

# 2022 Registration Review Report

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College of Occupational Therapists of Manitoba



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## Introduction

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The Fair Registration Practices Office (FRPO) issues this registration review report for College of Occupational Therapists of Manitoba (COTM) 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 by 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 November 2022.

To provide context, a brief description of COTM'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

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Since the introduction of Manitoba's fairness legislation in 2009, COTM has and continues to work co-operatively with FRPO and is committed to the fair assessment and registration of internationally educated occupational therapists.

The COTM licensure process for IEAs underwent a significant change in 2015 with the introduction of the Association of Canadian Occupational Therapy Regulatory Organizations (ACOTRO) Substantial Equivalence Assessment System (SEAS). This national assessment is now the first step in the registration process for internationally educated applicants.

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

- work with employers and educators to support supervised practice and remedial training for IEAs
- updating and improving registration information and creating dedicated application guides and fact sheets for IEAs
- introducing policies and information about alternative documentation, access to records and a pre-appeal process
- oversight and input into the development of SEAS, which offers a variety of progressive features:
  - recognition of professional experience
  - accommodating, phased application process
  - progressive language proficiency policies
  - a — stop the clock — policy that recognises the level of currency applicants possess as they enter SEAS as the same as when they complete the process — also incorporated into COTM policy
- work with other provincial occupational therapy regulators to establish a formal oversight agreement with ACOTRO and SEAS and to continuously monitor SEAS, introducing modifications when necessary
- work with a national exam oversight committee for the National Occupational Therapy Certification Examination (NOTCE), supporting policy review and approval, etc.
- supporting the development and implementation of a federally funded project for internationally educated health professionals at the University of Manitoba designed to improve registration outcomes and workplace integration

## Fair Practice Analysis

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### 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).

#### COTM's compliance to necessary assessment criteria

At this time, FRPO does not have any concerns with the reasonableness and necessity of COTM's assessment criteria and requirements for registration. Principle requirements include: academic qualifications and professional experience assessed as substantially equivalent to the Canadian education benchmark and passing the National Occupational Therapists Certification Exam (NOTCE).

### 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 (RHPA), section 32(3). COTM is not yet under the RHPA.

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.

#### COTM's compliance to domestic trade agreements

COTM's labour mobility policy for individuals registered in other provincial jurisdictions applying for registration in Manitoba does not fully comply with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies the following concerns:

1. COTM requires applicants registered in other Canadian jurisdictions have practiced 600 hours as an occupational therapist in the three years immediately preceding their application for registration. This does not apply to recent graduates of an entry-level occupational therapy program and those who have completed a re-entry program in the past 12 months.

This practice hour requirement is material and not permitted under CFTA or NWPTA. If the applicant is considered current by the provincial regulator in their home jurisdiction at time of application to COTM, they have a right to be considered qualified in this respect in Manitoba and they cannot be asked to supply supporting documentation from previous employers.

2. COTM's application package and web information for individuals registered in other Canadian jurisdictions is confusing in places. It is combined with initial registration information for new Canadian graduates. While presenting information in this way is not a violation of the trade agreements, the clarity of their information is impacted. Separating application packages and information on registration requirements for these two groups could improve clarity and reduce confusion.

One important item that needs clarification is the requirement for applicants to show evidence of their intention to practice as an occupational therapist within three months of the date of their application to COTM. This requirement is set out in the Occupational Therapists Regulation 5(1)(e). COTM's application information regarding this requirement may lead applicants to believe that a job offer, which would be considered a material and non-permissible requirement under mobility legislation, is required, when in fact, it is not.

### 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.

#### [COTM's compliance to the duty to notify](#)

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

## Recommendations

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The Fair Registration Practices Office sees the following opportunities for the College of Occupational Therapists of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Remove the minimum practice hour requirement for applicants registered in other Canadian jurisdictions.
2. Improve clarity of application packages and web information for individuals registered in other jurisdictions and new Canadian graduates.

## Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the College of Occupational Therapists of Manitoba committed to the following action plan, current as of November 2022:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Remove the minimum practice hour requirement for applicants registered in other Canadian jurisdictions.</p>	<p>Review the current currency requirements of the OT Labour Mobility Support Agreement (LMSA) with the FRPO.</p> <p>Review the current currency requirements of the OT LMSA with the Association of Canadian OT Regulatory Organizations (ACOTRO).</p> <p>Make necessary amendments to COTM currency policy, application forms/guides and website information.</p>	<p>Complete</p> <p>Complete</p> <p>By January 31, 2023</p>
<p>2. Improve clarity of application packages and web information for individuals registered in other jurisdictions and new Canadian graduates.</p>	<p>Will do the following:</p> <ul style="list-style-type: none"> <li>• improve application form</li> <li>• update online application portal</li> <li>• update application guide</li> <li>• update website information</li> </ul>	<p>By February 28, 2023</p>

<p style="text-align: center;"><b>College of Occupational Therapists of Manitoba</b></p> <p style="text-align: center;"><b>Comments</b></p>
<p>No comments.</p>



## Compliance

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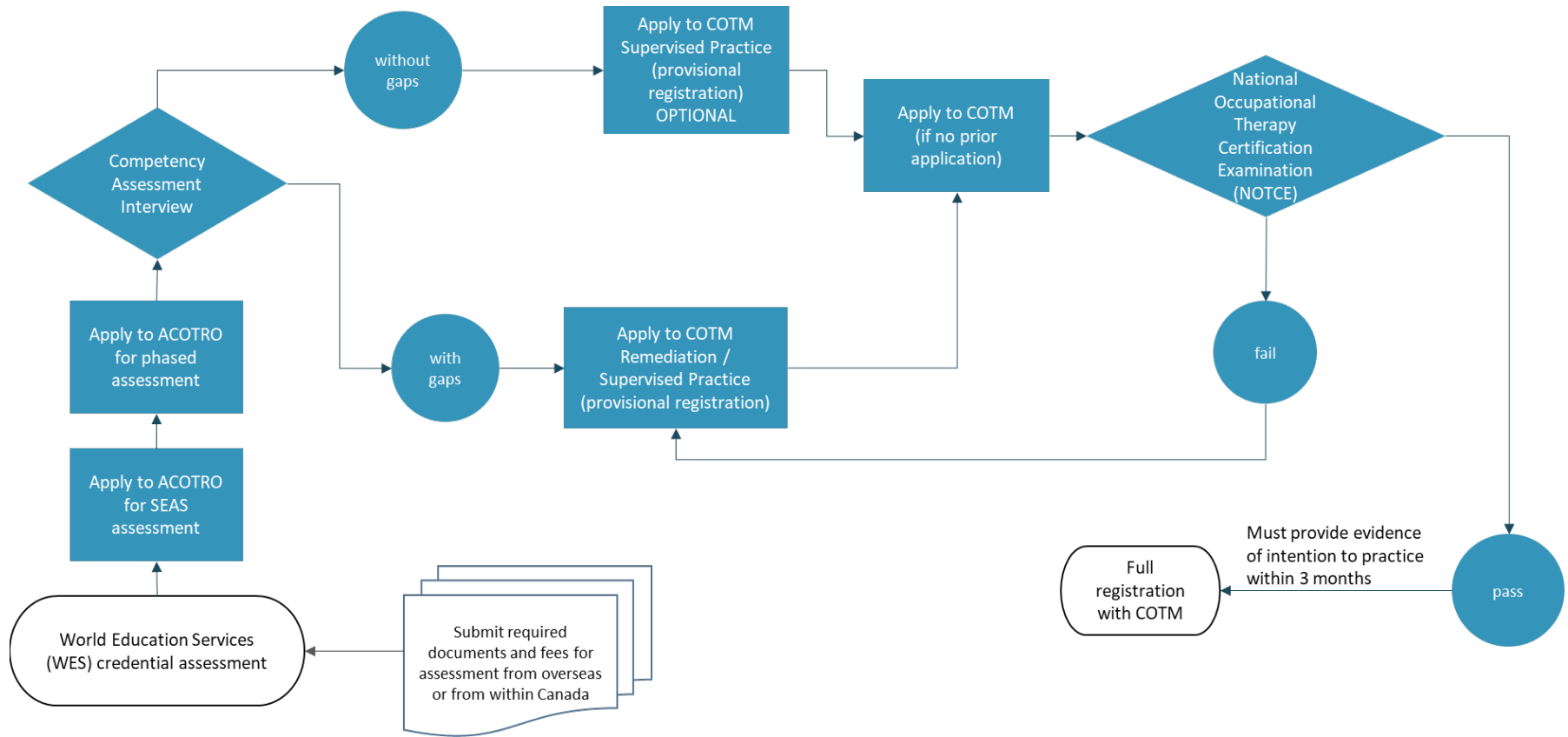
FRPO's 2022 registration review of the College of Occupational Therapists of Manitoba (COTM) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds COTM compliant with the duty to ensure assessment criteria are necessary and the duty to notify.

FRPO finds COTM largely compliant with the duty to abide labour mobility obligations. FRPO raises concerns with regards to a minimum practice hour requirement and the clarity of information available to mobility applicants.

COTM's action plan commitment is a productive response to FRPO's recommendation and addresses these concerns. COTM's commitment to work with other Canadian OT regulators and to remove its practice hour requirement for mobility applicants as well as its commitment to improve applicant information and its application package will help ensure fair treatment and better compliance to The Fair Registration Practices in Regulated Professions Act.

# Appendix 1 – Registration Process for Internationally Educated Applicants



## Appendix 2 – Registration Data

College of  
Occupational Therapists  
of Manitoba



**874**  
Registered  
Members

(As of December 2021)

### 2015–2021 Internationally Educated Applicant Data



**<10**  
applications

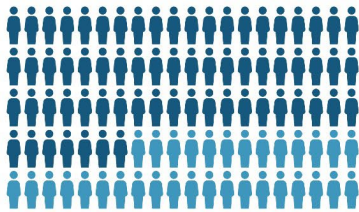


Top Countries of Education



applicants were educated in **3**  
different countries

#### Application Outcomes



registered – **67%**

file closed – **33%**

#### Closed File Status



Median Time to Registration

**2.6** years

### 2013–2021 Domestic Applicant Data



**433**  
applications

**426 (98%)**  
registrations