



Recommended Discipline Orders

*Improved Public Interest
Improved Regulatory Effectiveness and Efficiency*

To better protect the public, APEGA must have the ability to quickly and efficiently impose appropriate sanctions on Members and Permit Holders that have admitted to unskilled practice or unprofessional conduct.

Background

- Currently, if an investigation is not terminated and the investigated Member or Permit Holder has admitted to unskilled practice or unprofessional conduct, the Investigative Committee may recommend a Discipline Order. The draft Recommended Discipline Order (RDO) is presented to a Member of the Discipline Committee who acts as a case manager.
- The case manager can be any Member of the Discipline Committee and changes from case to case. The case manager reviews the RDO from the Investigative Committee, and if the case manager agrees with the proposed order, the case manager meets with the investigated Member or Permit Holder to discuss it.
- If the Member or Permit Holder agrees with the RDO, it has the same effect as a decision by the Discipline Committee following a formal hearing.
- If the case manager or the investigated Member or Permit Holder rejects the order, the matter must be referred to the Discipline Committee for a formal hearing.
- The intent is that an RDO is a negotiated settlement. It is negotiated between the Investigative Panel and the Member or Permit Holder under investigation. Because it is a negotiated settlement, there should be a very few instances where it is not accepted by the case manager.

Why this is Important

- It is in the public interest that comparable sanctions be imposed for comparable violations, and that the severity of the sanctions reflect the severity of the offences. Because different Discipline Committee

Members act as independent case managers, there can be inconsistencies in the decisions and orders.

- The speed at which decisions on proposed RDOs are made needs to be improved. Volunteer case managers are practicing Professional Members with competing demands on their time. This often delays their reviewing and deciding on proposed RDOs.

Proposed legislative change

- Amend the *Engineering and Geoscience Professions Act* to make the Registrar the case manager for all proposed RDOs.
- Amend the Act to give the Registrar the express authority to review and approve proposed RDOs, reject proposed RDOs and refer the matter to the Discipline Committee for a formal hearing, or refer the matter back to the parties for further negotiation, with or without suggested amendments or other direction.

Effect of the proposed change

- It will improve public protection because having the same decision maker review all proposed RDOs will result in consistent decisions. Comparable sanctions will be imposed for comparable violations, and the severity of the sanctions will reflect the severity of the offences and will be based on criteria established in policy.
- Having the Registrar, rather than volunteer case managers, review proposed RDOs will result in more timely reviews. This will improve the effectiveness and efficiency of the discipline process because complaints will be resolved more quickly or be referred to a hearing more quickly. This will result in improved protection of the public.
- Authorizing the Registrar to refer the matter back to the parties for further negotiation may result in more acceptable RDOs being developed, which will mean fewer discipline panel hearings. This will improve regulatory effectiveness and efficiency and will result in reduced costs for all parties and timely resolution of complaints for improved protection of the public.
- The investigative panel continues to have the authority to negotiate a settlement



The Association of Professional
Engineers and Geoscientists of Alberta