



Initiating an Investigation or Complaint

Improved Public Interest

To better protect the public, APEGA must have the ability to investigate the conduct of a Member or Permit Holder if there are grounds to believe unskilled practice or unprofessional conduct may have occurred but a formal written complaint has not been received.

Background

- Currently, there are two ways to trigger an investigation into the conduct of a Member or Permit Holder. One is for an individual to submit a written complaint to the Registrar. The individual initiating the complaint can be the Registrar, but the Act does not specifically give the Registrar the authority to initiate a complaint.
- The second way is through the Practice Review Board. During an inquiry or practice review, the Practice Review Board may recommend that the Investigative Committee conduct an investigation. On receiving such a recommendation, the Investigative Committee may proceed with an investigation as if the recommendation were a written complaint.

Why it is important

- If the Registrar becomes aware of alleged conduct by a Member or Permit Holder that could put the public at risk but a formal, written complaint has not been received, the Registrar should have the authority to initiate a complaint or alternatively initiate an investigation to protect the public.
- APEGA sometimes receives anonymous complaints or complaints from people who do not wish to have their identity disclosed, but there is a need to investigate the complaint to protect the public. APEGA currently cannot investigate anonymous complaints because a formal written complaint is required to initiate an investigation.

Proposed legislative change

- Amend the *Engineering and Geoscience Professions Act* to give the Registrar the express authority to:
 - initiate a complaint
 - initiate an investigation into the activities of existing and former Members and Permit Holders
 - appoint investigators to investigate the matter and report the findings to the Registrar
 - report the results of the investigation to the Investigative Committee or other entity as the Registrar considers appropriate
- The Registrar will decide when and whether to initiate an investigation or complaint based on criteria established in policy.

Effect of the proposed change

- It will clarify that the Registrar has the express authority to initiate a complaint in the absence of a formal, written complaint.
- It will authorize the Registrar to initiate investigations and appoint investigators empowered to investigate the matter in the absence of a formal, written complaint.
- It will allow APEGA to investigate and address anonymous complaints in the public interest.
- It will provide APEGA with additional tools to enhance its effectiveness and become a stronger regulator in the public interest.
- It will align APEGA with newer legislation of other self-regulatory associations that expressly authorize Registrars to initiate investigations and/or complaints.