



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. Failing a resolution, the Registrar must refer the complaint to the Investigative Committee.
- If a mediated settlement is not reached within 30 days, or longer if agreed to by the parties, the complaint must be sent 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, the nature of some complaints, and the parties and circumstances involved lend themselves to resolution without the need for a full investigation or hearing while still having regard to the public interest.
- 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.

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.

