

APPENDIX 2

Comments & Questions from Winter 2016 In-Person and Webinar Consultations

March 2016



The Association of Professional
Engineers and Geoscientists of Alberta

Appendix 2 – Notes from In-Person/Webinar Consultations

The following individual feedback is from in-person and webinar consultation meetings held with Members and Permit Holders in the Winter 2016 round of consultations. Comments and questions, as recorded by transcribers at the meetings, have not been edited, but they are not necessarily direct quotations.

Authority of the Practice Review Committee

- Does PRC have required manpower or would be better to separate PRC from reviewers of the standard?
- APEGA is granting permits to practice to organizations that may not be residents of the province. Customers are demanding work to be done in the province as opposed to offshore. How is APEGA going to deal with this? Follow up comment: Engineers in AB are stamping work done in India, China, etc. APEGA needs more than 16 volunteers.
- How will foreign licensees be regulated? For example, for something in Alberta where the design is outsourced.
- How are other engineering societies handling this?
- Will this address the issues we have in the profession? Many engineers who don't do engineering work are getting registered but incapable of designing anything.
- Two concerns: 1. Authority of the PRC: having mostly volunteers is concerning as they may not have enough knowledge or drive. 2. APEGA needs to make sure engineering abides by applicable standards, yet insurance is not required in AB. APEGA should consider requiring practice insurance to protect the public.
- Why the change from a board to a committee?
- Makeup of committee?
- How does this address a representative sample given the number of members (low number of volunteers given the high membership numbers)?
- Would reviewers be hired? Funded how?
- Is this required by GOA?
- Cost estimate of doing this?
- There are other models that might be less expensive. Concern about the funding model without deliberate thought
- What is the jurisdiction of this committee to review permit holders of non-residents?
- We have talked that the Council already has authority. How are the new standards/legislation to be developed to ensure horses are put before the cart?
- The ambiguity for a complaint or unprofessional conduct goes to a committee, how is the professional practice reviewed?
- Is there any internal auditing process for complaint against a consulting company?
- With the make-up of the PRC I am assuming members are from all over Alberta and multi-disciplined – realistically how much can they do especially as they are volunteers?
- Are the PRC themselves setting up their expectations and how much they could get done in a year?
- Will PRC decisions be available for members to review so that there is transparency – will there be transcripts available as well?

- Can you comment on the professional licensees and what is being proposed? What decision has been made?
- What will be the potential cost of getting experts for the reviews of practice guideline/standards? Has this been looked at?
- What is an estimate in terms of dollars for cost of this?
- Why not mandatory review exam or test after a period (10 years or so)?
- Who qualifies the reviewers?
- Were there specific government concerns on their request for the review? If not why the huge cost to spend on plan?
- Why not a sample of the entire pool, instead of all?
- How does this process compare with the medical professional?
- Is this a move from volunteer based PR board to a staff based board?
- Standards and guidelines etc. – aren't there any now?
- Practice reviews – are these to be changed in terms of how we go about it rather than specifics of what each practice does?
- PRC is going to exist parallel to what in the current structure? Are the authority levels going to be stated and the process stated?
- What is the difference between PRB and PRC? More authority for PRC?
- Have the current standards been held back in any way - will there be an improvement and increase in the number of standards and guidelines
- Are there rules for selecting members of PR panel?
- APEGA is moving in the right direction
- Are 16-18 members enough for PRC; do we need more rotation of members through the committee?
- Will there be education on “standards”?
- Will members be consulted on any CPD changes?
- Need more involvement of different experienced members in CPD.
- Will APEGA use subject matter experts for specific reviews or panels?
- How detailed will standards be?
- Why are guidelines not approved by council?
- Differing industries and size of companies have differing practices. One set of standards for all doesn't work – need consideration of differences between practices. Be sure standards are appropriate for all types of practice.
- Need to focus on standards on 20% of companies that do 80% of the work e.g. large companies
- Does the “committee” accept complaints right now?
- What happens if the committee realizes there is no way forward?
- Who in the board starting an investigation can follow up? Discipline?
- What is the cycle to be able to review the permit?
- Will we be hiring specialists the way other associations do?
- What is driving this idea, is from the public? Has the public lost confidence?
- Are we mimicking what the Investigative Committee does?
- Practice Review Board will just change names?
- Will number serving on committee will change?
- What is process for nomination to PRC?
- Are positions on PRC volunteer positions?
- How is practice review triggered?
- What if something happens before new legislation is in place?

- Is the PRC objective to raise the Member's competency?
- Is there a public member associated with the PRC, and is he/she engaged in the decision making process?
- How will we enforce legislation with Members all over the world, and how to interact with local regulations?
- How is diversity being included in the Committee in terms of the different disciplines APEGA covers, and also in terms of generations and cultural diversity?
- Is APEGA in sync with other jurisdictions and provinces?
- Is APEGA consulting with GOA through the development of this changes?
- Is the objective of the committee to increase competency?
- Is the wording the final wording? There are some inconsistencies – clean up unnecessary wording?
- Should we say “must” comply not “shall” comply? It is important the order is followed.
- How is the PRC going to be established? Are the member's volunteers or paid?
- Need to clarify what council approves
- Reference to Human Rights Commission case – are we going to put in regulations not appealable to the H.R. C.?
- What is criteria for PRC members?
- Will PRC establish subcommittees including subject matter expert?
- Audit on permit holders or members – how?
- What is the timeline for the legislative review?
- What is an example of modernizing legislation?
- Will the PRC committee continue to be a volunteer committee?
How is APEGA looking to address the "volunteer" capacity to manage the various aspects of the profession given the growth and desire to become more diligent with the self-regulation requirement?
Do you see the CPD requirements changing significantly from current requirements?
- There are very few people from APEGA weighing in on this so is this what the membership needs at this time?
- What is the present timeline to implementation?
- Are other provinces doing this?
- How would a company undergoing an investigation be approached for sponsoring activities at the branch level?
- What triggers a practice review?
- Are policies to trigger practice reviews to be developed?
- Initiatives to protect the profession are good, but I have concerns with the shift of sending engineering work overseas. We have no control over that overseas engineering e.g. There are no senior engineers physically being there to review the work or have the discussions. Those overseas engineers may know little of the relevant concerns in Canada.... How can we protect the profession from this?
- PRC reviewing permit holders.... How can the PRC regulate/review/take care of an increasing number of permit holders?
- How will the PRC authenticate CPD credits of members?
- How will new standards be developed to match technological development?
- It was mentioned APEGA would try to emulate other professional organizations. What aspects are we trying to emulate?
- How many other self-regulating professional organizations are there in Alberta?

- So this is a professional review? Not a technical review? Because a big part of being an engineer is technical. How can this be captured in only a professional practice review?
- It sounds like a huge undertaking and take a long time to provide these professional standards
- Does everybody need a permit number?
- Has any thought be given as to how the audits will be triggered – engaged by a complaint; randomized audits?
- Are there guidelines for PRC on how members will be reviewed?
- There is a significant amount of authority being given to the PRC and members. What are the qualifications for members on the committees? Would guidelines be reflective of the views of the Court? What is being done at APEGA to ensure standard & quality of care?
- Is there anything that has been put in place to ensure consistency of decisions given that volunteers on committees come and go? Who will vet the decisions?
- What are the changes from Board to a Committee? Is there any rational behind this? Could you explain the make-up of this committee?
- You have 16 volunteers to address the review of practice over thousands of people, if not more, is something else going on here?
- Does this mean you are going to hire reviewers?
- How is this going to be funded?

Authority of the Practice Review Committee to Establish Practice Standards, Guidelines and Bulletins

- Is APEGA intending to enforce guidelines?
- What will this process do to prepare the standards?
- Will this include standards of Education?
- We have PPMP and we follow that, so my interpretation is that now there will get more APEGA guidance in developing that PPMP. Right now it is up to us and we have done it according to what we think is right, but we will now get more guidance and standards from APEGA saying that this is what should be covered in PPMP – am I correct?
- What is going to be your process as you develop your guidelines and standards?
- Moving towards the ISO – consideration of this when developing guidelines/standards
- Cross jurisdictional registration reporting – keep this in mind when developing guidelines/standards.
- Once the standards are published is APEGA going to have a training, testing piece?
- What is your timing on this – is it in parallel with this legislative review or is it coming after the Act?
- How are non-APEGA members to be held responsible?
- Statistically, what or how many practices violations have been observed in recent years to mandate this legislative review?
- Why does the Council approve standards and bulletins and not guidelines?

- How do we keep standards from going too deeply into technical specificity?
- Mandatory standards can help self-management of the profession.
- Is there any limitation on legislation/regulations?
- Is the practice looking at costs?
- How do you see PRC conducting a review dealing with a company that has different permit holder and professional members?
- Is there going to be an overlap between committees regarding responsibilities?
- Since APEGA is becoming the government-only association – why is the government not financing this?
- Are the standards technical? What other kinds of standards are implied?
- Is a bulletin similar to a standard? Is the bulletin mandatory or just a standard. Make sure that bulletin is mandatory.
- Are we including geophysical professionals?
- What is the timelines we are looking at?
- What would the guidelines look like? Are they directed to technical or practice regulations?
- Important to understand the importance to the difference of developing guidelines and standards.
- Is the intention to make effect on the difference of bulletin/standard – doing the right way. How long is it going to take?
- Is there a plan to cover all the gap in regards to personnel (# of volunteers) to be able to do the changes?
- How can all 4600+ members be reviewed?
- At what point does the PRC start the process of writing the Standards, Guidelines and Bulletins? What is the timeline?
- What if something happens in between (the timeline) that is a threat to public health and safety?
- Who has the ability to change these standards, bulletins etc.?
- Is a public member in charge of changing standards, bulletins? What if they are not aware of the practice?
- We have to have a good relationship with Members not in Alberta
- How to you include diversity in establishing standards?
- Does this include technical standards?
- How are the standards created? What is the criteria?
- How do we compare with other provinces on creating standards?
- Need to have appeal process with practice standards.
- PPMP will come into the standards
- Other than authentication of documents, can you give another example of a standard?
- In terms of what we do right now re: standards, guidelines and bulletins – missing is the authority to assure the standards etc. are being following by members & PHs
- I think the newly added Bulletin feature is a good one, since all members are going to be well informed with all practice related issues in the real world.
- What is the process for developing the standards? Will member consultation be done?
- Are the Practice Standards, Guidelines and Bulletins being developed from 'scratch'?
- Approval of standards, guidelines and bulletins by Council - what is the frequency of this approval?

- Production of standards can be quite complex and take a long time. Do we have a plan or are we in the planning process so it is being done parallel to the legislative review process and going to the Government of Alberta?
- I noticed it in a number of slides, I understand the difference between a Standard and a guideline, a guideline is not really mandatory, but then a couple of points talk about enforcing guidelines, and I don't think that is what is intended, although is not in there with mobility review and see if you are reforming too, guidelines.
- We have seen a very few standards currently, I think I have known of 5.
- In a process, where one of the orders possible is the complete cancelation of a membership or licence, no right of appeal is something that is unfair. I would also try to clarify something here, some of the bullet points indicate that reviewers could make recommendations, but failing to accue to a recommendation results in a punitive situation, where the individual will have to go before a panel. If it is a recommendation, is not mandatory, it is an order; the language should be clear.
- How are other engineering societies in Canada handling this?
- There are a lot of engineers that are not doing engineering work that are coming to register as P.Eng., in my view they are not capable of design anything. I speak from a consulting perspective, but is a real problem, because I know, from my understanding, I do not see anything here that is addressing these kind of issues.
- The authority of the practice review, you are having them mostly from volunteers, in the process, are you ensuring that the people that are in charge, they understand those kind of processes?
- Also, you are talking about making sure engineering is subject to practiced standards, protocols and all that stuff. Here, in AB, if you hire a lawyer, accountants, doctors... all of them are required to have mandatory insurance, but we don't have that requirement for engineers in AB. BC and Ontario required too, but we don't have it. It means, if you are interested in the public interest, they should have also this type of protection.

Authority of Practice Reviewers to Make Recommendations

- What's the difference between a mandatory recommendation and an order?
- How many practice reviews are done per year?
- Who selects the names of the firms being reviewed?
- How do you go about selecting the reviewers and what are their qualifications?
- We need full time paid investigators to allow consistency in the process. You're not getting this consistency through 46 permit holders and a small number of practitioners.
- I support the process but believe APEGA is embarking into a huge process. We need the standards and best practices in place before we go forward with this.
- All other professionals have much more expensive annual fees. With all this additional bureaucracy our fees may need to go up too.
- If a firm or company or individual is being investigated, is this confidential or is the information shared, including recommendations?
- Will all reviewers be professional members?
- What's the difference in the PRC and Investigative Committee?

- Concern that a reviewer may not be in a position to make a recommendation; however, they may have findings.
- Is there another body/individual that can make recommendations with authority? Language should be stronger.
- We should not be creating an entire industry around these new processes
- Need clarity of wording relative to mandatory standards. A 3rd party may be required, which would be the review panel of your peers
- Will the committee randomly pick professions and practices?
- Does that mean reviewing all – consultants, engineers, contractors?
- Will the PRC become a larger body?
- Is there an established number of practice reviews per year?
- What will the panel review – technical review or process review?
- Now more engineers are in managerial roles compared to engineering roles – what will be reviewed for such engineers?
- How do you distinguish the practice reviews between practicing professionals and permit holders?
- Is there a different approach for practice review vs member review?
- Will APEGA in future conduct practice review randomly and provide recommendations to the professional members?
- Comment – In British Columbia the permit holder has documented to follow how the engineering work is done, documented, etc. They do have liability insurance in place to cover for their engineering design deficiency related issues. How is it done in Alberta?
- Will there be an interim period for information in cases of a panel or reviewer making a recommendation/order?
- What will trigger a practice review?
- How will these reviewers be selected?
- Do we check the qualifications of permit holder? How will this legislation enforce this?
- How will the spectrum of reviews be done to cater to the large variance of permit holder work details?
- How long will this take? How will we protect the public during the period of full review?
- Why don't we focus more on members (P.Eng.) as against permit holders?
- How specific will these standards be? Who determines those specifics?
- Are there no other methodologies to use instead of reinventing the wheel? Plans to reduce cost?
- Is part of the intention of the change make the organization more responsive – swifter to respond?
- Can recommendations and suggestions be appealed?
- How do you proposed to separate process from education, practice and technical detail? How do we draw the lines? How do you separate/draw the lines with respect to general standards from detailed standards and cutting edge standards?
- Recommendations all seem reasonable and what is required by today's standards and expectations
- What triggers the review? Who brings the review to the PRC?
- Important to highlight the role of the new Committee and their authority – key change. Support the change. Good to make the organization more adaptable to changes

- Will APEGA have every member and permit holders reviewed to see if they have deficiencies? How will this happen? How do you determine who gets the review
- Who will do review of reviewers to establish consistency?
- Who appoints practice review committee?
- What triggers a practice review?
- Would reviewers have ability to compel non-members and non-permit holders to provide information?
- How do you maintain trade secrets and confidentiality between permit holders in review process?
- Review panel size?
- If clients require us to do something that violates standards who do we consult?
- COMMENT: APEGA should go to other regulators to request that all documents must be stamped to be received. e.g. AER, Albert Environment & Parks
- Are practice reviewers potentially also members of the practice review panels?
- Need assurance reviewers are truly qualified to review a specific practice!
- In smaller companies business practice and technical practice?
- Regardless of size of practice the standards/steps would be similar?
- Technical “trade secrets” could be revealed to reviewers who are potential competitors.
- Processes can vary between companies especially regarding size of company – broad standards can negatively impact a company unnecessarily.
- What protects reviewer – Act should protect reviewer from liability
- Does this apply mainly to consultants?
- Are there going to be volunteers only? Are there PRs on the committees?
- How are members selected?
- Are the PRs appointed by elections?
- Are there current limits for PRs?
- Is the PR’s decision going to be approved by Committee?
- Currently the Development Program is reviewed at random - how is it going to be in the future? Who is going to review it?
- Is CPD going to change?
- Concern about development of guidelines and standards and applicability to a specific area
- Relationship between Discipline and Investigative Committee – is PRC more related with permit holders and Investigative Committee is to be involved with written complaints?
- If PRC decides to escalate some matter to the IC, and the IC decides to apply measures, does it go back to PRC?
- What happens when there is a conflict between PRC and IC?
- Does AER has authority to issue orders?
- The PRC would have experts in the subject matter – are the experts members of APEGA?
- What are the differences between practice review committee, investigative review committee and discipline committee?
- What happens when there’s conflict between PRC member and investigator?
- When someone gets direction for more education – courses can be difficult to take at University (no extra outside of programs usually offered) – could U. of A. assist in this?
- Is it the PRC who assigns the panel reviewers?
- How will the reviews be conducted?

- APEGA already has a disciplinary committee who has the authority – why does it need to be dealt with by Practice Review Committee?
- When APEGA does an audit and recommends something and a problem occurs, will APEGA have any liability?
- Are there any guidelines to differ between different levels of deficiencies or will you create a framework?
How is the practice reviewer monitored to make sure a thorough review is done before it goes to the Review committee?
- With respect to the reviews are we talking about are they reviews of management practices not just engineering practices? Could be an issue if the reviewers are asking to see documents that would fall under privacy laws.
- How will the review panel get information on those who have bad practice and what would they do if on a review they see/notice unskilled practice?
- How will reviews be started by the PRC?
- What is the difference between The Practice Review Committee and the Investigation Review Committee? How long does it take to check a complaint? Or do they try prevent any problems regarding the practice? What is the relationship between this committee and the investigation committee?
- I am not seeing language that distinguishes a recommendation from a finding or deficiency. The concern that I have comes from document quality management. In our group, I wouldn't like a reviewer giving the practice review findings, with not giving recommendations, they will identify findings, or opportunities for improvements, or in non-conformities, but will not recommend a solution. And so, there will be a separate group, either the permit holder or the member, will come up with a new establishment to address and verify the effectiveness of the convergence needed to close the finding. Or they will seek out some help of an entire industry of quality management people who will work with them to pull forward a recommendation that would be satisfactory. I don't see that this is mentioned here. So, my concern is, when we talk about, educated reviewers, they have the right to go forward, but we want to make sure that we don't have the trouble when we have a reviewer, that they make a recommendation, because they don't like the way things are being done, as compared to what is actually a Standard. So, I will like the language to be stronger here. We don't want to create an industry around this. I would like this as simple and straight forward as possible.
- PR will be independent from PRC?
- I would like to have some clarity, what is the difference between a recommendation and an order?
- Currently, how many practice reviews are done yearly?
- What is the break down in time between the committees involvement in doing the actual practice reviews, and who selects the names of the firms are going under review?
- How are you selecting the reviewers? What are their qualifications? What are the qualities they should have to review?

Authority of Practice Review Panels to Make Orders

- Opposed to the lack of appeal.
- Cancellation of membership or licence - Not having appeal is unacceptable.
- Reviewers are able to make a recommendation, which could be punitive. If it's a recommendation it's not mandatory.
- This is inconsistent with the Alberta Energy Regulator. They are looking at resources in AB and not regulating the profession. They still accept appeal.
- Regarding giving orders, what areas are we talking about?
- How many and how often are orders issued now?
- This question is related to appeal process issue. If one has question or disagree with the panel's review, is there any appeal process?
- Concerned that review panel is "final" decision.
- Let's take a look at the current discipline process as a model - the Discipline Panel is the one who makes a decision, but that decision, is still appealable. The decision of the Practice Review Panel will not be appealable. So, there is one less level of review open to you, to a Permit Holder, or a company, and that is the problem that I have with this process. A decision to terminate an investigation is actually, or there are parts of the investigation that are not appealable to other bodies, and so, the appeal board becomes the last form. The termination by an investigation committee dismissing a complaint is something that can be appealed to the appealing board but cannot be done outside of the association, without going to the extensive complexity of the initial review. Again, eliminating one level of appeal
- Panels are created by members of the PRC – does that mean that the panel is going to consist of those members or they are going to designate people to the panels?
- One area of conflict is that the review committee does the initial review and then would recommend whether or not someone could go to appeal and then if someone is appealing the decision would they still be going to the panel with the same people that is on the panel?
- Lots of reference to many panels and it gives the perception that there is not going to be consistency and transparency.
- Should be certain to make sure that there is an expectation of time built into the panel's mandate so that things are done in a timely fashion – set time expectancy for the matter.
- The appeal process – where would the appeal panel members come from? Need clarification on how the process would work.
- Is there any coordination between Alberta and other provinces?
- Decision of the panel cannot be appealed – does this mean that someone can appeal the decision in Court?
- Will the Appeal Board have no more effect?
- What is the platform for an appeal?
- Can panel decisions be challenged?
- What stage in the process is an appeal possible?
- Is this consistent with how AER works?
- How will panels be formed?
- Panels seem to have a lot of authority.
- How is timeliness for reviews addressed? For example, reviewing a member's qualification to practice.
- How will consistency be applied among many different sub-panels?

- Ultimately final appeals of orders should be able to be made to Council if Members need to do so (similar to other jurisdictions)
- If a member disagrees with reviewer recommendation where does he appeal? Who makes the final decision?
- If the PRC decides to follow-up on an investigation, does it ever come back to PRC in the process?
- How does issuing orders from Panel differ from Alberta Energy Regulator?
- Concern about the process of making decisions: what if an investigation is referred to PRC and the Panel has authority to make orders? In what case would authority go to the Registrar? What if a next step is required in very important case?
- The member should have the right to appeal to a higher level.
- Can those Panel decisions be final? What about another appeal?
- What if PRC is reviewing a case and they decide that there is not any harm to the public - will it be up to the panel to decide to cancel/suspend? What if there is harm – Can they decide to suspend the membership/license? Who decides the fines that can be levied when there is/isn't harm?
- Need to make sure have an appeal process.
- If take to appeal, will the same members of the PRC who made the decision be on the Appeal Board?
- Aren't you giving too much power/authority to PRC?
- If this is put through, will there be more audits and will there be more tools?
- Can you please recap why practice reviews are initiated?
When they say the decision is final, does that mean that the person cannot appeal the decision in a provincial or federal court?
- Can a permit holder be a single person?
- What is the difference is between a Committee and a Board?
- Are there provisions for some kind of interface between APEGA and other levels of government?
- Can the Review Committee take disciplinary action?
- Can Members appeal a panel decision?
- What are the timelines for the whole legislative review and change?
- Will the PRC be effective after the Legislative Review and change is finished?
- What provincial government Department does this legislation fall under?
- How many of these Legislative Review consultations are left?
- Does PRC have the authority to approve work before the Legislative Review is completed and change takes effect?
- How often will the Legislation be reviewed (like we are currently doing) in the future?
- Are we eliminating appeals?
- Are these Review Panels specialized depending on the situation that is brought before them?
- Will there be an appeal process?
- By looking at the authority of the panels to make orders, the decision made by the Review Panel is final, does it mean you are going to eliminate the appeal board, that there is not source of appeal once a decision is made?
- I want to express my opposition to the lack of appeal, I am not supporting this recommendation.
- The appeal board becomes the last resource. If it cannot be appealed outside the organization it is not viable.

- Going to give PRC discipline authority in hope to avoid litigation so you are removing that appeal process – will there be an arms-length or independent appeal process?
- The slides indicated that what is being proposed is similar to a couple of other bodies, those are, Alberta Energy Regulator (AER), and Alberta Environment and Parks (AEP). Something that is inconsistent, however, is that AER and AEP do have appeal processes for their decisions. Again, this is trying to eliminate that. There is another aspect too, both AER and AEP are looking after the resources that are owned by the people of Alberta, not regulating a profession, so, I was going to ask, how other professional groups have gone models like this with no advocate for appeal?