

# MEMBER-IN-TRAINING

April 2015

*The Engineering and Geoscience Professions Act*



# CONTENTS

- 1 Overview ..... 3
- 2 Executive Summary ..... 3
- 3 Existing Legislation ..... 3
- 4 Research Summary ..... 3
- 5 Recommendation ..... 4
- 6 Appendices ..... 5

# 1 OVERVIEW

This discussion paper reviews the opportunity to extend certain rights to Members-in-Training regarding APEGA governance matters and the length of time an individual can remain in the record as a Member-in-Training.

## 2 EXECUTIVE SUMMARY

Member-in-Training (M.I.T.) is a category of membership that APEGA designates for individuals who have met the academic and good character requirements of registration but who have not completed the other requirements, including the necessary experience for registration as a Professional Engineer or Professional Geoscientist. Member-in-Training include Engineers-in-Training (E.I.T.s) and Geoscientists-in-Training (G.I.T.s).

Currently, M.I.T.s are not allowed to vote on APEGA matters, nor are they allowed to run for Council positions. Council has reviewed this matter and supports giving this right to M.I.T.s as valued Members of APEGA. Council believes the right to vote and to run for election for Council will foster M.I.T.s' potential to become more engaged as Professional Members and to fully participate in the self-regulation of the professions in the future.

In addition, this discussion paper addresses the existing time limit an individual can be listed as an M.I.T in APEGA's records (subsequently referred to as "in the record"). The existing limitation does not take into consideration personal issues that may arise from time to time for M.I.T.s. It remains, in principle, that eight years should be sufficient for an individual to obtain the required four years of experience to become a Professional Member; however, it is in the public's and the professions' best interests to revise the legislation to allow APEGA to extend the time limit and be flexible in supporting individual circumstances.

## 3 EXISTING LEGISLATION

Under *The Engineering and Geoscience Professions Act (The EGP Act)*, only Professional Members and Professional Licensees are entitled to vote in Council elections, annual, district or special meetings of the Association, proposed regulation or bylaw changes, or run for election to Council (collectively referred to in this paper as "governance matters").<sup>1, 2, 3</sup>

Regarding the length of time that an individual may remain an M.I.T., EGP Regulations 11(1) and (2) state that no one can remain in the record as an M.I.T. for more than six years. Council may extend that period to not more than eight years in particular situations.

## 4 RESEARCH SUMMARY

The legislation governing the Constituent Engineering and Geoscience Associations (CAs) across Canada has been reviewed regarding governance matters and the term length of M.I.T.s

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<sup>1</sup> *The Engineering and Geoscience Professions Act*, Section 14(1),(2), 19(4), 20 (3) and 86.2(1)

<sup>2</sup> *The Engineering and Geoscience Professions Act*, General Regulations 25, 26(1), 27(1) and 78

<sup>3</sup> EGP Bylaw 6(3), 37(3), 38(1), and 40

(see Appendix 2). Currently, eight associations grant voting rights to M.I.T.s, with two associations having a dedicated M.I.T. position on their Councils (Association of Professional Engineers and Geoscientists of Saskatchewan and Association of Professional Engineers and Geoscientists of Manitoba).

APEGA reviewed the legislation governing other Alberta professions on conditions associated with training periods. The review found no consistent trend regarding how these members participate in governance matters within their associations. Some organizations have given M.I.T.s voting rights. Some organizations support having M.I.T.s sit on Council by making them non-voting Council members (see Appendix 3).

There is no conclusive trend across the country regarding the length of time an M.I.T. has to complete the term. There are varying degrees of flexibility on term extensions, though often no specifics are provided regarding the reasons to support approving a term extension.

## **5 RECOMMENDATION**

### ***Recommendation on Governance***

It is recommended that M.I.T.s be given the same privileges as Professional Members regarding APEGA governance matters.

#### ***Rationale***

It is to the benefit of the public and the professions that M.I.T.s participate in the affairs of the Association, the professions and the practices of engineering and geoscience early in their careers. One way to do this is to give M.I.T.s the privilege to participate in the governance matters of APEGA.

As a result, individuals are more likely to remain engaged in the affairs of the Association and in the regulation of the professions during their careers.

M.I.T.s with four years of post-secondary education are capable of making responsible decisions, especially as they already have the right to vote in federal, provincial and municipal elections. Furthermore, they should be entitled to participate in the governance of the Association and their chosen profession.

APEGA Council has considered this and supports the recommendation to give M.I.T.s the privilege to participate in APEGA governance matters.

### ***Recommendations on Length of Term***

It is recommended that the legislation be revised to allow the length of time an individual can remain an M.I.T. to be extended in appropriate circumstances to provide flexibility and recognize an individual's unique circumstances.

#### ***Rationale***

Under the existing legislation, an individual can remain in the record as an M.I.T. for a maximum of eight years. After this, APEGA must cancel the enrolment of such individuals. This can be

limiting for many M.I.T.s who have temporarily stepped out of the workforce but who still want to maintain their ties with their professions and be a part of APEGA.

Extending the length of term for M.I.T.s adapts to today's changing workforce and enables them to remain engaged with APEGA should they choose to take an extended parental and/or compassion care leave. By adjusting the length of term of M.I.T.s, the Association can better accommodate these societal changes.

It is in the public's and the professions' best interest to allow individuals to remain part of the Association and to maintain their M.I.T. designation. This establishes a stronger professional Association by allowing APEGA to be flexible in supporting individual circumstances and by allowing M.I.T.s to continue to be engaged in their professions.

## **6 APPENDICES**

Appendix 1 – Existing Legislation

Appendix 2 – Member-in-Training Canadian Engineering and Geoscience Associations Summary and Analysis

Appendix 3 – Alberta Associations Summary and Analysis

# MEMBER-IN-TRAINING

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## **Appendix 1 – Existing Legislation**

### **Act**

**1** In this Act,

(n) “member-in-training” means engineer-in-training or geoscientist-in-training, as the case may be;

### **Part 2**

#### **Association**

**14(1)** Subject to subsection (2), the Council shall include the president, 2 vice-presidents, the immediate past-president and at least 12 other professional members, the number of which shall be prescribed by the bylaws, each of whom shall be elected by the professional members at the time, in the manner and for the period provided for in the bylaws.

**(2)** The Council shall consist of

(a) at least 16 professional members among whom there shall be not less than

(i) 2 professional engineers, and

(ii) 2 professional geoscientists,

and

(b) when the total number of elected professional members does not exceed 20, 3 members of the public, who shall be appointed by the Minister, after consultation with the Association, for a 3-year term of office.

### **Part 3**

#### **Regulations and Bylaws**

**19(4)** A regulation must be approved in principle by a majority of the professional members

(a) present and voting at a special meeting called for that purpose,

(b) voting by a mail vote or a vote authorized by bylaw that is conducted by electronic, telecommunication or other appropriate means, or

(c) at the annual general meeting following the Council’s adoption of the regulation

**20(3)** A bylaw under subsection (1) does not come into force unless it is approved by a majority of the professional members

(a) present and voting at a general meeting, or

(b) voting by a mail vote or vote conducted by electronic, telecommunication or other appropriate means conducted in accordance with the bylaws.

### **Part 7**

#### **Professional Licensees**

##### **Application of Act**

**86.2(1)** Sections 14, 15, 16, 17, 19(4), 20(3), 24, 27, 28, 29, 31, 39, 78, 79, 80(2), 81 and 82(2) apply to a professional licensee as if the professional licensee were a professional member.

### **Regulations**

#### **Division 4**

## **Members-in-Training**

### **Eligibility**

**10(1)** A person who meets the following requirements and applies to the Registrar for registration is entitled to be enrolled as an engineer-in-training or geoscientist-in-training:

- (a) the applicant is of good character and reputation;
- (b) the applicant
  - (i) is a graduate of a university program in engineering or geoscience or a related university program that is acceptable to the Board of Examiners, but does not have the work experience required for registration as a professional member, or
  - (ii) is registered as an examination candidate under section 8(b) and has completed the examinations referred to in that provision, but does not have the work experience required for registration as a professional member.

**(2)** Notwithstanding subsection (1), an applicant is entitled to be enrolled as an engineer-in-training or geoscientist-in-training if

- (a) the applicant is of good character and reputation, and
- (b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a member-in-training.

### **Time limits**

**11(1)** Subject to subsection (2), no person may remain in the record of members-in-training for more than 6 years.

(2) The Council may in particular cases extend the period referred to in subsection (1) to not more than 8 years.

### **Professionally qualified persons inadmissible**

**12** No person may be enrolled as an engineer-in-training or geoscientist-in-training if at the time of application the person is qualified to be registered as a professional member or licensee.

## **Division 5**

### **Professional Members**

#### **Eligibility**

**13(1)** A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional member:

- (e) the applicant meets one of the following requirements:
  - (i) the applicant is enrolled as a member-in-training and has obtained at least 4 years of experience in work of an engineering or geoscientific nature that is acceptable to the Board of Examiners;

## **Part 4**

### **Council**

#### **President and Vice-presidents – election and powers**

**25(1)** The President of the Association must be elected annually by the professional members of the Association, and holds office until a successor is elected.

**(3)** The President may vote at meetings of the Council or the Association only in the event of a tied vote.

**(4)** The 2 Vice-presidents must be elected annually by the professional members of the Association and must be designated as First Vice-president and Second Vice-president on the basis of the number of votes cast for each of them.

#### **Election of Council**

**26(1)** The professional members of the Council, other than those mentioned in section 25, must be elected annually by the professional members of the Association.

#### **Vacancy**

**27(1)** Where there is a vacancy in the Council, the remaining members of the Council shall appoint a professional member to fill the vacancy until the next regular election.

#### **Application of regulations**

**78** Sections 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 47, 48, 48.1, 49, 50, 51, 53, 54, 59, 60 and the Schedule apply in respect of professional licensees as if they were professional members.

## **By-laws**

### **Part 2**

#### **Election of Council**

##### **Conduct of elections**

**6(1)** Elections shall be conducted by letter ballot.

**(2)** The names of all persons nominated for office shall be placed on the ballot form in groups relating to each office. The number, professional classification and term of Councillors to be elected shall be made clear on the ballot form. Ballot forms shall be mailed to the professional members by the Chief Executive Officer not later than 50 days prior to the annual meeting.

**(3)** Each professional member is entitled to one vote for one candidate for vice-president, and to vote for as many candidates as there are vacancies to be filled for Council, or for a lesser number.

**(4)** The poll shall close at noon on the 20th day prior to the annual meeting and no ballots received after that time shall be considered.

### **Voting by mail**

**37(1)** The Council may direct that a mail vote be conducted on any matter related to the Association.

**(2)** Announcement of a mail vote giving full details of the matter to be voted upon must be made to all professional members at least 21 days in advance of the vote being taken and if objections to a mail vote are received by the Registrar in writing at least 3 days before the announced date of the vote from at least 30 professional members of the Association the matter shall be held over to a meeting of the Association.

**(3)** A vote by mail shall be declared valid if at least 10 percent of the professional members respond and the matter shall be declared carried or defeated on the basis of a simple majority of the votes returned.

**(4)** The results of a mail vote shall be considered by the Council at its next regular meeting.

### **Amendments to By-laws**

**38(1)** Proposed amendments to by-laws shall be submitted to a properly convened meeting of the Association and shall not be effective unless approved by a majority of the professional members present and voting at the meeting, or shall be submitted to the professional members for a mail vote in accordance with section 37.

## Appendix 2 – Member-in-Training Canadian Engineering and Geoscience Associations Summary and Analysis

APEGA did a detailed analysis and review of other constituent associations. Some organizations have given M.I.T.s the right to vote and run for Council positions, others have provided an exclusive M.I.T. position on Council.

The analysis also indicated that there is very little consistency in the length of time an M.I.T. can hold this designation. Some organizations provide a very general flexibility in term extension, whereas others provide a fixed timeframe. APEGA would like to ensure that there is flexibility to address the circumstances of today's working environment, especially for those who choose to temporarily step away from the workplace to take on care and nurturing of family members or those who find themselves in special circumstances.

Professional Association	Association of Professional Engineers and Geoscientists of BC British Columbia	Association of Professional Engineers and Geoscientists of Alberta	Association of Professional Engineers and Geoscientists of Saskatchewan	Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario	Association of Professional Geoscientists of Ontario	Ordre des Ingénieurs du Québec
MIT Defined	Yes	Yes	Yes	Yes	Yes (Engineering Intern)	Yes	Yes
MIT Vote	No	No	Yes	Yes (MIT position)	No (can only vote in chapter elections)	No	Yes
MIT Run for Council	No	No	Yes (MIT position)	Yes (MIT position)	No	No	Yes
MIT Term	Eight year maximum with one year extension	Six year maximum with two year extension	Seven year maximum; extensions in exceptional circumstances	No maximum noted	No maximum noted	Six year maximum with two year extension	No maximum noted
Designation	Engineer-in-Training or Geoscientist-in-Training	Engineer-in-Training or Geoscientist-in-Training	Engineer-in-Training or Geoscientist-in-Training	Member-in-Training	Engineer-in-Training	Geoscientist-in-Training	Junior Engineer
Professional Association	Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
MIT Defined	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MIT Vote	Yes	Yes	No	Yes	Yes	Yes	No
MIT Run for Council	Yes	No, but can nominate	No	No	No	No	No
MIT Term	Five year	Five year	“Sufficient number	“Council may limit	Six year maximum	Eight year	Seven year maximum

	maximum; special permission for extension granted by Council	maximum; extensions in extenuating circumstances	of years of relevant experience”	the period of time spent enrolled as an Engineer-in-training”	with discretion to extend	maximum	with discretion to extend
Comments	Engineer-in-Training or Geoscientist-in-Training	Engineers-in-Training	Member-in-Training	Engineer-in-Training	Member-in-Training	Engineer-in-Training	Engineer-in-Training, Geologist-in-Training, Geophysicist-in-Training or Geoscientist-in-Training

**Appendix 3 – Alberta Associations Summary and Analysis**

APEGA identified the following voting and council participation and intern practices for Alberta self-regulated professional associations. Voting rights, the rights to run for council and the lengths of time for articling, interns and in-training periods vary. The length of terms for articling, interns and in-training designations are not consistent, and the ability to offer term extensions vary between the organizations.

Professional Association	Chartered Accountants	Alberta Association of Architects	Alberta Dental Association and College	College of Physicians and Surgeons	Alberta Veterinary Medicine
Voting Rights	Only chartered accountants may vote in council elections	Only registered architects and licensed interior designers may vote in an election of normal councillors  Bylaw 1.0 (c) “Voting member” means a registered architect or licensed interior designer entitled to vote or act on matters pursuant to these bylaws	No	Anyone on the College’s Practice Register document, that is, the College’s General Register, the Provisional or Conditional Register, the Limited Practice Register, may vote	Only licensed veterinarians may vote  Bylaw 7.1.3 Vote in elections for membership on Council  Bylaw 7.1.5 Vote in a mail vote conducted by the association
Run for Council	Only chartered accountants may be nominated for council elections	There is an intern architect position on council and two student representative positions, but they are not regular-voting councillors  Bylaw 4.1(1) The council shall be composed of: (a) nine elected registered architects who are ordinarily resident in Alberta; (b) the Immediate past-president; (c) one elected licensed interior designer who is ordinarily resident in Alberta; and (d) in accordance with section 8(1)(b) of the Act, one member of the public	No  Bylaw 9(1) The election of directors shall be held at such time and place as decided by council in each year.  (2) The executive director and registrar, not later than 30 days before the date set for the election of the directors, shall forward to each regulated member of the Alberta Dental Association and College on the Main Register, at the address shown in the records of the Alberta Dental Association and College, and who is not in arrears in respect to any fees payable to the Alberta Dental Association and College: (a) a notice of the time and place fixed for the election of directors, and (b) a nomination paper	Bylaw (1) The voting members of council shall consist of: (a) 11 regulated members elected by the regulated members of the College	Act 8(2) The members of the council elected under subsection (1) shall elect from among themselves the officers of the Association  Bylaws 3.2 Council shall consist of eight registered veterinarians who shall be elected in accordance with the provisions of the bylaws

Professional Association	Chartered Accountants	Alberta Association of Architects	Alberta Dental Association and College	College of Physicians and Surgeons	Alberta Veterinary Medicine
Intern or In-Training Program	Within 12 months - training office experience	Bylaws 14.3(5)(b) Within five years of the registration of the person as an intern architect or intern interior designer or such longer period as may be permitted by the council, the intern architect or intern interior designer fails to qualify for registration as a registered architect or licensed interior designer the practice review board or the registration committee may recommend to the council that the individual's membership as an intern architect or intern interior designer be terminated and the council may make its decision accordingly	No	Yes  Regulation (2) An applicant must have completed the requirements set out in subsection (1) within the 3 years immediately preceding the date the registrar receives a complete application	Yes  Regulation 5.1(ii) Five years of experience in that category of veterinary medicine

Professional Association	Chartered Accountants	Alberta Association of Architects	Alberta Dental Association and College	College of Physicians and Surgeons	Alberta Veterinary Medicine
Additional Comments	<p>Must be Canadian or allowed to work or study in Canada. The term "member," when used in reference to the institute, means a chartered accountant.</p> <p>"Student" means an individual who is registered with the institute in accordance with Part 3 of their Act as a student.</p> <p>Must be a resident to be a council member</p>	<p>Act 8(1) The council shall consist of (a) at least nine registered architects or a greater number that may be prescribed by the bylaws, each of whom shall be elected by registered architects and licensed interior designers, at the time, in the manner and for the period provided for by the bylaws</p> <p>Regulation 6(2)(ii) Has completed at least two years of practical training in the practice of architecture acceptable to the Registration Committee</p> <p>Bylaw 4.2(1) The following representatives may be appointed by the Council as ex officio members: (c) intern member in good standing.</p> <p>(2) The following student representatives: (a) students enrolled in their final year with the Faculty of Environmental Design, Architecture Program at the University of Calgary; (b) students enrolled in their final year in the Interior Design Program at Mount Royal University.</p> <p>Bylaw 4.3(1) An individual who is appointed or entitled to attend a meeting of the council, a committee of the council or a committee of the association as an ex officio member may speak on any matter before the meeting at which this individual attends, but is not entitled to vote on any matter</p>	<p>Regulation 3(1) An applicant for registration as a regulated member on the main register must (a) have a degree of doctor of dental surgery or doctor of dental medicine from a dentistry program approved by the Council, and (b) have successfully completed the registration examination approved by council and the ethics and jurisprudence examination approved by council. (2) An applicant under subsection (1) must have completed the requirements set out in this section within five years of submitting a complete application for registration or demonstrate to the satisfaction of the registrar or the registration committee that the applicant is currently competent to practice</p>	<p>Regulation 15(1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of medicine or osteopathy. (2) An applicant may be required by the registrar to demonstrate proficiency in the English language in accordance with the requirements approved by the council.</p> <p>HPA 28(d) evidence of being a Canadian citizen or a person lawfully permitted to work in Canada, if required by the regulations</p>	<p>Regulation 2(d) The person is a Canadian citizen or lawfully admitted into and entitled to work in Canada (f) evidence satisfactory to the committee of the person's ability to communicate in English</p>