty to collaborate only as it applies to regulated professions under Manitoba's amended fairness legislation.

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Measures for Compliance

To satisfy the duty, regulated professions must:

1. Determine the common character and range of qualification gaps the profession finds with IEAs.
2. Engage education providers and employers to explore possible remedial opportunities.
3. Where practical and feasible, implement remedial programs in collaboration with education providers or employers.

Collaboration with Education Providers

A number of Manitoba professions have collaborated with education providers in the development of gap and bridge training programs specifically designed to address the needs of IEAs. These programs often offer an array of academic courses, professional practice orientation and work or clinical placements that support IEAs assessed by the profession with bridgeable gaps. Manitoba professions play a critical role assessing applicants for entry into these programs as well as advising, developing and providing ongoing oversight for these programs.

A useful guide that highlights the role of the regulator and the critical components of successful gap and bridge training programs is available from the Fair Registration Practices Office (FRPO).

High costs, extensive development work, limited demand, and restricted capacity at post-secondary institutions can hamper the ability to implement this approach. Most professions do not have the benefit of a dedicated bridge training program for IEAs. In these circumstances, collaboration with post-secondary institutions can still be helpful ensuring IEAs have access to courses and other elements of an education program. A number of Manitoba professions have engaged education programs, including out-of-province programs, to ensure access for remedial opportunities.

Collaboration with Employers

Depending on the character of practice in a profession and nature of gaps to be addressed, regulators may choose to work with employers to implement timely and cost-effective solutions. Supervised practice, for example, allows IEAs a timely route into practice. These opportunities can provide professional orientation promoting safe practice, allow a uniquely relevant, on the job assessment opportunity, and be designed to allow remediation for a range of qualification gaps.

Supervised practice under conditional licensure is common in Manitoba professions for exam candidates and where internship and articling programs precede full licensure. Only a few Manitoba regulators use supervised practice to support the assessment, gap training and orientation of internationally educated professionals.

Practical considerations for regulated professions to implement a supervised practice program involve identifying the types and degree of qualification gaps that can be addressed safely under supervision and any restrictions in scope-of-practice that may be appropriate. It also involves regulators working with the supervised candidate, members, employers and other stakeholders to introduce a program that establishes a learning plan, effective supervision and fair assessment.

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Fair Registration Practices Office Review Requirement

In order to ensure compliance with the duty to collaborate, a Manitoba regulated profession subject to fairness legislation must:

1. Within 18 months of proclamation or coming into force of the amendments to The Fair Registration Practices in Regulated Professions Act, conduct a self-assessment of current practices regarding the duty to collaborate to provide remedial, gap training programs for IEAs.
2. Where issues are identified, consider and implement practical and feasible changes to address the issue. The FRPO will support the regulatory body to develop solutions to address the identified issue in a collaborative process.
3. Discuss the self-assessment with the FRPO during a registration review or other time, as specified by the FRPO.