

# 2023 Registration Review Report

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Association of Manitoba Land Surveyors



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## Introduction

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The Fair Registration Practices Office (FRPO) issues this registration review report for Association of Manitoba Land Surveyors (AMLS) 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.

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 June 2023.

To provide context, a brief description of AMLS's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes an appendix containing a flowchart of the registration process for internationally educated applicants.

## State of Progress

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

Specifically, AMLS has:

- improved its online information for internationally educated applicants (IEAs)
- introduced a supportive mentorship component to their internship program
- synchronised its documentation requirements with its national body, the Canadian Board of Examiners of Professional Surveyors (CBEPS), removing duplicate requirements from their assessment process
- introduced legislative and by-law changes to allow them flexibility to conduct alternative evaluations of IEAs; to offer exemptions from professional exams when applicants have prior knowledge of a specific area; and to allow a pass standing if an applicant comes close to achieving the required pass score on an exam

From 2017 to 2023, AMLS supported a federally funded project with CBEPS to improve its assessment process for IEAs. As a result of this project CBEPS has:

- introduced a new system for assessing IEAs that allows for a candidate interview as well as a self-assessment in addition to standard academic document evaluation
- broadened its education standard from a degree requirement to include consideration of a two-year geomatics or surveying program at a technical institute
- reduced its national syllabus requirements to eight sections from 11 core and five elective sections
- ensured online availability of all courses needed to address gaps to obtain a Certificate of Completion
- committed to phasing out written exams by 2026
- introduced a progressive language proficiency testing policy

## 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).

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

At this time, FRPO does not have concerns with the reasonableness and necessity of AMLS's assessment criteria and requirements for registration. AMLS is compliant with this duty. Substantive qualifications for IEAs include proof of graduation from, or proof of enrolment in, a two-year geomatics or surveying program at a technical institute or a degree program at a university.

### 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.

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

AMLS's labour mobility policies for individuals registered in other provincial jurisdictions applying for registration in Manitoba comply with requirements set out in the Canadian Free Trade Agreement and the New West Partnership Agreement.

### 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.

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

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

## Compliance

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FRPO's 2023 registration review of the Association of Manitoba Land Surveyors (AMLS) 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.

At this time, FRPO finds AMLS to be compliant to each of the duties under review and has no outstanding issues. No recommendations are issued.

FRPO commends AMLS for its compliance and their work ensuring fair assessment and registration practice for internationally educated applicants and mobility applicants.

# Appendix – Registration Process for Internationally Educated Applicants

