

WE'RE LISTENING

Winter 2016 Consultation Summary

March 2016

The Engineering and Geoscience Professions Act



The Association of Professional
Engineers and Geoscientists of Alberta

Table of Contents

- 1. ABOUT THE LEGISLATIVE REVIEW 3
 - 1.1 Background 3
 - 1.2 Council’s Response to Input 3
 - 1.3 Winter 2016 Consultations 4

- 2. METHODOLOGY 6
 - 2.1 Champions Collaborative 6
 - 2.2 Consultation Sessions 7
 - 2.3 Survey 7

- 3.0 SURVEY RESULTS 8

- 4.0 CONCLUSION 16

1. ABOUT THE LEGISLATIVE REVIEW

1.1 Background

This report is the third in a series of consultation summaries related to APEGA's legislative review. The summary gathers all the feedback, data, and insight provided by Members and Permit Holders regarding the seven proposed recommendations discussed during the winter 2016 consultations, held in February and March 2016.

As one of Alberta's self-regulating professional bodies, it is important that APEGA ensures its governing legislation continues to protect the public interest and reflect current practices in business and industry. That is why APEGA's Council identified the legislative review as a key strategic initiative two years ago and is working with the Government of Alberta (GOA) on the development of the new legislation.

Consultation is a crucial part of the legislative review process. The *Engineering and Geoscience Professions Act (EGP Act)* defines our Members' responsibilities, and it is important that all Members of APEGA and our stakeholders have a say in possible changes to the legislation. To date, three rounds of consultation with Members and Permit Holders have been conducted – one in the spring of 2015, one in the fall of 2015, and one in the winter of 2016.

In the fall of 2016, another round of consultation will take place, and APEGA will consult with Members and Permit Holders on more proposed recommendations, primarily related to the *General Regulation*.

1.2 Council's Response to Input

APEGA's Council is using the feedback from all in-person consultations, emails, and surveys to evaluate proposed recommendations for changes to the Act. These recommendations address solutions that Members, Permit Holders, statutory boards and committees, the public, and the GOA identify as important and relevant to our professions.

Spring 2015 Consultation Response

The first legislative review consultation was held in the spring of 2015. Results from that process can be found on the legislative review website, accessible through apega.ca in the *We're Listening: Spring 2015 Consultation Summary*, published in July 2015. Council reviewed the feedback contained in the report and determined that Members and Permit Holders are in agreement with the principles of the proposed recommendations presented in the spring 2015 consultations.

At a special Council meeting on October 6, 2015, Council endorsed all proposed recommendations. It did, however, make some changes and clarifications to three of the six proposed recommendations, in response to feedback contained in the spring consultation report. Council decided to:

1. Place a limit on the number of Members-in-Training (M.I.T.s) (through administration of the Nominating Committee) that could run for Council and a limit on the number of M.I.T. positions on Council.

2. Create a new Limited Licence designation that includes the word Professional.
3. Remove the requirement for a Professional Member to be Canadian citizen or have permanent residence status. However, a Professional Member must be a Canadian citizen or have permanent residence status to run for Council.

Fall 2015 Consultation Response

The second legislative review consultation was held in the fall of 2015. Results from that process can be found on the legislative review website, accessible through apega.ca in the *We're Listening: Fall 2015 Consultation Summary*, published in January 2016. Council reviewed the feedback contained in the report and determined that Members and Permit Holders are in overall agreement with the principles of the proposed recommendations presented in the fall 2015 consultations.

Based on Member and Permit Holder feedback, at a meeting on February 5, 2016, APEGA Council endorsed the proposed recommendations in the *We're Listening: Fall 2015 Consultation Summary* with one revised proposed recommendation related to complaints against former Members.

Instead of increasing to 10 years (from two) the timeframe within which a complaint against former Members or Permit Holders may begin, the approved recommendation requests amending the legislation to clarify that a complaint against a current or former Member or Permit Holder may begin within the limitation periods under the *Alberta Limitations Act*.

There were also several recommendations regarding differences of opinion of Members and Permit Holders regarding a proposed recommendation. After analyzing the results, three main reasons emerged as to why some Members or Permit Holders could not support the recommendation. The reasons were:

1. Members and Permit Holders were looking for the policy ahead of the legislative change that has to come first
2. Members and Permit Holders held an opinion based on their own interests rather than the public's interests
3. Members and Permit Holders were concerned about risks to APEGA

In these cases Council approved moving the recommendation forward in our discussions with the GOA, with the mixed feedback to be taken under advisement as part of those discussions.

1.3 Winter 2016 Consultations

The legislative review conversation continued in the winter of 2016 on another set of proposed recommendations for changes to the *EGP Act*, focusing this time on improving professional practice. The proposed recommendations cover:

1. Authority of the Practice Review Committee (PRC)
 - Developing standards for the mandatory Continuing Professional Development (CPD) program

- Developing Practice Standards, Guidelines, and Bulletins
- Developing Practice Review procedures and protocols
- Referring matters to the Investigative Committee or the Registrar
- Establishing the qualifications required for Practice Reviewers
- Establishing Practice Review Panels with decision-making authority and authority to make orders related to practice review findings
- Establishing eligibility standards for registration as a Permit Holder

2. Practice Standards, Guidelines, and Bulletins

- Providing the PRC the responsibility to develop APEGA Practice Standards, Guidelines, and Bulletins
- Providing the PRC the authority to approve Practice Guidelines
- Providing Council the authority to approve all APEGA Practice Standards and Bulletins
- Enabling the restriction, suspension, or cancellation of a licence or Permit to Practice as a result of failure to comply with Practice Standards and Bulletins

3. Authority of Practice Reviewers to Make Recommendations

- Authorizing practice reviewers to have the same authority in conducting practice reviews as investigators have in conducting investigations
- Requiring practice reviewers to provide a practice review report to the Member or Permit Holder whose practice was reviewed
- Authorizing practice reviewers to make recommendations to address deficiencies and compliance against standards identified during the review, including recommendations that must be complied with by the Member or Permit Holder within a specified period
- Providing a Member or Permit Holder the right to appeal a practice reviewer's recommendations to a Practice Review Panel
- Authorizing practice reviewers to refer a matter to the Investigative Committee or Registrar

4. Authority of Practice Review Panels to Make Orders

- Allowing all parties to make submissions to the Practice Review Panel before the panel issues an Order
- Authorizing Practice Review Panels to issue mandatory orders to Members and Permit Holders requiring remediation of deficiencies identified in practice reviews, and issue orders related to competence and Practice Standards including direction that courses, examinations, tutorials or other forms of professional development or skills training must be taken
- Authorizing Practice Review Panels to order that the licence or permit of a Member or Permit Holder be restricted, suspended, or cancelled if the Member or Permit Holder does not comply
- Authorizing Practice Review Panels to refer matters to the Investigative Committee or Registrar
- Expressly stating that the decision of a Practice Review Panel is final with no further appeal available

This report summarizes what APEGA heard during its winter 2016 consultation. We remain committed to reporting what we hear throughout the legislative review process.

Council will use the feedback from the winter 2016 consultations in the same manner as it did for the spring and fall 2015 consultations. APEGA will report the results of Council's review of the proposed recommendations in April 2016.

2. METHODOLOGY

APEGA used a number of methods to provide information and gather input from Members, Permit Holders, and other stakeholders during the winter 2016 consultations. More than 750 people provided input through the following opportunities:

- Champions collaborative meeting in Edmonton (February 8)
- Five In-person consultation sessions for Members and Permit Holders in Calgary (February 16 & 17) and four sessions in Edmonton (February 22 & 24)
- Go-To webinar consultation meetings (February 18 & 26, & March 3) with participants from across the province
- In-house Permit Holder consultation sessions
- Survey of Members and Permit Holders open from February 9 to March 9, 2016. (*Detailed comments can be found in Appendix 1*)
- Email submissions

Input from Members and Permit Holders is an important part of the review process and will influence recommendations to the GOA regarding changes to the Act. As the legislation affects other stakeholders too, it is also important that their feedback also be considered. Stakeholders include The Association of Science and Engineering Technology Professionals of Alberta (ASET), the GOA, other Canadian self-regulating associations of Professional Engineers and Geoscientists, and other self-regulating professional associations in Alberta. Their input has been requested at various stages as part of the consultation process and will continue to be sought throughout the rest of the legislative review.

Feedback received through the various consultation methods and data from the survey have been compiled and will be submitted to the GOA as recommendations to proposed amendments to the legislation.

Downey Norris & Associates Inc. facilitated the in-person consultations in Calgary and Edmonton and developed this summary of all the feedback. Software used for the survey was SurveyMonkey.

2.1 Champions Collaborative

The champions collaborative was brought together in early 2015 and consists of volunteers from Branches, Permit Holders, statutory boards, Members and M.I.T.s, and representatives of APEGA's senior leadership team. These champions are helping inform their colleagues of the legislative review process and are gathering feedback on all proposed recommendations. The champions met again on February 8, 2016, to review the winter 2016 consultation topics. They discussed the proposed legislative changes with a number of Members and Permit Holders and provided useful feedback on the proposed recommendations.

APEGA appreciates the time the champions are able to dedicate to the legislative review. They are instrumental in broadening the scope of the consultation by helping APEGA reach as many Members and Permit Holders as possible. A full list of champions can be found on the legislative review website, apegalegislativeview.ca.

2.2 Consultation Sessions

The winter 2016 consultation sessions consisted of a series of face-to-face meetings, webinars, and teleconferences, reaching more than 550 Members and Permit Holders who learned about and provided input on the proposed recommendations.

APEGA hosted facilitated consultation sessions in February and early March 2016, giving Members and Permit Holders the opportunity to provide feedback in person on the proposed changes. To formalize their input, attendees were also asked to complete the Member and Permit Holder survey after each session.

APEGA is grateful to the Members who volunteered to help gather the information by accurately capturing the conversations taking place. These volunteers used a template to document the discussions and feedback on the proposed recommendations. The complete set of questions and comments emerging from these meetings can be found in *Appendix 2*.

2.3 Survey

APEGA also conducted an online survey from February 9 to March 9, 2016, as a primary method to collect feedback from Members and Permit Holders on the proposed recommendations. The survey directed respondents to briefing notes on the proposed changes to the *EGP Act*. Information graphics and video clips on the proposed recommendations were also posted on APEGA's legislative review website to help Members and Permit Holders make informed decisions. Participants were asked for their level of agreement with seven proposed areas of change.

The survey results on the following pages are rounded to the nearest decimal place and are based on the full survey results. Verbatim comments can be found on APEGA's legislative review website in *Appendix 1*.

3.0 SURVEY RESULTS

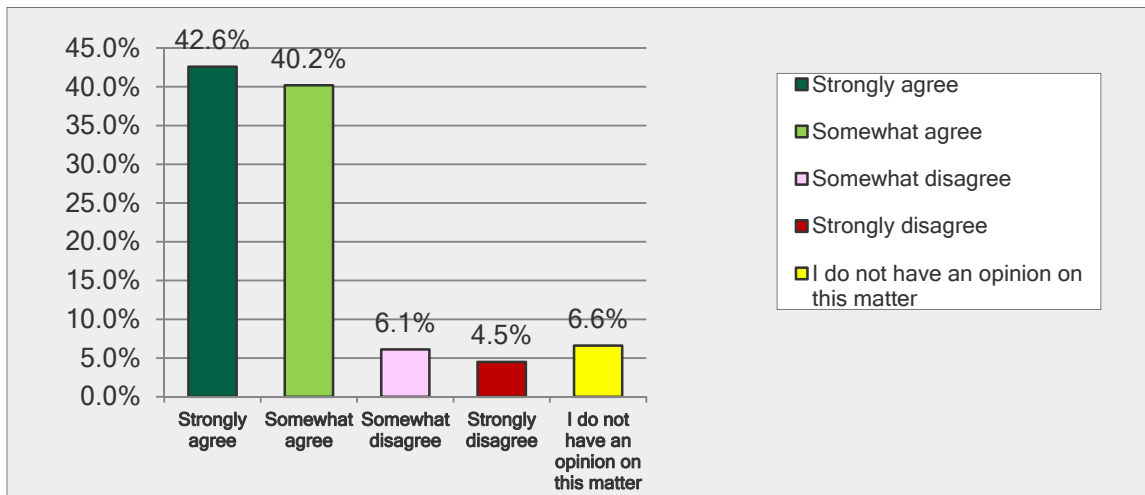
Question 1. Authority of the Practice Review Committee

The overall purpose of the Practice Review Committee (PRC) is to address competency in the practice of the professions. Current responsibilities and authority of the PRC include:

- Develop standards for the mandatory Continuing Professional Development program
- Develop Practice Standards, Guidelines, and Bulletins
- Develop review procedures and protocols
- Refer a matter to the Investigative Committee or Registrar
- Establish sub-committees and task forces as required

RECOMMENDATION: *It is recommended the EGP Act be amended to also give the PRC the following authorities: authority to establish the qualifications that practice reviewers must have to conduct practice reviews of Members and Permit Holders; authority to establish panels with decision-making authority and the authority to make orders related to practice review findings; and the authority to establish the eligibility standards for registration as a Permit Holder.*

- **83%** of survey respondents either strongly agreed or somewhat agreed with the recommendation
- **11%** somewhat disagreed or strongly disagreed



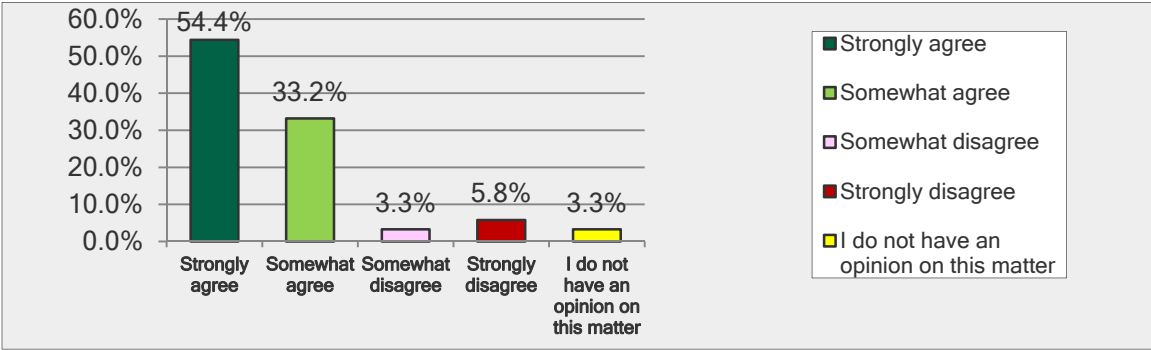
Question 2. Practice Standards and Practice Bulletins

To protect the public, Members and Permit Holders must be held to acceptable standards of competence and practice. *Practice Standard* means a document that establishes a standard of practice that Members and Permit Holders must comply with in their professional practice. *Practice Guideline* means a document that provides guidance to aid Members and Permit Holders in their professional practice and may include recommended best practices. *Practice Bulletin* means a document that addresses an issue related to the practice of the professions and remains in force until a practice standard on the issue has been developed or the bulletin has been repealed.

The Practice Review Committee (PRC) will have explicit responsibility to develop Practice Standards, Guidelines, and Bulletins. The process followed by the PRC in developing Practice Standards, Guidelines, and Bulletins will be established in Council policy and will include consulting with Members and Permit Holders during the development process.

RECOMMENDATION: *It is recommended that the EGP Act be amended to explicitly clarify that Members and Permit Holders must comply with practice standards and practice bulletins, and that failure to comply can result in the restriction, suspension, or cancellation of a licence or permit, and may also constitute unskilled practice, unprofessional conduct, or both.*

- **88%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **9%** somewhat disagreed or strongly disagreed

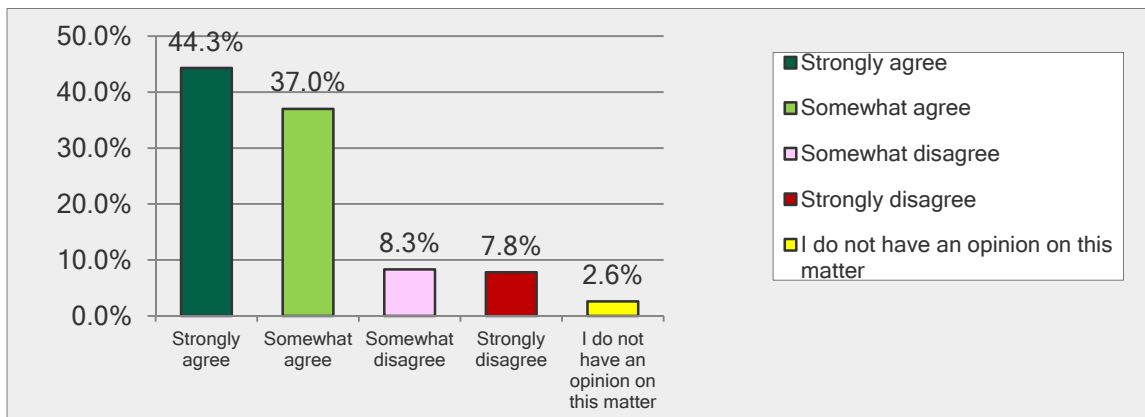


Question 3. Authority of Practice Reviewers to Make Recommendations

To effectively and efficiently exercise the mandate to protect the public interest through practice reviews, practice reviewers must have the authority to assess compliance against required standards and make recommendations to Members and Permit Holders to address deficiencies identified in practice reviews.

RECOMMENDATION: *It is recommended the legislation be amended to: authorize practice reviewers to have the same authority in conducting practice reviews as investigators have in conducting investigations, with practice reviewers conducting practice reviews as prescribed in the regulations; authorize practice reviewers to use subject matter experts to assist in practice reviews, if required; require practice reviewers to provide a practice review report to the Member or Permit Holder whose practice was reviewed.*

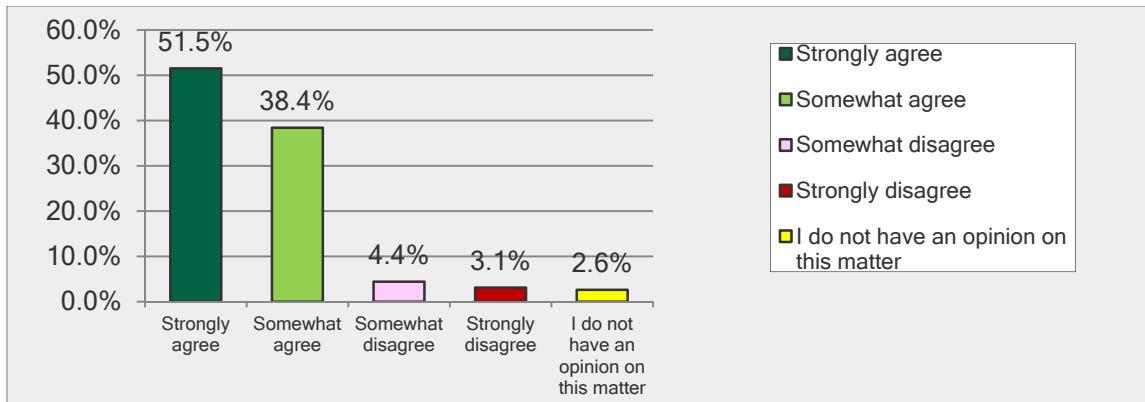
- **81%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **16%** somewhat disagreed or strongly disagreed



Question 4. Authority of Practice Reviewers to Make Recommendations

RECOMMENDATION: *It is recommended that the EGP Act be amended to authorize practice reviewers to assess compliance against required standards and make recommendations to Members and Permit Holders which address deficiencies identified during the practice review, including: the authority to make recommendations, in the form of non-binding suggestions, aimed at educating and supporting the Member or Permit Holder to aid them in improving their professional practice; the authority to make recommendations that must be complied with within a specified time period.*

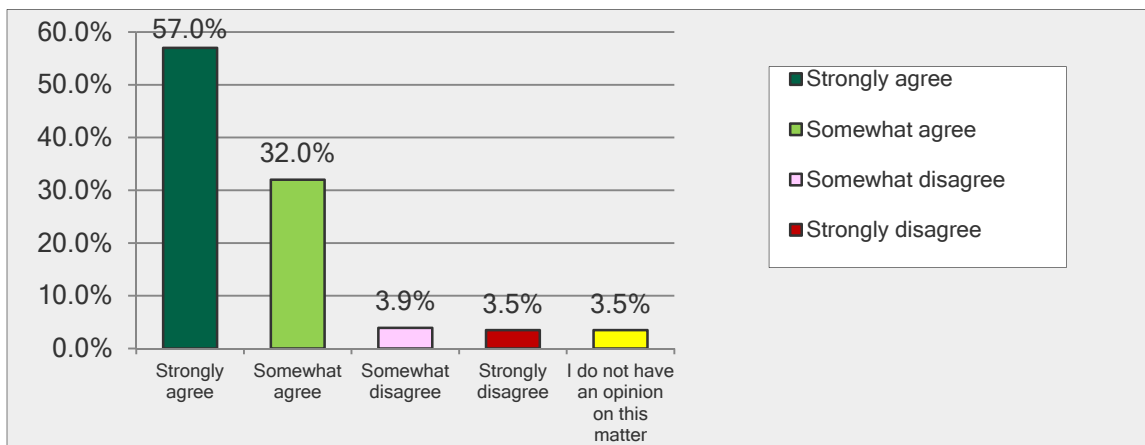
- **90%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **8%** somewhat disagreed or strongly disagreed



Question 5. Authority of Reviewers to Make Recommendations

RECOMMENDATION: *It is recommended that the EGP Act be amended to: authorize practice reviewers to refer a matter to a practice review panel if a Member or Permit Holder does not comply with a required element in a recommendation within the required time period; provide a Member or Permit Holder the right to appeal a practice reviewer's recommendation to a practice review panel; and authorize practice reviewers to refer a matter to the Investigative Committee or Registrar.*

- **89%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **7%** somewhat disagreed or strongly disagreed



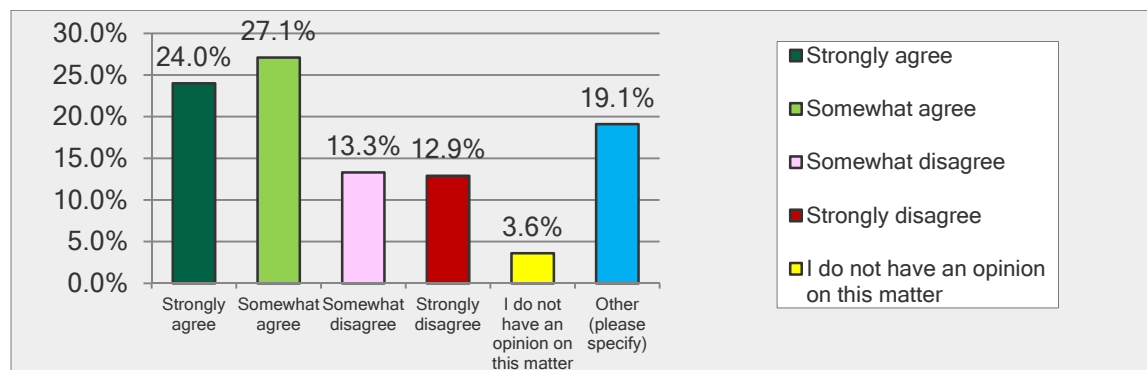
Question 6. Authority of Practice Review Panels to Make Orders

APEGA must have the ability to conduct meaningful practice reviews. Having practice review panels with decision-making authority will improve regulatory effectiveness and efficiency. The committee as a whole currently has authority to make orders. Moving the authority to issue orders to practice review panels will maintain consistency within the regulatory system and mirrors the current APEGA model of having panels with decision-making authority like the Discipline Committee, the Appeal Board, and the Investigative Committee (proposed). Peer review will be maintained. Panels will be formed from members of the Practice Review Committee (PRC).

RECOMMENDATION: *It is recommended the legislation be amended to: authorize the PRC to establish panels with decision-making authority and the authority to make orders related to practice review findings; expressly state that the decision of the practice review panel is final and there is no appeal; allow for submissions from all parties to be made to the practice review panel before the panel issues an order; and authorize practice review panels to issue orders to Members and Permit Holders requiring them to remedy deficiencies identified in practice reviews.*

- **51%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **26%** somewhat disagreed or strongly disagreed
- **19%** of respondents selected Other and provided additional detailed comments. These comments primarily reflected overall agreement with the majority of the recommendation but disagreement with a particular element, in this case the lack of further appeal processes.*

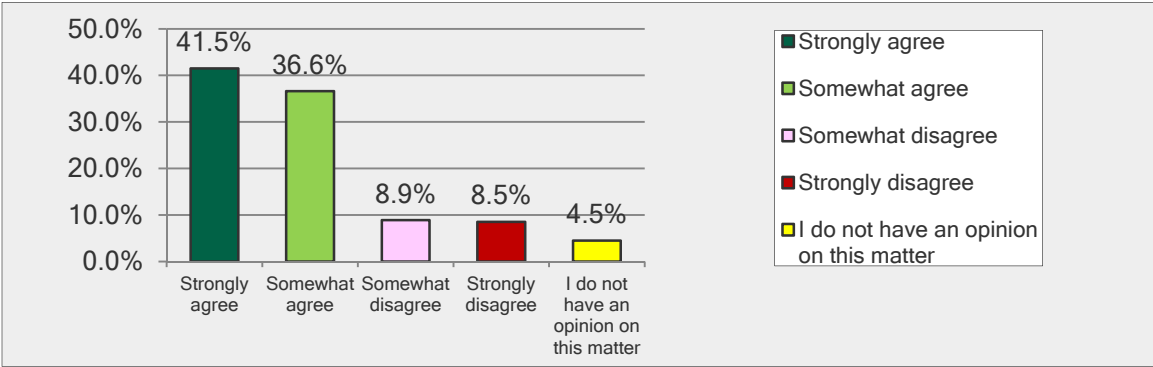
*In this survey question respondents were inadvertently provided with an option of selecting Other and then providing rationale for this selection, whereas this option was not included in any of the other questions. Please refer to the specific comments captured in this question in Appendix 1.



Question 7. Authority of Practice Review Panels To Make Orders

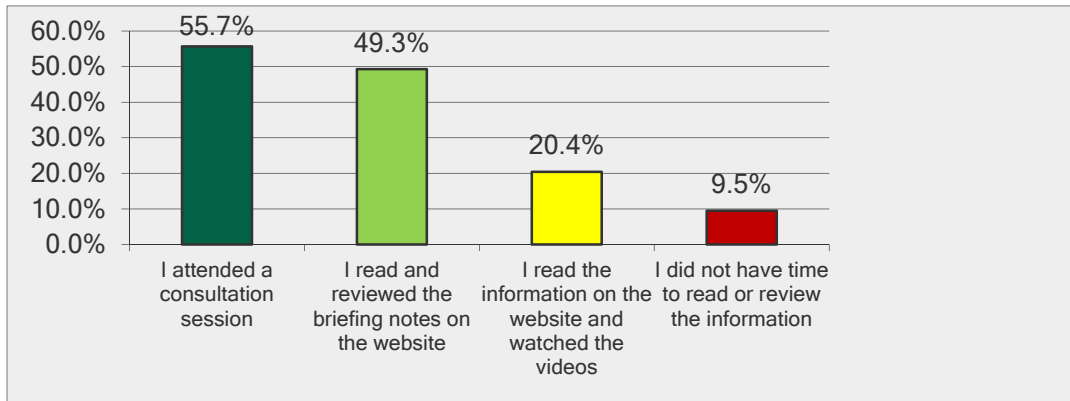
RECOMMENDATION: *It is recommended the legislation be amended to: authorize practice review panels to order that the licence or permit of a Member or Permit Holder be restricted, suspended, or cancelled if the Member or Permit Holder does not comply; authorize practice review panels to make other orders related to competence and standards of practice that Members and Permit Holders must comply with, including directing that courses, examinations, tutorials, or other forms of professional development or skills training be taken; and authorize practice review panels to refer a matter to the Investigative Committee or Registrar.*

- **78%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **17%** somewhat disagreed or strongly disagreed.



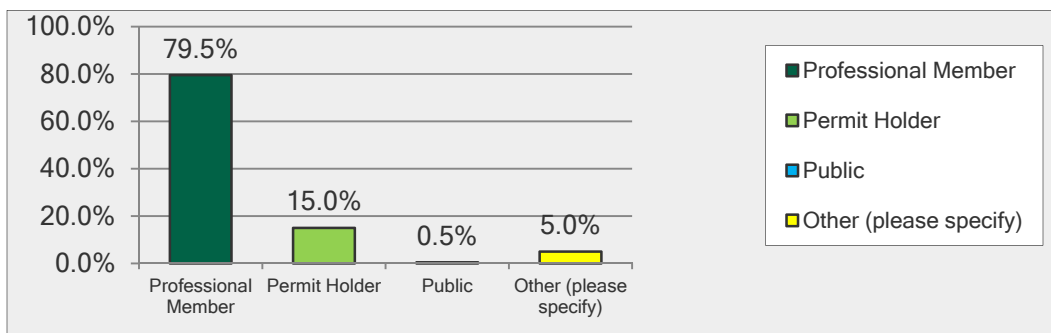
Question 8. How Survey Respondents Learned About Proposed Legislative Changes

- **56%** attended a consultation session
- **49%** read and reviewed the briefing notes on the website
- **20%** read the information on the website and watched the videos
- **10%** did not have time to read or review the information



Question 9. Profile of Survey Respondents

- **80%** were Professional Members
- **15%** were Permit Holders
- **0.5%** were members of the public
- **5%** were in the “other” category including:
 - Professional Member & Permit Holder (4 respondents)
 - Engineer-in-Training (3 respondents)
 - Professional Regulator for Engineers and Geoscientists (1)
 - Registrar for Professional Geologist Association (1)
 - Professional Member & member of the public (1)



4.0 CONCLUSION

The conclusion of the winter 2016 consultation sessions brought to a close consultations on the majority of the *Engineering and Geoscience Professions Act*. Following the spring 2015 consultation and its six main topics, the 15 topics discussed in the fall of 2015, another four primary topic areas were looked at during the winter 2016 discussions.

The proposed recommendations were discussed with more than 550 Members and Permit Holders at the winter in-person consultation sessions and meetings with the legislative review team across the province. As well, 244 Members and Permit Holders completed the survey, which opened on February 9 and closed on March 9, 2016.

As it did with the feedback received during the spring and fall 2015 consultations, Council will review all input received in the winter consultations. The proposed recommendations for legislative change may be put forward to the GOA as planned or with amendments to accommodate what APEGA heard is most important to Members and Permit Holders.

The insight provided by Members and Permit Holders is a valuable part of the legislative review process and APEGA appreciates the time taken by all who have provided input to date.

The next step of the legislative review will take place in the fall of 2016 with proposed recommendations for the General Regulations.