



# **OMFC REGISTRATION REVIEW**

**College of Occupational Therapists of Manitoba  
Final Report (2012)**

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OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER



## Introduction

This report presents the results of the Office of the Manitoba Fairness Commissioner's (OMFC) registration review with the College of Occupational Therapists of Manitoba (College or COTM) as of January 2012.

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 ensure compliance to the Act, specifically the Fair Registration Practices Code, and to make recommendations to improve compliance. As the objective of the Act is a call for fair registration practice, with particular attention drawn to the need for the fair consideration of internationally educated applicants, compliance refers primarily to the fairness of assessment and registration practice. Co-operation with the Fairness Commissioner is also a matter of compliance.

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 for the practice of the profession, 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.

Final Registration Review Reports are public documents submitted to the Province's Minister of Immigration and Multiculturalism. The reports are comprised of the OMFC's Findings Report for the regulator, which details the results of the registration review, and the Action Plan submitted by the regulator to address any issues raised by the Fairness Commissioner's recommendations.

This report, then, presents the OMFC's Findings Report for the College of Occupational Therapists of Manitoba together with the College's Action Plan. In order of presentation, this includes:

- An overview of the registration review process undertaken with the College;
- A brief description of the College's assessment and registration practice;
- A summary of the registration review findings;
- Recommendations from the Fairness Commissioner;
- The College's Action Plan to address the issues raised by the recommendations;
- A statement from the Fairness Commissioner concerning the College's proposed Action Plan.

## College's Registration Review Process

In consultation with regulators, the OMFC introduced a registration review process, including documentation and compliance evaluation tools, in the fall of 2009. The multi-step, review process has several key phases: documenting and understanding, evaluating and hearing feedback, and developing and agreeing to 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.

The College volunteered to participate as one of three regulators in the Fairness Commissioner's pilot registration reviews. As an evolving, novel process, some of the timelines for the review steps were more extended than anticipated. The College's registration review began in November 2009 with the steps, activities and dates as follows:

<b>COTM's Registration Review</b>		
<b>Step</b>	<b>Activity</b>	<b>Date</b>
<b>Process Documentation</b>	<ul style="list-style-type: none"> <li>• Research and review of COTM's registration materials by OMFC</li> <li>• Meetings between OMFC and COTM to complete the documentation of the registration and assessment process</li> <li>• Completed <i>Process Documentation Tool</i> presented to COTM</li> </ul>	<ul style="list-style-type: none"> <li>• November 2009</li> <li>• Meetings in December 2009 and July 2010</li> <li>• July 2010</li> </ul>
<b>Compliance Evaluation</b>	<ul style="list-style-type: none"> <li>• Analysis and compliance assessment by OMFC</li> <li>• Completed <i>Compliance Evaluation Tool</i> presented to COTM</li> <li>• Debrief Meeting to discuss COTM's compliance evaluation and recommendations</li> <li>• <i>Compliance Evaluation Tool</i> finalized with relevant feedback from COTM; final tool presented to COTM</li> </ul>	<ul style="list-style-type: none"> <li>• March 2011</li> <li>• April 2011</li> <li>• May 2011</li> </ul>
<b>Findings Report</b>	<ul style="list-style-type: none"> <li>• Findings Report summarizing registration review results provided to COTM</li> <li>• Formal request to COTM for an Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>• June 2011</li> <li>• June 2011</li> </ul>

<b>COTM's Registration Review</b>		
<b>Step</b>	<b>Activity</b>	<b>Date</b>
<b>Action Plan</b>	<ul style="list-style-type: none"> <li>• COTM's Action Plan in response to the Fairness Commissioner's recommendations</li> <li>• The Action Plan forms the basis of the COTM's and the OMFC's relationship moving forward</li> </ul>	<ul style="list-style-type: none"> <li>• June 2011</li> <li>• Updated April 2012</li> </ul>
<b>Final Report</b>	<ul style="list-style-type: none"> <li>• Final Registration Review Report presented to COTM Action Plan status updated</li> <li>• Registration review process completed</li> </ul>	<ul style="list-style-type: none"> <li>• May 2012</li> </ul>

## Overview of COTM's Registration Process

The College currently operates under the authority of *The Occupational Therapists Act* (2002 C.C.S.M. c. O5) and the *Occupational Therapists Regulation* (Regulation 174/2005). Registration with the College is mandatory to practice occupational therapy and for the use of the designation of Occupational Therapist in Manitoba.

### Required Qualifications

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To qualify for the College's practising registry as an Occupational Therapist, an individual must:

- Be a graduate of an OT academic program acceptable to the College. All of the Canadian OT programs are acceptable, international programs are assessed for their equivalence to the College's standard.
- Possess recent OT work experience or have recently graduated from an OT academic program.
- Meet an English or French Language proficiency requirement.
- Meet a criminal record check requirement.
- Pass the Canadian Association of Occupational Therapists (CAOT) National Occupational Therapists Certification Exam (National Exam).
- Have an offer of employment to work in Manitoba.
- Have insurance to practice.
- If applicable, successfully complete a period of supervised practice.

Provisional registration is possible for:

- Exam candidates -- those eligible to write and who have completed all of the registration requirements but not yet written or received their exam results.
- Supervised practice candidates -- those that have not yet met the language proficiency requirement, require academic upgrading and/or do not meet the currency of practice requirement.

An occupational therapist may be registered on the provisional register for up to two years and must practise under the supervision of an occupational therapist on the practising register.

### Application and Assessment Process

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To apply, applicants must complete the College's Application for Registration and submit a variety of documents. Applicants face a three phase registration process where they first apply and establish **Academic Eligibility**, then **Professional Eligibility** and finally **Employment Eligibility**.

1. For internationally educated occupational therapists (IEOTs), the assessment for Academic Eligibility involves providing a variety of

documents about their academic program and education – curriculum vitae, continuing education or professional development, copies of OT degrees, academic program information, official transcripts (sent directly from the University) and a credential assessment report (sent directly from the credential assessment agency).

IEOTs pay an application fee of \$50.00 and a \$225.00 academic assessment fee. Additional third party fees are also involved e.g. the cost of the credential assessment agency and if necessary, the cost of the certified translation of documents.

Upon receipt of a complete application with fees, the College will take 4 to 6 weeks to inform the applicant in writing of their academic eligibility. The College uses third party credential assessment services for basic assessment and verification of authenticity only. The assessment of the equivalency of an IEOT's academic background and training is done in house.

Academic eligibility is valid for three years and can be established pre-migration.

2. To establish Professional Eligibility, IEOTs must provide the College documentation about their regulatory history, verification of currency of practice through employment history documentation, criminal records check, and if applicable, an English or French language test score. Some of this documentation must be arranged to be sent directly to the College from the applicant's previous regulators, employers, and language assessor. If not in French or English, documentation will need to be subject to a certified translation.

IEOTs must also write, or be eligible to write, the CAOT National Exam. Eligibility to write the National Exam is conditional upon an IEOT's academic eligibility (determined by the College), making an application to CAOT, and paying CAOT's \$440 exam fee.

Upon receipt of all professional eligibility documentation, the College will inform the applicant in writing within 4 to 6 weeks. There are no fees levied by the College for the assessment of an applicant's professional eligibility. There will be third-party costs associated with supplying professional eligibility documents to the College; e.g. fees for criminal records check, certified translations. Professional eligibility is valid for 3 months, meaning that applicants have 3 months to complete the final phase of registration or they may have to re-supply some of this documentation.

3. Employment Eligibility is the final phase of the registration process. IEOTs must provide the College evidence of an offer of employment as well as insurance documentation. An annual pro-rated registration fee of up to \$325.00 is required.

A plan of supervision may also be required if the individual has gaps in qualifications identified by the College with respect to currency of practice, academic training, or English or French language proficiency. The College will identify the level of supervision required and it is the responsibility of the applicant to find employment that can support the needed supervision.

The College does not require proof of immigration status. However, to secure an offer of employment, IEOTs need authorization from Citizenship and Immigration Canada to be able to work, either by way of a temporary work permit or permanent resident status.



## Summary of Findings

The OMFC reviews regulatory practice systematically, following the Province's Qualifications Recognition Process Model. The assessment and registration process is analyzed from the perspective of the applicant, as a set of key steps on the journey from pre-migration through to labour market entry as a recognized professional.

From this perspective, the OMFC's review of the College's assessment and registration practice found:

### Preparation and Pre-migration Assessment

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- Comprehensive orientation information and self-assessment tools are provided. IEOTs are provided a picture of Canadian OT practice and how their education and experience may qualify them for practice.

### Preparation and Support

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- A well structured, three phase assessment and registration process supports a straightforward, step-by-step navigation of the registration and assessment process.
- Registration information and application material on the College's website is not user-friendly for IEOTs. The College directs IEOTs to the provincial *Resource Guide for Internationally Educated Occupational Therapists* for dedicated IEOT information, but the guide is now out of date.
- A variety of resource and preparation material is available for the national Certification Exam, meeting language proficiency requirements, and the supervised, provisional practice registry.
- Registration information does not provide complete information about the appeals process, the criminal records check policy, access to records or the possibility of alternative documentation.

### Assessment

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- English and French language proficiency requirements are based on levels benchmarked in practice. Language assessment policy and criteria reflect the evolving character of language acquisition.
- College's awareness of the strengths and limitations of assessment methods allows and supports reasonable, appropriate use.
- Applicants are provided detailed, written assessment results and given clear information about remedial actions to fill gaps.

- Registration information does not explain how qualifications acquired through work experience are assessed and recognized.
- An evolving, regulator reviewed and psychometrically vetted National Exam is employed.
- CAOT's appeal policy for the National Exam is not fully clear, has short timelines and restricts the scope of appealable decisions.
- Timelines involved throughout the assessment and registration process are reasonable. Application, assessment and examination fees do not exceed on cost-recovery.

### Recognition of Competence

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- The College's provisional registry allows IEOT's the ability to make up a broad range of qualification gaps in practice: a cost and time efficient approach that represents a direct route into professional practice. The three-level supervision model clearly defines and explains the roles, responsibilities and expectations of all of the parties.
- IEOTs are provided strong support and advice from the College to secure supervised practice opportunities and academic upgrading opportunities.

## Fairness Commissioner's Recommendations

As a result of the OMFC's registration review of the College of Occupational Therapists of Manitoba and to ensure compliance to *The Fair Registration Practices in Regulated Professions Act*, the Fairness Commissioner recommends *that*:

1. The College approaches the Canadian Association of Occupational Therapists (CAOT) and requests a review of its appeal policy with respect to its restriction limiting the scope and timelines for appeal on the national exam.
2. With respect to the College's registration information:
  - Complete appeal information be provided to applicants;
  - Information be provided concerning access to records and alternative documentation;
  - Information be provided that details and explains the manner in which qualifications acquired through international work experience are assessed;
  - The College's registration material makes clear that criminal records checks are most often only required for the applicants for the period of residence in Canada and that the federal records check done for immigrants for the period up to landing will be accepted in circumstances where a pre-migration check is required as well;
  - The College's registration and application material be subject to a clear language treatment;
  - The College updates its registration material in a way that integrates and updates the helpful information provided by the *Resource Guide for Internationally Educated Occupational Therapists*.

## Action Plan

In response to the Fairness Commissioner's Recommendations, the College of Occupational Therapists of Manitoba proposed an Action Plan as of June 2011, which was subsequently updated April 2012.

The following is the Action Plan submitted by COTM and is reprinted here in its entirety:

- COTM shared the Fairness Commissioner's concern regarding the Canadian Association of Occupational Therapists' (CAOT) appeal policy with the other Canadian occupational therapy regulators at the June 13<sup>th</sup> and 14<sup>th</sup>, 2011 Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) meeting.  
In February 2012 COTM and the College of Occupational Therapists of Ontario (COTO) began to meet to identify our shared questions on the CAOT processes. In April 2012, COTM and COTO were able to meet with representatives of CAOT. There is a commitment on behalf of CAOT to review their policies, their web-based materials and their Exam Preparation Manual to determine if information can be communicated in a more fulsome manner. CAOT has provided a rationale for their processes. CAOT has also committed to reviewing their process with their examination provider agency.  
COTM will be able to review all CAOT materials and any proposed changes by December 2012.
- COTM will develop proper wording to communicate the appeal rights of applicants. At minimum COTM has included this in all applicant letters where relevant. Appeals information will be introduced into COTM's Internationally Educated Occupational Therapists (IEOT) application guide by December 2012. COTM will also work with the OMFC to develop an Information Sheet on the Reconsideration and the Appeals process. The timelines on this piece will depend upon the ability of the OMFC to prepare this information for all regulators under *The Fair Registration Practices in Regulated Professions Act (Act)*.
- With regard to the Fairness Commissioner's recommendation concerning an applicant's access to the COTM record on their application file, COTM will add information to the IEOT Initial Application Guide by December 2012. COTM will amend the COTM Policy on Member Information by December 2012 to be explicit on procedures regarding the applicant's access options. COTM will amend the COTM Initial Registration letters effective June 1, 2012 to communicate this information to applicants.
- COTM will review the manner in which it currently assesses and recognizes work experience as it relates to qualifications recognition. Any necessary changes to policies and procedures and to the initial registration (IEOT) guide will be made.

This review will be shared with ACOTRO given that an IEOT's work experience will be relevant to the proposed Competency Assessment Tool (CAT). The CAT will unfold over the next two years as part of the national OT Harmonization Project. As this work progresses, COTM may need to reconsider how it utilizes work experience to fill gaps identified in an applicant's qualifications recognition process.

- In June 2011 COTM committed to adjusting its Criminal History policy to address the option for an IEOT to submit a copy of their Federal Criminal History check regardless of its date along with a current Criminal Records check that would meet the COTM requirement (i.e. it includes the Vulnerable Sector Search and be no older than three months). Over this past year, we have learned that some of what we anticipated regarding Federal Criminal History checks may not be possible. We will work with the OMFC over this next year to gather information and determine if the federal process provides COTM with the information it requires to meet its public protection mandate. It is hoped that this work could be concluded by December 2012.
- Using the OMFC resource document, *To the Point: A Plain Language Guide for Regulators*, COTM will conduct a review of its Initial Application Form, Guide and main registration letters templates, and key Information Sheets. This work was to have been part of an IEOT website overhaul – a project that COTM anticipated commencing in early 2012. This will now begin in the fall of 2012. Once all of the policy and document modifications have been completed, COTM will conduct a plain language review. This will be completed by March 31, 2013.
- We continue to recommend that the MB Immigration Resource Guide for Occupational Therapists be retired and removed from the MB Immigration website. COTM will work with MB Immigration and the OMFC to identify critical links to their sites that should be posted on COTM's website. The Resource Guide will be reviewed to determine if any information needs to be added to COTM Information Sheets or COTM Initial Registration Guide (for IEOTs). This will be part of the larger review of all IEOT registration documents which we plan to begin in the fall of 2012. A formal confirmation of retiring the Resource Guide will hopefully be concluded by December 2012 once we can show evidence that all necessary information has been incorporated into other documents and resources.

## Fairness Commissioner's Concurrence

The College of Occupational Therapists of Manitoba's Action Plan is a progressive and comprehensive response to the recommendations that resulted for the OMFC's registration review. These actions will support the fairer assessment and recognition of IEOTs and are fully consistent with *The Fair Registration Practices in Regulated Professions Act*.

The College's commitment to effective, efficient and fair assessment and registration practice for IEOTs is clear. We truly appreciate the work of the Executive Director, Sharon Eadie and the College's staff during the review process and their continued willingness to work toward evolving their registration practices for IEOTs.

We look forward to the continued contribution of the College in advancing practices that renew and improve the fair recognition of internationally educated professionals qualifications in Manitoba and Canada.





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