

BRIEFING NOTE

TO: Board of Directors

FROM: Registration Committee

DATE: September 23, 2024

SUBJECT: 8.1 Labour Mobility Policy

Appendix A: Mutual Recognition Agreement Policy
Appendix B: Draft Labour Mobility Policy

☒ For Decision ☐ For Information ☐ Monitoring Report

Purpose:

To approve proposed amendments to the Mutual Recognition Agreement Policy/Labour Mobility Policy.

Background:

The College's governing legislation requires it to take steps to ensure that opticians who are registered in another Canadian province are eligible to register in Ontario without undergoing any additional training, experience, examinations, or assessments. This requirement only applies to applicants who hold a license in another province that is *equivalent* to a license available in Ontario.

In September 2002, the Board approved the Mutual Recognition Agreement Policy (MRA Policy) to facilitate the mobility of Canadian-registered opticians into Ontario (attached as **Appendix A**). The policy gives effect to a Mutual Recognition Agreement (MRA) between the opticianry regulators in each Canadian province that was entered into in 2001 to facilitate inter-provincial mobility for opticians. This agreement ensures that the COO complies with its obligations under the Agreement on Internal Trade, Chapter 7 (Labour Mobility) and the *Regulated Health Professions Act, 1995*.

The MRA Policy outlines the process for opticians who are registered in another province in Canada to become registered in Ontario. The policy also outlines a pathway for opticians who hold an "eyeglass only" license in another province to become registered in Ontario, where only a dual license (eyeglass and contact lens) is available.

For Consideration:

On July 1, 2024, a new [Registration Regulation](#) came into effect. The new regulation:

- Eliminates the student class of registration

- Adds a new inactive class of registration

It is proposed that the current Mutual Recognition Agreement Policy be replaced with the Labour Mobility Policy, attached as **Appendix B**. This updated policy aligns with the College's new Registration Regulation and has been streamlined to enhance clarity around existing requirements.

No changes are being proposed to the Mutual Recognition Agreement (MRA) itself; only the policy that applies the principles of the agreement to the Ontario registration process.

Three main changes are proposed in order to align with the Registration Regulation:

1. **Reference to Student Optician has been removed.** Effective July 1, 2024, the Registered Student class of registration was eliminated and all certificates in the student class were automatically cancelled.
2. **Reference to the Inactive Class has been added.** The new regulation introduced a new Inactive Class of registration for non-practising opticians. The amended policy outlines that individuals who hold a registration with another Canadian opticianry regulator as an inactive optician are not eligible to apply to the COO as a Labour Mobility Applicant. To become eligible the applicant must first be re-issued with a certificate of registration that permits them to practise in their home jurisdiction. This process is consistent with other Regulated Health Professions Act (RHPA) Colleges and with the College's new Registration Regulation that makes it a non-exemptible requirement for the issuance of an Inactive class certificate that the individual hold a certificate as a Registered Optician with the COO.
3. **Reference to the opticianry programs approved under the old regulation has been removed.** The new regulation no longer limits the approved opticianry education programs to the programs originally listed as a schedule to the regulation (i.e., Seneca College and Georgian College). The new regulation grants the Registration Committee the authority to directly approve Canadian opticianry education programs for the purposes of meeting registration requirements. Therefore, the policy directs the "eyeglass only" applicants to complete the necessary training at an opticianry program that has been accredited by the COO, or an accrediting body approved by the COO.

Public Interest Considerations:

The proposed revisions to the Labour Mobility Policy ensure that the policy complies with the requirements of the new Registration Regulation and provides clarity and transparency to the process for opticians registered in another Canadian province to become registered in Ontario.

Diversity, Equity, and Inclusion Considerations:

The Labour Mobility policy considers the perspectives of diversity, equity, and inclusion by providing a pathway for opticians registered to only dispense eyeglasses in another province to become registered in Ontario. By doing so, the policy goes beyond the minimum requirements set out in the

legislation to provide a labour mobility pathway for individuals holding an equivalent out-of-province license.

Risk Management Considerations:

The policy mitigates the organizational risk by meeting the COO's regulatory and legislative obligations under the Registration Regulation, the RHPA, and the Labour Mobility Act.

Recommendations/Action Required:

That the Board approve the proposed Labour Mobility Policy.

REGISTRATION POLICY

Mutual Recognition Agreement

Labour Mobility Chapter of the Agreement on Internal Trade Canadian Opticians Mutual Recognition Agreement Among Opticianry Regulators

Approved by Council:	September 28, 2002
Initiating Body:	Canadian Federal Government - July
Publication Date:	October 2002
Distributed to:	The Membership: (Registered Opticians, Interns & Students) Georgian College Seneca College Northern Alberta Institute of Technology Ontario Opticians Association Opticians Association of Canada Federation of Health Regulatory Colleges of Ontario College of Opticians of British Columbia Saskatchewan Ophthalmic Dispensers Association New Brunswick Guild of Dispensing Opticians Dispensing Opticians Board of Newfoundland & Labrador Alberta Opticians Association The Opticians of Manitoba Ordre des opticiens d'ordonnances du Quebec Nova Scotia Board of Dispensing Opticians Prince Edward Island Board of Dispensing Opticians Federal Government - AIT Division Provincial Government - AIT Division Ministry of Health and Long Term Care (Ontario)
Review Date:	December 2005

What is the purpose of the policy?

To facilitate the mobility of Opticians in Canada.

Who is affected?

All Opticians in Canada.

The College Policy for Out of Province Opticians Holding an Eye Glass and Contact Lens Opticians License or Certificate of Registration

Applicants for a certificate of registration as a registered Optician who, at the time they apply, are licensed or registered, and in good standing, in another province or territory of Canada to dispense both eye glasses and contact lenses, will be accepted for registration provided that they meet the general registration requirements in subsection 4(1) of the College's registration regulation. The conditions of a certificate to be issued to such persons include those set out in the College's registration regulation, as well as the terms, conditions and limitations imposed on the licence or certificate of registration issued to them in their home province or territory. Registrants must meet all Ontario Optician renewal requirements in order to maintain their certificates in good standing in Ontario.

The College Policy for Out of Province "Eye Glasses Only" Opticians

Applicants for a certificate of registration as a registered Optician who, at the time they apply, are licensed or registered, and in good standing, in another province or territory of Canada to dispense eye glasses but not contact lenses, must meet all of the College's registration requirements. This means that, in addition to the general registration requirements referred to above, they must have successfully graduated from an Ontario Opticianry program listed in the Schedule to the regulation, or one deemed equivalent by the Registration Committee; they must have successfully completed the College's examinations or examinations deemed equivalent by the Registration Committee; and they must have completed at least 1000 hours of verified dispensing experience. They must also meet certain additional exemptible registration requirements. The College's Registration Committee has now deemed NAIT's Opticianry program to be equivalent to the Ontario Opticianry programs that are listed in the Schedule to its registration regulation.

The College has adopted certain new policies for such "eye-glasses only" applicants from other provinces and territories who have not graduated from an Ontario opticianry program or its equivalent and who have not successfully completed the College's examinations or their equivalent. An applicant who, at the time of application, has successfully completed the eyeglasses sections of the NAIT program will be considered to have met the College's educational requirements upon their successful completion of the contact lens sections of the Georgian, Seneca or NAIT programs. If the applicant chooses to enroll in Georgian or Seneca College, they should apply to be registered as a Student Optician. If the applicant chooses to enroll in the contact lens sections of the NAIT program, they should apply to be registered as an Intern or Registered Optician. The Registration Committee's policy will be to direct the Registrar to issue a certificate of registration as a Student Optician to such applicants upon their enrolment in the NAIT program (provided that they submit the required application, pay the fee and meet the general requirements under subsection 4(1) of the regulation). Upon successful completion of their educational program, applicants will be eligible for a certificate of registration as an Intern Optician, after which they will be eligible to write the College's examinations. Upon successful completion of the College's examinations, and provided that they meet the other registration requirements referred to above, applicants will be eligible to receive a certificate of registration as a Registered Optician.

An "eye-glasses only" applicant from another province or territory, who has neither graduated from Georgian or Seneca Colleges nor completed the eyeglasses sections of the NAIT program, will have their

application referred to the Registration Committee for consideration of whether they meet the College's registration requirements.

REGISTRATION POLICY

Labour Mobility Policy

I. Background

The College of Opticians of Ontario (COO) is party to a Mutual Recognition Agreement (MRA) amongst Canadian opticianry regulators that seeks to achieve the objectives set out under chapter 7 of the Agreement on Internal Trade (AIT) to ensure that opticians licensed in one Canadian province or territory will have their qualifications recognized in another Canadian province or territory.

II. Purpose

The purpose of this policy is to outline the COO registration process for individuals registered with an opticianry regulator in another Canadian jurisdiction in accordance with the MRA, *Regulated Health Professions Act, 1991* and *Opticianry Act, 1991*, and any regulations under those acts.

III. Definitions

“Labour Mobility Applicant” means an individual who applies to the COO for a certificate of registration who, at the time of their application, are licensed or registered, and in good standing, with an opticianry regulator in another Canadian province or territory.

“Eligible Class” means the following classes of registration which Labour Mobility Applicants are eligible to apply for:

1. Registered Optician
2. Registered Intern Optician

“Eyeglass Only Applicant” means a Labour Mobility Applicant who, at the time of application, holds a license or certificate of registration in another Canadian province or jurisdiction that authorizes them to dispense eyeglasses but not contact lenses in that jurisdiction.

“Registration Regulation” means [O. Reg. 32/24](#) under the *Opticianry Act, 1991*.

IV. Scope

This policy applies to Labour Mobility Applicants who are applying for registration in an Eligible Class.

V. Policy

Eligibility Criteria

1. To be eligible for registration in Ontario, Labour Mobility Applicants must meet the following requirements:
 - a. At the time of their application, the applicant must either:

- i. Hold a valid license or certificate of registration issued by a Canadian opticianry regulator that is equivalent to a certificate of registration in an Eligible Class, or
- ii. In the case of Eyeglass Only Applicants:
 - 1. hold a valid license or certificate of registration issued by a Canadian opticianry regulator that authorizes them to dispense eyeglasses, but not contact lenses in that jurisdiction, AND
 - 2. complete the additional steps set out in section 2.
- b. The applicant must be in good standing in the out-of-province jurisdiction where they hold a license or registration.
- c. The applicant must have practised in a manner consistent with their registration/license within the two years prior to the date of application or undertake to complete any additional training or other requirements specified by the Registration Committee.
- d. The applicant must meet the general requirements for registration set out in section 5 of the Registration Regulation. Where an applicant was required by their home province to demonstrate language proficiency in a manner that is equivalent to the requirement in paragraph 3 of section 5 of the Registration Regulation, they will be deemed to have met this requirement.

Eyeglass Only Applicants

- 2. Eyeglass Only Applicants must complete the following additional steps to become registered with COO as a Labour Mobility Applicant:
 - a. Successfully complete the contact lens section of an opticianry program that has been accredited by the COO, or an accrediting body approved by the COO, as set out in the [Accredited Education Policy](#). Click [here](#) for a list of accredited opticianry programs.
 - b. Apply for registration, and become registered, as an Intern Optician.
 - c. Successfully complete the national contact lens examination administered by the National Alliance of Canadian Optician Regulators (NACOR). Please note that applicants must submit a separate application directly to NACOR to sit the national contact lens examination.
 - d. Apply for registration as a Registered Optician.

Application Process

- 3. To apply for registration as a Labour Mobility Applicant, applicants must:
 - a. Complete the application form.
 - b. Provide a letter of standing from their current licensing body.
 - c. Provide evidence of practise within the previous two years.

- d. Answer each declaration question on the application form and provide further information as applicable.
- e. Submit any additional requirements for the class of registration applied for including, where applicable:
 - i. A Vulnerable Sector Check.
 - ii. Provide proof of professional liability insurance.
 - iii. A passport photograph.
- f. Pay the applicable application and registration fees.

Inactive or Non-practising Opticians

- 4. Under the Registration Regulation, only individuals who hold a certificate of registration with the COO as a Registered Optician are eligible to change their class of registration to Inactive. As a result, individuals who hold a license or registration with another Canadian opticianry regulator as an inactive or non-practising optician are not eligible to apply to the COO as a Labour Mobility Applicant.
- 5. To become eligible as a Labour Mobility Applicant, the applicant must first be re-issued a license or certificate of registration that permits them to practice opticianry in their home jurisdiction.
- 6. Labour Mobility Applicants who successfully become registered with the COO as a Registered Optician will be eligible to apply to change their class of registration to Inactive.