

Increase Fines for Use-of-Title and Scope-of-Practice Violations

Improved Public Interest

The public should be protected from unqualified, unlicensed, and unregulated individuals and companies that practice engineering or geoscience or mislead the public into thinking they are licensed. Fines should appropriately punish and significantly deter such conduct. The current maximum fines are too low and should be increased significantly.

Background

- Currently, under the *Engineering and Geoscience Professions Act*, fines for scope-of-practice and use-of-title violations by any individual or company are:
 - maximum of \$2,000 for a first offence
 - maximum of \$4,000 for a second offence
 - \$6,000 or up to six months imprisonment for third and subsequent offences

Why this is important

- Unlicensed individuals and companies pose risks to the public when they practise engineering or geoscience or hold themselves out as qualified.
- A fine punishes an offender and should be proportional to the risk the offending action posed to the public. It should deter the offender from reoffending and deter other unlicensed individuals and companies from offending.
- The current maximum fines are too low and no longer sufficiently punish or deter. The fine structure and amounts are unchanged since the early 1980s. To better protect the public, APEGA must have the ability to impose much larger fines.
- Because the risk to the public by unlicensed individuals and companies can be just as great, if not greater, than the risk to the public from unskilled practice or unprofessional conduct by licensed Members and Permit Holders, the maximum fines for scope-of-practice and use-of-title violations should be equal to the maximum fines for discipline offences.

Proposed legislative change

- Increase fines for unlicensed individuals for scope-of-practice or use-of-title violations to a maximum of \$100,000.
- Increase fines for unlicensed companies for scope-of-practice or use-of-title violations to a maximum of \$500,000.

Effect of the
proposed
change

- It will better protect the public because the increased fines will punish and deter unlicensed individuals and companies against unlicensed, unregulated, and unqualified practice.
- It will better protect the public because it will authorize the Court to impose fines proportional to the risk the offending action posed to the public. The fine should vary depending on the severity of the offence, which is not the case currently.
- In severe cases, the maximum fine will impose an appropriately significant, financial hardship on the violating individual or company.
- It will better protect the public because the increased fines will deter unlicensed individuals and companies from misleading the public into thinking they are licensed.
- It will inform the public and the government that APEGA takes its responsibility to protect the public against unlicensed individuals and companies seriously.
- It will align the legislation with other modern, self-regulatory associations in Alberta and Canada.