

LICENSEE

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The Engineering and Geoscience Professions Act



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1 OVERVIEW

The purpose of this discussion paper is to review the Licensee designation given to qualified individuals who do not have Canadian citizenship or permanent resident status.

2 EXECUTIVE SUMMARY

Licensee is a designation used for individuals who do not meet the Canadian citizen or permanent resident criteria but would otherwise qualify for registration as a Professional Member.

Licensees are granted a full licence to practise engineering or geoscience in Alberta and have the full practice rights and responsibilities of a P.Eng. or P.Geo. but are not given full privileges to participate in APEGA governance matters.

Having a separate category of membership causes confusion to the public as the designation Licensee does not fully describe what the individual can practise.

APEGA recommends eliminating this designation so that qualified individuals may be registered as Professional Members, as it would then reflect their full scope of practice, irrespective of whether they are a Canadian citizen or permanent resident.

3 EXISTING LEGISLATION

The Engineering and Geoscience Professions Act (The EGP Act) (Appendix 1) defines Licensee as an individual who holds a licence under the Act but is not a Professional Member. The Licensee designation is given to individuals who, under the Regulations,¹ meet all of the requirements for registration as a P. Eng. or P.Geo. but do not meet the Canadian citizen or permanent resident criteria and are, therefore, not considered eligible under the definition of Professional Member.

Under the existing *Engineering and Geoscience Professions (EGP) Act², Regulations³ and Bylaws⁴*, only Professional Members and Professional Licensees are entitled to:

- vote in Council elections
- vote in annual, district or special meetings of the Association
- vote on proposed Regulation or Bylaw changes
- run for election to Council

This is collectively referred to in this paper as APEGA governance matters.

¹ *Engineering and Geoscience Professions Act, Regulations*, Section 13(1)(a),14(1)(2)

² *EGP Act* s.14(1),(2), 19(4), 20 (3) and 86.2(1)

³ *EGP General Regulations* 25, 26(1), 27(1) and 78

⁴ *EGP Bylaw* 6(3), 37(3), 38(1), and 40

4 RESEARCH SUMMARY

Research indicates there is a large variation in Canada among constituent engineering and geoscience associations, and other Alberta professions, on licensing people without Canadian citizenship or permanent resident status.

Some constituent associations licence individuals as P.Eng. or P.Geo. irrespective of their Canadian citizenship or permanent resident status:

- Professional Engineers and Geoscientists of Newfoundland and Labrador
- The Association of Professional Engineers of Yukon
- Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists

Some constituent associations have some form of licence separate from the P.Eng. or P.Geo. designation for individuals who are not Canadian citizens or permanent residents:

- The Association of Professional Engineers and Geoscientists of British Columbia
- The Association of Professional Engineers and Geoscientists of Alberta
- The Association of Professional Engineers and Geoscientists of Saskatchewan
- The Association of Professional Geoscientists of Ontario
- The Association of Professional Engineers and Geoscientists of New Brunswick
- Engineers Nova Scotia
- Geoscientists Nova Scotia
- Engineers PEI

These licences have various names, including non-resident licensee, foreign licensee, temporary licensee and P.Geo. (Temporary).

People seeking foreign licences to practise may require:

- examinations before licences are issued
- to be limited to specific projects* and windows of time to practice
- oversight of a professional member** on services provided depending on the jurisdictional requirements.

*The following constituent associations stipulate that foreign national licences to practice are for specific projects:

- The Association of Professional Engineers and Geoscientists of Manitoba,
- The Association of Professional Engineers and Geoscientists of British Columbia,
- The Association of Professional Geoscientists of Ontario,
- Professional Engineers Ontario,
- Ordre des Ingénieurs du Québec
- Ordre des Géologues du Québec

**The following constituent associations may require oversight by a Professional Member for work done by a foreign licensee:

- The Association of Professional Geoscientists of Ontario
- Professional Engineers Ontario
- Ordre des Ingénieurs du Québec
- Ordre des Géologues du Québec

Some engineering and geoscience constituent associations distinguish between individuals who are Canadian citizens or permanent residents versus those who are not but are still able to legally work in Canada:

- The Association of Professional Engineers and Geoscientists of Alberta
- The Association of Professional Engineers and Geoscientists of British Columbia
- The Association of Professional Engineers and Geoscientists of Saskatchewan
- Ordre des Ingénieurs du Québec
- Ordre des Géologues du Québec
- Professional Engineers and Geoscientists of Newfoundland and Labrador
- The Association of Professional Engineers and Geoscientists of New Brunswick
- Geoscientists Nova Scotia
- Engineers PEI

Some constituent associations make a further distinction based on whether the individual is a resident in their respective province:

- The Association of Professional Engineers and Geoscientists of Manitoba
 - The Association of Professional Engineers of Yukon
 - Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
- These licenses have various names including non-resident licensee, foreign licensee and temporary licensee.

Other constituent associations make a further distinction for individuals who are not residents in their province even though they may be Canadian citizens or permanent residents and reside in another province:

- Professional Engineers Ontario
- The Association of Professional Geoscientists of Ontario
- Ordre des Ingénieurs du Québec
- Engineers Nova Scotia
- Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists

Some constituent associations give individuals the right to vote even though they are not Canadian citizens or permanent residents:

- Professional Engineers Ontario
- Ordre des Ingénieurs du Québec
- The Association of Professional Geoscientists of Ontario
- The Association of Professional Engineers of Yukon

Alberta's accountants, architects, dentists, lawyers physicians and veterinarians register individuals who are Canadian citizens or who are "lawfully admitted to and entitled to work in Canada," which is different from permanent resident status (Appendix 3).

Some regulators grant the right to vote and run for election within their associations to individuals who are not Canadian citizens or permanent residents as long as they are lawfully entitled to work in Canada (e.g., College of Physicians and Surgeons of Alberta and the Alberta Veterinary Medicine Association).

5 DISCUSSION

The designation Licensee is an historical reference that has been legislated since 1955. There are about 1,200 registered licensees at APEGA – mostly U.S.-based Professional Engineers and Professional Geoscientists. Having two designations that give the same practice rights but are called different names can be confusing to the public.

6 RECOMMENDATION

The Licensee designation should be eliminated so that qualified individuals may be registered as Professional Engineers or Professional Geoscientists irrespective of Canadian citizenship or permanent resident status.

Rationale

If individuals have the competency to independently practice engineering or geoscience, they should be registered as Professional Engineers or Professional Geoscientists. Citizenship or residency have no bearing on their competency to independently practice engineering or geoscience.

Eliminating the Licensee category will reduce confusion and increase clarity for the public and authorities having jurisdiction.

It is important, from a self-governance perspective, that practicing Members who are governed by APEGA legislation be given the opportunity to actively participate in the governance and decision-making processes of the Association.

APEGA Council has considered this issue and supports the recommendation to eliminate the Licensee designation so that qualified individuals can be registered as Professional Engineers or Professional Geoscientists irrespective of whether they are Canadian citizens or permanent residents.

7 APPENDICES

Appendix 1 – The Engineering and Geoscience Professions Act, Regulations and Bylaws

Appendix 2 – Constituent Engineering and Geoscience Regulatory Associations

Appendix 3 – Comparison of Alberta Professional Associations