

# 2023 Registration Review Report

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Manitoba Association of Architects



Fair Registration Practices Office

Manitoba 

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## Introduction

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The Fair Registration Practices Office (FRPO) issues this registration review report for the Manitoba Association of Architects (MAA) 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.

Registration reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of the time of the review.

To provide context, a brief description of MAA'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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The Manitoba Association of Architects (MAA) is committed to the fair assessment and registration of internationally educated architects. Since the introduction of Manitoba's fairness legislation in 2009, MAA has worked co-operatively with FRPO and taken measures to support the registration of internationally educated applicants (IEAs). Many aspects of the licensure process are progressive:

- although full licensure may take several years to complete, entry into practice is timely as an intern or working in the field under the supervision of a registered architect
- numerous reciprocity agreements are in place with international jurisdictions — regulating and education accrediting authorities — that support recognition and fast-track registration
- the Royal Architectural Institute of Canada's Syllabus Program allows IEAs to address a broad range of gaps in academic qualification
- for well-qualified, mid-career IEAs, the Broadly Experienced Foreign Architect Program (BEFA) offers an alternative licensure assessment based on the applicant's professional work history. Through BEFA, IEAs have a timelier route to full licensure avoiding many of the academic, exam and internship requirements of the conventional assessment process

Additionally, MAA provides strong personal support and assistance to applicants. They have also improved registration information. They have been and are actively engaged working with national bodies as a strong advocate for fair practice for internationally educated architects.

## 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).

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

At this time, FRPO does not have concerns with the reasonableness and necessity of MAA's assessment criteria and requirements for registration. MAA is compliant with this duty.

### 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.

#### MAA's compliance to abide labour mobility obligations

MAA's labour mobility policy is compliant under this duty. FRPO identifies no concerns or non-permissible requirements.

### 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.

#### MAA's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. MAA provided numerous updates to FRPO; MAA complies with the duty to notify.

### IV. Internal review or appeal – act, 7(1)

A regulated profession must provide an internal review of, or an appeal from, its registration decisions within a reasonable time.

FRPO identifies the following concern. This issue was raised previously with MAA in a 2017 registration review and remains an outstanding issue:

MAA lacks a formal internal review or appeal process for its assessment and registration decisions.

MAA is aware of this issue and acknowledges the need to implement a formal appeal process. FRPO understands the delay implementing a formal appeal process concerns both the need to protect the organization from the burden of specious appeals as well as the need to change its regulation. FRPO further understands, an informal, reconsideration process is currently used by MAA dealing with contested assessment decisions.

FRPO recognises MAA's legitimate interest to avoid specious appeals. FRPO encourages regulators to do so by providing good information about the purpose and functioning of the appeal process and with a first-step, informal review process. Other measures, such as limiting areas of appeal or cost-recovery fees, should not be so overly restrictive as to block or dissuade appeals of merit from being heard.

FRPO will support MAA providing examples of appeal regulations, policies and information.

## Recommendations

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The Fair Registration Practices Office sees the following opportunity for the Manitoba Association of Architects to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Implement an internal appeal process for assessment and registration decisions, ensuring:
  - applicants are informed of their opportunity for appeal and the timelines and process involved
  - appeal committee members are independent of the original decision makers
  - appeals are conducted in a timely manner
  - written reasons are provided for unfavorable appeal decisions

## Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the Manitoba Association of Architects committed to the following action plan, current as of June 2023:

| Recommendation   | Action(s)  | Anticipated Completion Date                                   |
|--|--|---|
| <p>Implement an internal appeal process for assessment and registration decisions, ensuring:</p> <ul style="list-style-type: none"> <li>• applicants are informed of their opportunity for appeal and the timelines and process involved</li> <li>• appeal committee members are independent of the original decision makers</li> <li>• appeals are conducted in a timely manner</li> <li>• written reasons are provided for unfavorable appeal decisions</li> </ul> | <p>The MAA appreciates the FRPO’s acknowledgement that current provisions for the appeal of registration decisions, makes the implementation of an internal appeal process somewhat challenging — without a change to the current legislation.</p> <p>The MAA will however look to implement an internal appeal process that is made available and communicated to the applicant when there is an unfavourable decision/recommendation of the Registration Board. Since that process would precede any consideration by the MAA Council, the applicant would not be forced to choose between the two pathways, and it would not compromise their ability to appeal an unfavourable decision of the MAA Council to the courts.</p> <p>Material that has been made available relative to the processes and timelines, which are in place with other regulatory bodies, will be taken into consideration when MAA’s internal appeal process is drafted.</p> | <p>June 2024<br/>— if no legislative changes are required</p> |

| <p style="text-align: center;"><b>Manitoba Association of Architects</b></p> <p style="text-align: center;"><b>Comments</b></p>   |
|---|
| <p>While it is hoped that the new provisions for an internal appeal process may be able to be addressed by way of a Council policy, a By-Law amendment will nonetheless be required, to expand the role of the MAA’s Investigation Committee. However, another complicating factor is the distinction that will need to be drawn between any newly added mandate for conducting internal appeals for unfavourable decisions/recommendations of the Registration Board — that will go forward to the MAA Council following, where an unfavourable decision at that level would be subject to an appeal to the courts — versus their current responsibility for conducting formal hearings in relation to discipline charges, that follow a different path — and do not go forward to the MAA Council at any time, but are subject to an appeal to the courts directly.</p> |



## Compliance

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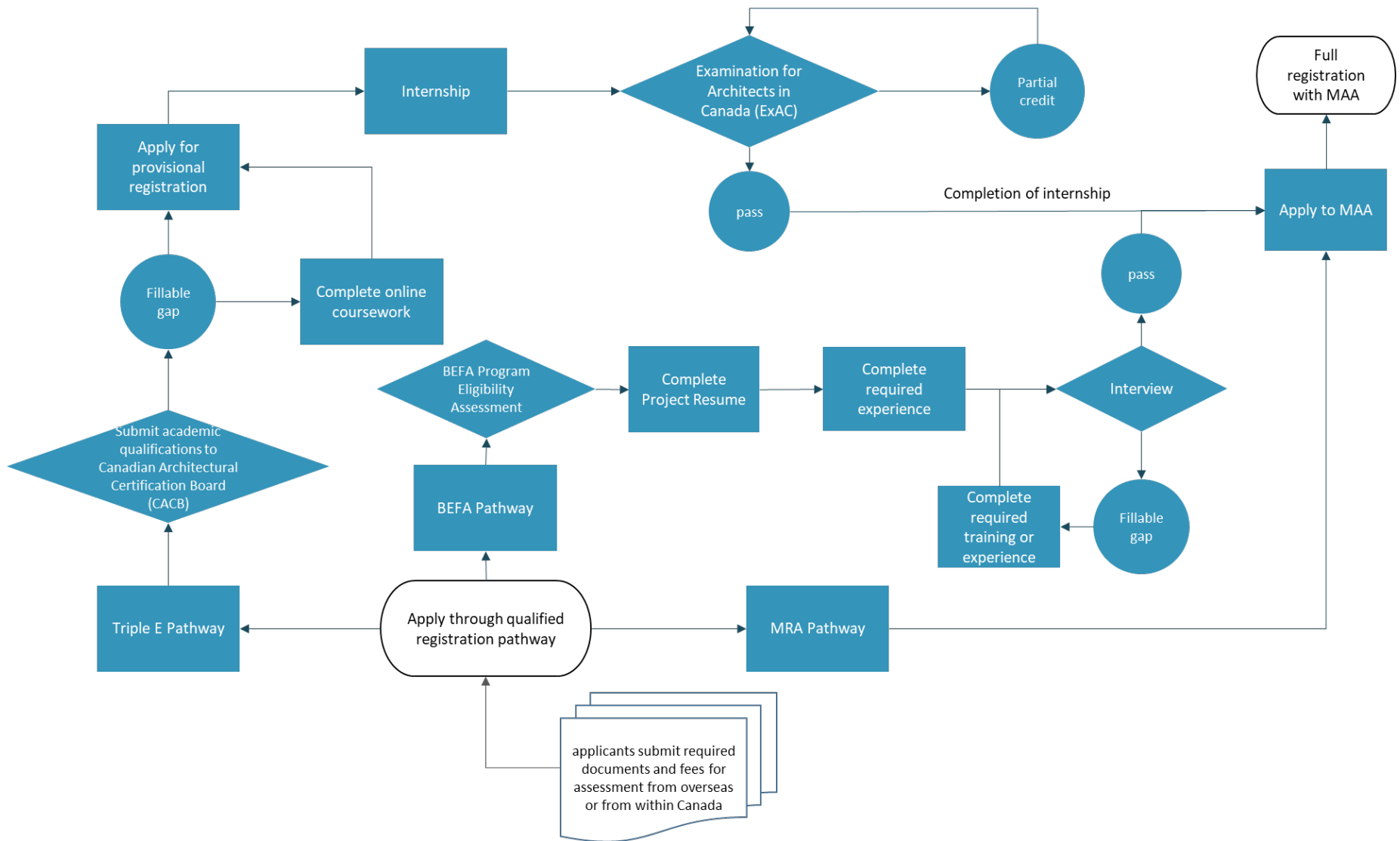
The Fair Registration Practices Office's (FRPO) 2023 registration review of the Manitoba Association of Architects (MAA) examines their compliance to three duties in the Fair Registration Practices Code of Manitoba's fairness legislation; assessment criteria are necessary, labour mobility obligations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

At this time, FRPO finds the MAA to be compliant to each of the duties under review. No recommendations are issued under these duties.

FRPO identifies a need for MAA to implement a review or appeal process for contested assessment and registration decisions.

MAA's action plan commitment to implement an appeal process addresses FRPO's concern, ensuring better compliance to The Fair Registration in Regulated Professions Act. FRPO commends MAA for its compliance to the other duties under review and their continuing work ensuring fair assessment and registration practice for internationally educated architects and mobility applicants.

# Appendix 1 – Registration Process for Internationally Educated Applicants



Manitoba  
Association of  
Architects



**591**  
**Registered  
Members**  
(As of December 2022)

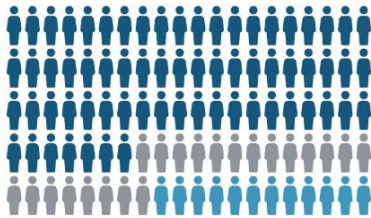
**2011–2022 Internationally Educated Applicant Data**



**79**

applications

**Application Outcomes**



registered - **67%** | in process - **21%** | file closed - **12%**

**Closed File Status**



89%  
withdrawn



11%  
not approved



**Top Countries of Education**



applicants were educated in **19**  
different countries



**Median Time to Registration**

**7 months**

**2012–2022 Domestic Applicant Data**



**200**

applications

**111 (56%)**

registrations