



Using Alternative Settlement and Dispute Resolution Mechanisms

Improved Regulatory Effectiveness and Efficiency

To improve regulatory effectiveness and efficiency, APEGA must have the ability to resolve complaints against Members and Permit Holders using alternative settlement and dispute resolution mechanisms, instead of full investigations or disciplinary hearings, when the parties involved agree to such resolution and it is in the public interest to do so.

Background

- Currently, the Registrar may designate a mediator to assist in settling a complaint if the complainant and the person who is the subject of the complaint agree. If an agreement is not reached, the Registrar must refer the complaint to the Investigative Committee. If an agreement is reached through a mediator, the agreement must be reviewed by the Investigative Committee, which may approve the agreement or proceed with a preliminary investigation.

Why this is important

- Although the investigative and disciplinary processes are essential elements of APEGA's regulatory mandate and are necessary to protect the public from unskilled practice and unprofessional conduct, some complaints can be resolved without a full investigation or disciplinary hearing.
- Appropriate options and mechanisms must be available to facilitate such resolution. APEGA should be able to facilitate resolution of complaints without needing to go through the full investigative and discipline processes.
- Considerable resources are required for investigations and disciplinary hearings. These resources should be available for complaints that cannot be resolved in any other way. Alternative settlements and dispute resolution save the parties and APEGA the time and expense of an investigation or formal hearing, often with improved satisfaction among the parties while also protecting the public interest.



The Association of Professional
Engineers and Geoscientists of Alberta

Proposed
legislative change

- Amend the *Engineering and Geoscience Professions Act* to give APEGA additional settlement and dispute resolution mechanisms to resolve complaints.
- Amend the Act to expressly authorize the Registrar to directly settle complaints, with the consent of the complainant and the person who is the subject of the complaint, without needing the Investigative Committee's approval.

Effect of the
proposed change

- It will improve regulatory effectiveness and efficiency by introducing flexibility into the legislation and by giving APEGA additional settlement and dispute resolution mechanisms to resolve complaints without needing full investigations or disciplinary hearings.
- It will give the Registrar the ability to directly settle complaints, with the consent of the complainant and the person who is the subject of the complaint, without needing the Investigative Committee's approval.
- It will allow APEGA to better use its resources and make those resources available for complaints that cannot be resolved in any other way.