

2022 Registration Review Report

College of Medical Laboratory Technologists of Manitoba



Contents

Introduction	1
State of Progress	2
Fair Practice Analysis.....	3
Recommendations	6
Regulator Action Plan	7
Compliance	10
Appendix 1 – Registration Process for Internationally Educated Applicants	11
Appendix 2 – Registration Data	12

Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the College of Medical Laboratory Technologists of Manitoba (CMLTM) 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 October 2022.

To provide context, a brief description of CMLTM'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

CMLTM has worked co-operatively with FRPO since the introduction of Manitoba's fairness legislation and has demonstrated a commitment to the fair assessment and recognition of internationally educated medical laboratory technologists (IEMLTs). CMLTM was involved in the establishment of a bridging program — currently on pause — for IEMLTs in Manitoba — one of two in Canada — and have provided ongoing support and advocacy for IEMLTs through involvement with the program's working group. They supported the development of a professional communications course specifically for IEMLTs and they participated in the delivery of a series of professional practice seminars developed by FRPO.

CMLTM last underwent a registration review with FRPO in 2017. At that time, FRPO made recommendations that CMLTM: update web information; work with key stakeholders to increase capacity to support IEMLTs to address learning plans; create opportunities for supervised practice and address other areas of need identified by the bridging program working group; and engage with their national body to obtain data that would improve understanding of Manitoba IEMLT's experience with the national certification process.

CMLTM worked to further develop their web-based information, ensuring the steps-to-registration are well articulated, delivered in different formats and easy to find and that additional information such as time and costs involved, where to find supports for the registration process, etc. are also available online.

CMLTM reports that increasing capacity to support IEMLTs to address learning plans and to engage in supervised practice outside of Manitoba's bridging program has been a challenge. Existing practicum spaces are limited and used by students of Red River College Polytechnic's Medical Laboratory Sciences Program and the internationally educated applicants (IEAs) in bridging. IEAs outside of the bridging program have no insurance and employers often perceive there to be greater risks associated with taking someone on who is not supervised as part of an education program. CMLTM's focus has been on identifying a sustainable funding model for the bridging program; they continue to participate in the program's working group and are working to connect earlier with IEMLTs to ensure understanding of requirements and knowledge of available supports.

CMLTM also reports future changes at a national level are likely to result in increased opportunities for data sharing and that they will continue to work with FRPO on the request to improve understanding of IEMLT experiences with the national certification process.

Fair Practice Analysis

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).

CMLTM's compliance to necessary assessment criteria

CMLTM's assessment criteria and various requirements for registration are for the most part warranted and necessary. FRPO identifies the following concern:

1. A language proficiency test is required of all internationally educated applicants to CMLTM regardless of circumstance.

Blanket language testing all internationally educated applicants creates an unnecessary requirement for those applicants who can show evidence of strong English proficiency. To be fair, evidence of proficiency beyond language testing needs consideration and regulators should consider a variety of forms of evidence.

For example, if the applicant's first language is English and they studied and worked in an English-speaking environment, there is little reason to believe their English language skills need confirmation.

Most Manitoba professions with language proficiency requirements offer a language testing waiver for an applicant in this circumstance.

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.

CMLTM's compliance to abide labour mobility obligations

CMLTM'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 (CFTA) and the New West Partnership Trade Agreement (NWPTA).

FRPO identifies the following non-permissible requirement currently in place:

With the exception of new graduates, medical laboratory technologist (MLT) applicants registered in other Canadian jurisdictions are required to have a minimum of 1,200 MLT practice hours in the previous five years.

Under CFTA and NWPTA, requiring applicants already registered in another Canadian jurisdiction to meet mandatory practice hour requirements is non-permissible.

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.

CMLTM's compliance to the duty to notify

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

Recommendations

The Fair Registration Practices Office sees the following opportunities for CMLTM to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Introduce a language testing waiver policy for internationally educated applicants who can provide strong evidence of English language proficiency.
2. Remove the practice hour requirements for labour mobility applicants.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the College of Medical Laboratory Technologists of Manitoba committed to the following action plan, current as of October 2022:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Introduce a language testing waiver policy for internationally educated applicants who can provide strong evidence of English language proficiency.</p>	<p>Review the language policy regarding language assessment waiver with CMLTM lawyers.</p> <p>The Canadian Alliance of Medical Laboratory Professionals Regulators (CAMLPR) has recently completed a language proficiency testing benchmarking exercise. CAMLPR will be developing a national language policy that will be adopted by all provincial MLT regulators. At this time, CMLTM is the only MLT regulator that requires compliance with the CMLTM language policy before an exam candidate is approved to write the national exam. CAMLPR will consider adopting this requirement.</p> <p>Not all MLT regulated provinces have a language policy for initial registration. CMLTM does not require language assessments for labour mobility applicants from jurisdictions that required language assessment for initial registration. CMLTM does not require additional language assessment if the applicant has completed a language assessment during the recognition process (prior learning assessment (PLA)) or registration process for a regulatory body in another jurisdiction.</p> <p>The CMLTM language policy will be reviewed and updated.</p>	<p>January 2023</p>

Recommendation	Action(s)	Anticipated Completion Date
<p>2. Remove the practice hour requirement for labour mobility applicants.</p>	<p>The Medical Laboratory Technologist Act/Regulations require 1,200 MLT practice hours in the past five (5) years for registration unless the applicant has recently passed the entry-to-practice exam.</p> <p>CMLTM has not denied a labour mobility applicant a registration because of this requirement.</p> <p>Most MLT regulated provinces require minimum practice hours for registration/renewal. CMLTM recognizes the minimum practice hour requirements of other jurisdictions to be substantially equivalent.</p> <p>CMLTM has raised this issue with CAMLPR to ensure all provincial MLT regulators enforce their minimum practice hour requirements and verify that the labour mobility applicants are in compliance as part of the Letter of Standing.</p> <p>Initial registration will not be denied for labour mobility applicants who do not meet minimum practice hours. Minimum practice hour requirements must be met for registration renewal. Renewal may be denied if they do not meet the minimum practice hour requirements.</p> <p>CMLTM will review and update policies, forms and website information related to application/registration process.</p>	<p>February 2023</p>

College of Medical Laboratory Technologists of Manitoba

Comments

CMLTM is aware that some of the information on the application form and website related to the application/registration process may be unclear, confusing, and out-of-date.

CMLTM is in the process of reviewing and updating the application form and the website.

Compliance

FRPO's 2022 registration review of the College of Medical Laboratory Technologists of Manitoba (CMLTM) 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.

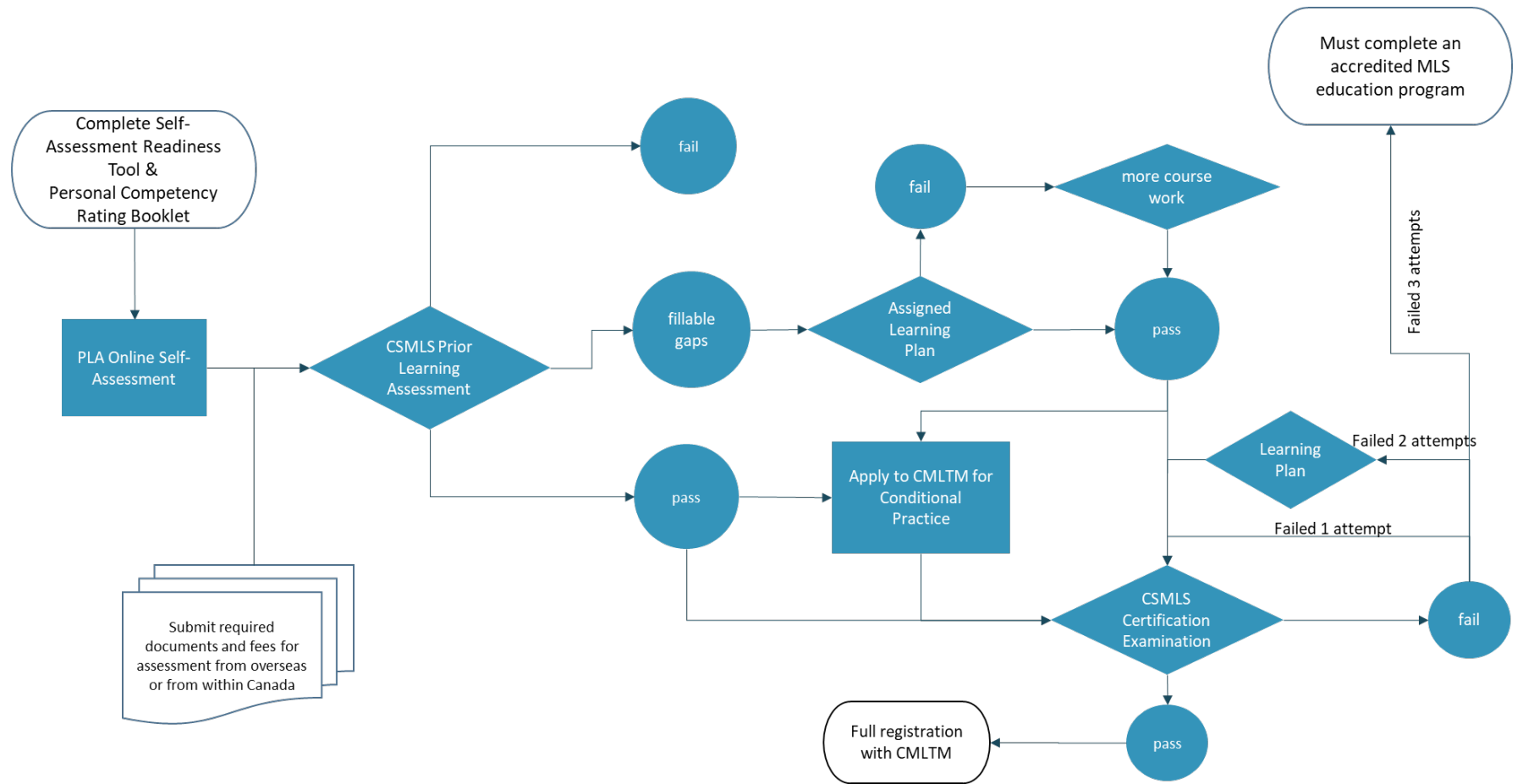
FRPO finds CMLTM compliant with the duty to notify.

FRPO finds CMLTM largely compliant with the duty for necessary assessment criteria and the duty to abide labour mobility obligations. FRPO raises concerns about the need for a less restrictive language testing policy and a need to remove the practice hour requirement for labour mobility applicants.

CMLTM's action plan commitments address most of FRPO's concerns. Clarifying information and application forms will be helpful for applicants. Removing the practice hour requirement for mobility applicants will help ensure fair treatment and better compliance to The Fair Registration Practices in Regulated Professions Act and will move CMLTM into compliance with labour mobility legislation.

The national benchmarking exercise for language testing may ensure appropriate language proficiency levels but it is not clear whether waiver policies will be reviewed or considered. FRPO would like to see CMLTM adopt progressive language testing waiver policies.

Appendix 1 – Registration Process for Internationally Educated Applicants



College of Medical
Laboratory Technologists
of Manitoba



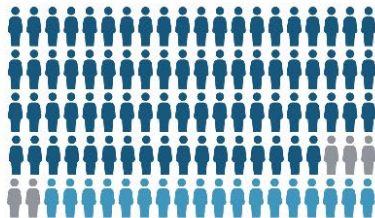
935
**Registered
Members**
(As of December 2021)

2011–2021 Internationally Educated Applicant Data



113
applications

Application Outcomes



registered - **77%** | in process - **5%** | file closed - **18%**

Closed File Status



Top Countries of Education



applicants were educated in **22**
different countries



Median Time to Registration

2.6 years

2016–2021 Domestic Applicant Data



410
applications

351 (86%)
registrations