

Obligation to Comply and Cooperate

Improved Public Interest

Improved Regulatory Effectiveness and Efficiency



To better protect the public, APEGA's legislation should contain clear language to require Members and Permit Holders to comply with the governing legislation and related standards and policies, and to cooperate with and provide documents or information requested by APEGA as part of exercising its regulatory mandate under the legislation.



Currently:

- There is an implied obligation for Members and Permit Holders to comply with the *Engineering and Geoscience Professions (EGP) Act, General Regulation, Bylaws, and Code of Ethics.*
- The *General Regulation* includes specific provisions requiring compliance with the payment of annual dues, Continuous Professional Development Program and the Code of Ethics.
- The Code of Ethics states that Members and Permit Holders must comply with applicable statutes, regulations, and bylaws in their professional practices.



- Failure to comply with the *EGP Act*, *General Regulation*, or Bylaws or conduct that contravenes the Code of Ethics that is of a serious nature may constitute unprofessional conduct.
- Current tools available in response to a failure to comply or cooperate include treating the matter as a complaint and proceeding through the disciplinary process, or conducting a practice review.

Why is this Important?



- It is in the public interest that Members and Permit Holders comply with the Act, Regulation, Bylaws, Code of Ethics, Practice Standards, Practice Bulletins and policies established by the government and Council and provide APEGA with documents or other information requested by APEGA in carrying out its regulatory mandate.
- These obligations should be explicitly stated in the legislation so the public as well as Members and Permit Holders know what is expected and that there are consequences for failing to do so.

Why is this Important? (continued)



- In cases not involving discipline matters, APEGA can improve regulatory efficiencies and effectiveness by having other tools available in order to ensure compliance and cooperation.



It is recommended that the legislation be amended to explicitly state that:

Members and Permit Holders must:

- comply with the *EGP Act, General Regulation, Bylaws, Code of Ethics, Practice Standards, Practice Bulletins* and policies established by Council.
- cooperate with requests to provide all documents or other information made by APEGGA as part of exercising its regulatory mandate under the legislation.



- There are consequences for failing to comply or cooperate which could include suspending, canceling, imposing restrictions or not issuing or renewing a licence or permit to practice.