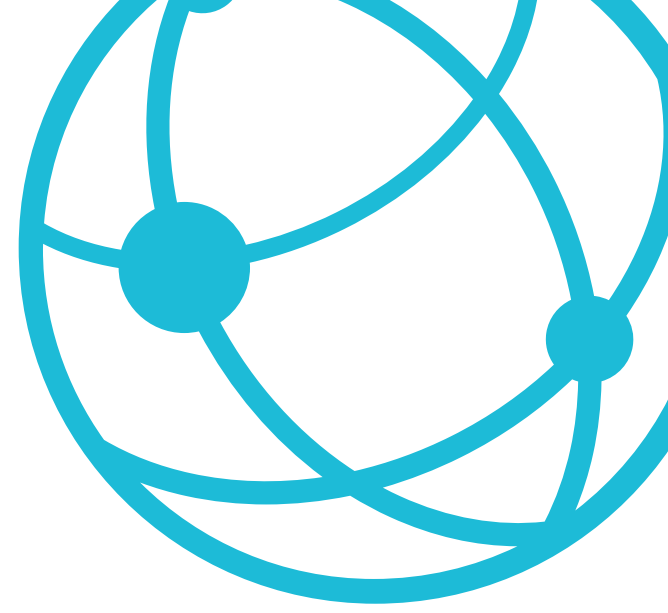


Understanding Fairness in Regulated Professions

a resource for internationally educated
professionals



Updated April 2022



Understanding Fairness in Regulated Professions

a resource for internationally educated professionals

INTRODUCTION

The Fair Registration Practices Office (FRPO) works with 31 regulated professions in Manitoba under The Fair Registration Practices in Regulated Professions Act to help make certain applicants are treated and assessed fairly.

The Fair Registration Practices in Regulated Professions Act requires regulated professions in Manitoba to be fair. It does not matter if you completed your education in Canada or abroad.

The FRPO developed a Fairness Standard Guide to explain what fairness means and to help regulated professions as they work towards ensuring their practices are fair to applicants and they meet the requirements of the Act.

Information in this document is drawn from the fairness guide to help you understand:

- what regulated professions in Manitoba should be doing to ensure applicants are treated fairly, and
- what you can do if you feel you have been treated unfairly

Regulated professions in Manitoba are doing many of the things outlined in the fairness guide but some professions do not yet meet the standards consistently.

The FRPO regularly evaluates regulated professions against the standards and continues to work towards their implementation.

What should regulated professions do to ensure you are treated fairly?



INFORMATION

Regulated professions are asked to provide clear, complete, accurate and easy to find information about their assessment and registration process.

This includes information about:

1. the steps, key dates and length of time it usually takes to complete the assessment and registration process
2. what you can do to prepare before you move to Canada – things like: a list of documents to collect, professional orientation materials that can help you learn about how your profession is practiced here and self-assessment tools
3. fees – for example, application, examination and registration fees, as well as a list of costs associated with the assessment process
4. required documents, the format they should be in and when in the application process they should be submitted as well as if it is possible to submit alternative documentation if you are not able to obtain what is required
5. education and experience requirements and the criteria used to assess these qualifications
6. supports available to help you prepare for and complete the assessment process such as: communication classes for your profession, study groups, study guides, practice exams, upgrading opportunities and financial help such as loan programs
7. appeal processes and how you can access your records
8. any other organizations that are involved in the assessment process and what they require of you

Most regulated professions provide this information on their website.

Look for headings such as:

- Membership
- Applicants
- Become a Member
- Internationally Educated Applicants
- Become Registered

Some regulated professions also post answers to frequently asked questions, or FAQs. If you cannot find answers to your questions on your regulated profession's website, you can contact them directly. Staff should be available to help you either by phone or in person at their office. Several regulated professions have dedicated staff to support internationally educated applicants. They will meet with you to talk about your application and answer your specific questions.

IMPORTANT!

Your regulated profession is the most reliable and up to date source of information on your assessment process. Go to them first!



What should regulated professions do to ensure you are treated fairly?



DOCUMENTATION

Regulated professions must have reasonable expectations for documentation.

They can do this by:

1. requiring you to submit only once documents that are hard to get and documents that will not change such as, university degrees, transcripts and course descriptions from your issuing institution
2. setting policies for expiration dating that make sense and only requiring you to submit new documents when necessary
3. offering assistance if you are having difficulty obtaining documents - your regulated profession can contact your previous regulatory body or educational institution on your behalf
4. telling you how else you can meet their documentation requirements if it is impossible for you to supply certain documents - if you are a refugee or your school no longer exists for example, you should be given other options to prove you have the required qualifications
5. ensuring you do not have to provide the same documents to different assessors during the licensing and registration process - for example, if you must supply a document to a **third party assessor*** when you apply, you should not have to re-supply that same document to your regulated profession in Manitoba
6. requiring notarization of a document only when it is necessary to have an expert verify your signature
7. recognizing the background check completed by the federal government when you apply to immigrate to Canada and only requiring a criminal record check for the time you are living here

*Third Party Assessors

Organizations that are contracted by a regulatory body to do some of the assessment involved in the registration process. For example, they might verify and compare academic credentials for equivalency to Canadian programs, or they might also administer written or practical exams. Third party assessors are not regulatory bodies. They conduct assessments but they do not license applicants.

Examples:

National Nursing Assessment Service (NNAS)
National Dental Examining Board of Canada (NDEB)
World Education Services (WES)



What should regulated professions do to ensure you are treated fairly?



LANGUAGE

Communication is a key component of safe practice, so many professions will require you to demonstrate your proficiency in English. Each regulated profession in Manitoba has different requirements. Some recommend proficiency levels whereas others require proof of proficiency. Sometimes you can show language proficiency in French. Those who require you to demonstrate language proficiency accept different types of evidence and at different stages in their process. Most require evidence at the beginning of the assessment process.

Regulated professions must have fair language proficiency requirements and policies.

They can achieve this by:

1. ensuring the level of English (or French) proficiency required for registration and licensing reflects the level needed to safely practice in the field
2. providing information about language upgrading support
3. accepting evidence of language proficiency other than a language proficiency test. Although language tests are the most common way to determine who meets the requirements, there are other ways to do this - for example, completing a professional education program in English
4. requiring you to repeat a language proficiency test that has expired only when necessary - such as, if you have not been working or studying in English after your initial test
5. providing more than one test option for demonstrating proficiency and accepting a comparable result from a language test that is not on their list of acceptable tests

FRPO ADVOCATES for regulated professions to allow applicants to begin the assessment process if their language level is close to the requirement for practice and to have applicants meet the requirement at registration. This particularly makes sense for applicants who have a long process, or who will be completing course work to qualify for registration and licensing. It is expected that their language skills will improve and that they will be able to meet the requirement by the end of their process.



What should regulated professions do to ensure you are treated fairly?



ASSESSMENTS

All regulated professions in Manitoba require applicants to complete assessments as part of the registration and licensing process.

Assessments are usually exams, either written or practical, but may also be internships or periods of Canadian work experience. Often, assessments are conducted by a third party assessor. We expect the same standard of fairness from whoever conducts the assessment.

Exams and assessments must be fair.

Regulated professions can achieve fairness by ensuring:

1. you are provided clear information and know what to expect regarding assessment content, format, fees and timing. Exam blueprints, for example, provide detailed information on how exams or assessments are administered and what you can expect on exam day
2. preparation materials are available - for instance, self-assessment tools allow you to evaluate your skills and abilities against those expected of professionals in the Canadian workforce - ideas include: practice exams or a list of recommended study materials
3. you have an opportunity to demonstrate your skills and abilities - this can be done through things like practical exams and supervised practice or internship opportunities

The FRPO has asked regulated professions to consider the professional experience applicants have from abroad as part of their assessment of qualifications. Applicants who have years of professional experience should be assessed on what they learned at work. Some professions do this, but most still do not look at professional experience other than to determine if work history is recent enough to meet currency of practice requirements.



What should regulated professions do to ensure you are treated fairly?



ASSESSMENTS RESULTS

If you fail an exam, or your education or the currency of your professional work experience does not meet the standard set by your regulated profession, you may have to complete additional requirements before you can continue with the registration and licensing process.

Exam and assessment results must be explained and there should be options for addressing your gaps.

Regulators can do this by providing:

1. timely assessment decisions with written explanations for why you received an unfavourable assessment result
2. information about when and how to redo an exam or assessment
3. information about how to address your gaps to meet requirements - for example, gap training or bridging programs, online course work, or an individualised learning plan



APPEALS

If a regulated profession makes a decision that denies you registration or places a condition on your license, you must be given the option to appeal. You should also be able to appeal decisions made by third parties involved in your assessment process.

Regulated professions must have appeal processes.

They are required to:

1. provide good information about how to make a formal appeal and the costs of appealing
2. make certain that the people who hear your appeal are not the same people who made the original decision and that they are properly trained

Most regulated professions also have 'reconsideration' or 'pre-appeal' processes. Ask your regulator about this.



What can you do if you feel you are being treated unfairly?

Fairness concerns can often be resolved through good communication.

If you disagree with a decision, you should first meet with your regulated profession. Most regulated professions have a 'reconsideration' or 'pre-appeal' process. This is an opportunity for you to talk to your regulator and to better understand the basis for their decision. You may be able to provide further evidence of your qualifications and resolve your issue. This will also help you to be better informed about whether it makes sense to pursue a formal appeal.

If you decide to meet with your regulated profession, make sure you **arrange your appointment with the right person**. When you call for an appointment, find out who is responsible for the area of your concerns. It is important that you are very clear about your situation and your fairness concerns. It is helpful to prepare notes to take with you and to bring copies of any documents that will help support your case, such as decision letters or emails from your regulator. You can take someone with you if you prefer not to attend the appointment alone. Take good notes but also ask for things in writing.

If an appointment with your regulated profession does not resolve your fairness concern, you have the option of making a formal appeal.



Important things to know if you are considering a formal appeal:

- appeals are not a second chance for an assessment. You must build a strong case to have a decision revisited through a formal appeal
- you are responsible to give notice of appeal in a timely manner. You cannot wait too long. Appeals must commonly be made within 30 days of a decision. Check on the timelines for making an appeal in your profession
- there is usually a fee to appeal a decision
- your regulated profession is responsible to conduct the appeal in a timely manner
- if you lose your appeal, you can expect written reasons explaining the basis of the decision



What can you do if you feel you are being treated unfairly?



In Canada, immigrants have brought cases concerning registration processes before the courts or provincial human rights commissions. Some of these cases resulted in positive changes that now impact all applicants. For example, a teacher in Ontario who came to Canada as a refugee and could not provide her original documents won the right to be assessed through an alternative approach. Most regulated professions now have alternative documentation policies.

But, taking legal action may be most effective if your fairness concern is about the system and how people such as yourself are generally treated. This approach is very costly and it can take years to achieve an outcome. Many professions have **currency of practice*** requirements and choosing this route may take so long you risk losing the currency you need to license.

Taking legal action is not a realistic approach for most people or for all circumstances.

You can also contact the Fair Registration Practices Office if you feel you have not been treated fairly.

We will arrange for a staff person to meet with you to discuss your specific experience. We can offer feedback and advice on how you can expect to be treated by your regulated profession. The Act dictates that the FRPO cannot get involved in an assessment or registration decision. This means the office cannot advocate, investigate, direct or influence a regulator to change or to reconsider a decision.

The FRPO does not assess qualifications and we cannot help individual immigrants get licensed in Manitoba.

We invite and welcome you to talk with us if you have a fairness concern. Many people find talking with our office helpful and we feel we do our jobs better because of the experiences you share with us.

*CURRENCY OF PRACTICE

If a profession has a currency requirement, this means they have decided how long you can be out of practice before you are no longer eligible for the registration process. Currency of practice requirements are most common in regulated health professions. These requirements vary by occupation.





Fair Registration
Practices Office

301-155 Carlton Street
Winnipeg, MB R3C 3H8
E: frpo@gov.mb.ca
T: 204-945-7353
gov.mb.ca/frpo

Photos

Front page, left to right:

Elena Kotelevskaya, Dentist

Pilsun Song, Certified Engineering Technologist

Page 7: Esam Beshay, Dentist

Page 8: Susan Frank, Midwife and Registered Nurse

Page 9: Cherry Javier, Certified Engineering Technologist

