

Overview Summary

Spring 2017 Consultations

The Engineering and Geoscience Professions Act



APEGA will continue the conversation with Members during the spring 2017 legislative review consultations. We will be seeking input on proposed legislative recommendations on seven topics.

To share your insights, opinions, and feedback:

- attend a [face to face or webinar](#)
- complete the [survey](#) by May 21, 2017
- go to www.apegalegislative-review.ca
- email legislative-review@apega.ca

This document summarizes each of the seven topics for which we seek input:

Consultation Topics – Spring 2017
<ul style="list-style-type: none">▪ Permit to Practice – Registration▪ Permit to Practice – Reinstatement▪ Investigative Panels Criteria for Interim Suspensions and Restrictions Practice Prohibitions▪ Code of Ethics▪ Amendment: Professional Limited Licensee▪ Examination Candidates

To view the more detailed briefing documents and videos, visit the APEGA website at apegalegislative-review.ca, and click, [Spring 2017](#) Please see the [Proposed Recommendations](#) section on the website to learn more about all proposed recommendations.

[Permit to Practice - Registration](#)

To protect the public interest and safety, legislation authorizes APEGA to approve the registration of all Permit Holders prior to issuing a Permit to Practice. Applicants must certify that a Professional Practice Management Plan (PPMP) is in place and appropriate to the professional practice. This will not change under new legislation.

To ensure minimum standards are met, it is **recommended** that the legislation be amended to explicitly:

1. authorize practice review panels, rather than Council, to consider and decide on registration applications, using criteria established by Council
2. authorize practice reviewers to evaluate the appropriateness of applicants' PPMPs, assess whether they can and will be properly implemented, and make recommendations to a practice review panel

3. indicate that applicants must satisfy the practice review panel that they have PPMPs appropriate to their professional practice, and that they can and will be properly implemented
4. authorize practice review panels, in accordance with criteria approved by Council, to approve applications with or without conditions and restrictions, or refuse applications
5. authorize the Practice Review Committee to delegate to the Registrar's office the ability to review Permit to Practice applications for registration and make recommendations to practice review panels, in accordance with criteria approved by Council
6. grant applicants the right to appeal decisions

These changes ensure APEGA's decision-making authority rests at the right level. Council will set the criteria, and peers will evaluate decisions against those criteria to approve, reject, or impose conditions on applications. An updated PPMP and template will be developed to assist applicants.

Permit to Practice - Reinstatement

To protect the public, it is important that a Permit Holder whose permit has been cancelled meets the same criteria as a first-time applicant before a Permit to Practice is granted again.

Today, the process used to reinstate a permit depends on whether a permit was cancelled for a non-discipline reason or as the result of a discipline order or a fraudulent registration.

It is **recommended** that all references to reinstatement be removed from the legislation and regulations, and that a Permit Holder whose permit has been cancelled for any reason be required to re-apply through the same process as a new applicant.

This change will ensure every applicant meets the same criteria, and it allows APEGA the option to require a risk-based, baseline audit before a Permit to Practice is granted.

Investigative Panels Criteria for Interim Suspensions and Restrictions

To protect the public, it is important that APEGA has the ability to respond quickly to suspend or restrict a licence or Permit to Practice when there is a question of serious risk to the public. Currently, the Investigative Committee can only suspend a Member or Permit Holder on an interim basis and cannot impose restrictions.

Following the fall 2015 consultations, Council endorsed a recommendation to authorize the Registrar, the Investigative Committee, and investigative panels to suspend or restrict a licence or Permit to Practice on an expedited basis in emergent circumstances.

APEGA is revising this **recommendation** to give explicit authority only to investigative panels to impose suspensions or restrictions to practise. This enables timely responses in emergent circumstances and increases operational efficiency.

It is also recommended that, in accordance with criteria approved by Council, suspensions or restrictions will be imposed under the following three circumstances:

1. when there are reasonable grounds to believe that a serious and imminent risk exists to life, personal safety, or health of the public or the environment
2. when a delay in conducting proceedings would be prejudicial to the public interest
3. when a Member is convicted of an indictable offence in Canada or is convicted outside Canada of an offence indictable in Canada

This provision is similar to engineering legislation in Manitoba, Nova Scotia, and British Columbia, and with the *Chartered Professional Accountants Act* in Alberta.

Practice Prohibitions

To protect the public, it is important that a Member or Permit Holder whose licence or permit has been suspended or cancelled, as the result of a Recommended Discipline Order or Practice Review Order, not be able to practise or associate in the practice of engineering or geoscience, unless provided for in the order. This will remain in place.

Today, a Member or Permit Holder with a cancelled or suspended licence or permit is prohibited from directly or indirectly practising engineering or geoscience, regardless of why the licence or permit was cancelled or suspended.

It is **recommended** that the *Engineering and Geoscience Professions (EGP) Act* be amended to clarify that the existing practice prohibition sections only apply to Members and Permit Holders whose licenses or permits have been suspended or cancelled as the result of Recommended Discipline Orders or Practice Review Orders.

This allows Members who voluntarily cancel their licences, for personal reasons, the opportunity to work under the supervision and control of a licensed professional to refresh their skills and competency, without the Members or employers having to first apply to Council for permission.

Amendment: Professional Limited Licensee

Following the spring 2015 consultations, APEGA Council endorsed proposed recommendations to:

- eliminate the Professional Licensee (P.L.) designation and have individuals without engineering or geoscience degrees apply for the P.Tech. designation
- create a Professional Limited License (P.L.L.) designation for individuals with engineering or geoscience degrees who do not yet qualify for the P.Eng. or P.Geo. designations, but may qualify to practise engineering or geoscience within a limited scope

This change does not allow highly qualified and experienced technologists to obtain scopes of practice beyond that of a P.Tech. ASET asked APEGA to revisit this proposed recommendation.

It is **recommended** that the EGP Act General Regulation be amended to allow individuals with engineering or geoscience degrees, and those registered as Professional Technologists with ASET, to apply to APEGA for registration as a P.L.L.

Examination Candidates

To improve regulatory effectiveness and efficiency, it is important that unnecessary category designations be removed from governing legislation. Fewer categories make it clearer to the public who is a licensed professional with APEGA.

Individuals who apply to become a Professional Member or Member-in-Training but do not meet the academic qualifications are enrolled as examination candidates and assigned examinations by the Board of Examiners. Individuals waiting to write exams are applicants and managed through the Board of Examiners' policy. A separate category is not needed.

It is **recommended** that the legislation be amended to remove the examination candidate category.

Code of Ethics

The public and government are placing increased emphasis on the protection of the environment. This is reflected in recent engineering codes of ethics. For example, the Engineers Canada Code of Ethics reads, *"Hold paramount the safety, health and welfare of the public and the protection of the environment, and promote health and safety within the workplace."*

The current APEGA Code of Ethics reads, *"Professional engineers and geoscientists shall, in their area of practice, hold paramount the health, safety and welfare of the public and have regard for the environment."*

It is **recommended** that the APEGA Code of Ethics be amended to read, *"Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and the protection of the environment."*