

Duty to Notify Policy

November 2021

This policy clarifies what is required of regulated professions under this notification duty and provides information regarding the content, timing and form of this notification.

Legislative Requirements

The Fair Registration Practices in Regulated Professions Act requires Manitoba professions subject to the legislation to notify the Fair Registration Practices Office (FRPO) when changes are considered to registration practice. Specifically:

Notice of Changes in Registration Practices

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

Purpose

Notice of change ensures the FRPO has accurate information about the registration practices of Manitoba regulated professions. While the FRPO does not have veto authority over registration practices, proactive notification allows for comment and discussion about the impact of the change as it relates to fairness.

This policy is based on the principle that notification should be no more onerous than necessary to satisfy the purpose of the duty.

Changes that Require Notice

The legislated notification requirement stipulates notice must be provided regarding changes to registration practices and internal review or appeal processes. There are two types of change that require notification:

Changes in registration and review practice that materially impact applicants

These are changes in practice that significantly impact both internationally educated and domestic applicants. This may cover a broad range of activities and requirements involved in registration. For instance, changes to fees, documentation and qualification requirements; the nature, number or timing of assessments; and the information provided to applicants.

Changes in registration and review practice that impact the fairness of the process

Some changes may have little immediate, material impact on applicants, but still require notice. This includes changes that impact the fairness of practice and may include: the introduction of an alternative documentation policy, changes to written reasons or access to records policies, the psychometric review of an assessment, and the provision of training for appeal committee members.

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Notice of change does not require regulated professions to consult with or seek approval of the FRPO regarding the change in question. However, discussions with the FRPO regarding proposed changes are recommended and considered best practice.

Changes to Third-Party Assessment

Many regulated professions rely on third parties, often national bodies, to conduct exams and assessments required for registration. Manitoba's fairness legislation calls for regulated professions to ensure the fairness of any third-party assessment. Consequently, professions must also notify the FRPO of any changes to a third-party assessment process that materially impacts applicants or the fairness of the assessment process.

Changes to Labour Mobility Requirements

In accordance with the Canadian Free Trade Agreement and the New West Partnership Trade Agreement, the provincial government has an obligation to notify other jurisdictions of changes to mobility requirements in a regulated occupation and allow their counterparts in other jurisdictions an opportunity for comment.

Regulated professions subject to Manitoba's fairness legislation have a duty to respect labour mobility obligations and must also notify the FRPO of any changes to policy or requirements that may impact labour mobility of applicants.

Timing of Notice

Notification is required at least 30 days prior to the implementation of a change. Preference is for changes to third-party processes to also be submitted prior to implementation, but these changes are not subject to the 30 days advance notice requirement.

Format of Notice

The notice of change form must to be submitted to frpo@gov.mb.ca. Submissions will be acknowledged with a confirmation of receipt within two business days. Response by the FRPO will occur within 14 days of confirmation of receipt.