

# WE'RE LISTENING

*Spring 2017 Consultation Summary*

May 2017

*The Engineering and Geoscience Professions Act*



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# 1. ABOUT THE LEGISLATIVE REVIEW

## 1.1 Background

This summary report is the fifth and final in a series of consultation summaries related to APEGA's legislative review. The summary reflects all Member and Permit Holder feedback, data, and insights regarding the proposed recommendations discussed during the spring 2017 consultation, held in April and May 2017.

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 reflects current practices in business and industry. That is why APEGA's Council identified the legislative review as a key strategic initiative three years ago and is working with the Government of Alberta (GOA) on the development of 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 Members of APEGA and our stakeholders have the opportunity to have say in possible changes to the legislation. To date, five rounds of consultation with Members and Permit Holders have been conducted – one in the spring of 2015, one in the fall of 2015, one in the winter of 2016, one in the fall of 2016, and the most recent in the spring of 2017.

## 1.2 Council's Response to Input

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

### 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](http://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 generally agree with the principles of the proposed recommendations presented in the spring 2015 consultation.

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 consultation report. Council decided to:

1. Place a limit on the number of Members-in-Training (M.I.T.s) – to be administered by the Nominating Committee – who 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 a Canadian citizen or have permanent residence status. (To run for Council, a Professional Member would still be required to be a Canadian citizen or have permanent residence status.)

## 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](http://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 generally agree 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*.

For a few recommendations, Members and Permit Holders held differing opinions. Three main reasons that some Members or Permit Holders could not support recommendations were:

- They were looking for the policy ahead of the legislative change
- They held an opinion based on self-interest rather than public interest
- They were concerned about risks to APEGA

Council approved moving the recommendations forward in our discussions with the GOA – with the mixed feedback included.

## Winter 2016 Consultation Response

The legislative review conversation continued in the winter of 2016 on another set of proposed recommendations for changes to the Act, focusing this time on improving professional practice. Results from that process can be found in the *We're Listening: Winter 2016 Consultation Summary* on the Legislative Review website, accessible through [apega.ca](http://apega.ca).

APEGA Council reviewed feedback in the report and determined that Members and Permit Holders generally agree with the principles of the proposed recommendations presented in the winter 2016 consultation.

At a meeting on March 23, 2016, Council endorsed the proposed recommendations. Based on feedback, Council revised one proposed recommendation related to the authority of practice review panels. It had been proposed that practice review panel decisions would be final. After Council's revision, the proposed recommendation states that a practice review panel decision can be appealed.

## Fall 2016 Consultation Response

The legislative review conversation continued in the fall of 2016 on another set of proposed recommendations for changes to the Act. Results from that process can be found in the *We're Listening: Fall 2016 Consultation Summary* on the legislative review website, accessible through [apega.ca](http://apega.ca).

After review and discussion on January 25, 2017, Council endorsed all 20 proposed recommendations for improvements to our legislation. In reviewing feedback in the report, Council determined that Members and Permit Holders generally agree with the principles of the proposed recommendations presented in the winter 2016 consultation. In one instance Council approved an amended proposed recommendation related to primary liability insurance (PLI).

A PLI concern was the varying size of Permit Holders. An umbrella requirement for PLI may not recognize the different realities sole practitioners face in their practices, in comparison to larger Permit Holders. The original proposed recommendation was replaced by one that would give Council the authority to create policy, at a later date, on requirements for Permit Holders and Members to carry PLI.

In some cases, Council approved moving proposed recommendations forward with mixed feedback included as part of the discussion with the government.

With the fourth round of consultation closed, on February 1, 2017, Council submitted proposed changes to the *EGP Act* to the GOA, reaching a major milestone in the legislative review. The submission on regulation changes is slated for the end of June 2017.

All the recommendations are considered proposed because the GOA, as owner of the legislation, will write the *EGP Act and General Regulation*. APEGA has been consulting with GOA on a weekly basis since September 15, 2016.

### 1.3 Spring 2017 Consultations

The legislative review conversation continued in the spring of 2017 on another set of proposed recommendations for changes to the Act. The proposed recommendations covered the following areas:

1. Permit to Practice – Registration
2. Permit to Practice – Reinstatement
3. Investigative Panels Criteria for Interim Suspensions and Restrictions
4. Practice Prohibitions
5. Amendment – Professional Limited Licensee
6. Examination Candidates
7. Code of Ethics

This report summarizes what APEGA heard during our spring 2017 consultation.

Council will use feedback from the spring 2017 consultation in the same way it did after earlier rounds. APEGA will report the results of Council's review of the proposed recommendations in June 2017.

## 2. METHODOLOGY

APEGA used a number of methods to provide information and gather input from Members, Permit Holders, and other stakeholders during the Spring 2017 consultations, including:

- Six in-person consultation sessions for Members and Permit Holders in Calgary and Edmonton (three on May 4 and three on May 5) with the sessions conducted in Edmonton with a video conferencing link with participants in Calgary. (*Detailed comments can be found in **Appendix 2***)
- Go-To webinar consultation meetings (May 1 and May 8) with participants from across the province. (*Detailed comments can be found in **Appendix 2***)
- Electronic survey of Members and Permit Holders open from March 27 to May 21, 2017. (*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 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 in 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 our in-person consultations and developed this summary of all the feedback. Software used for the survey was SurveyMonkey.

### 2.1 Champions Collaborative

The champions collaborative, brought together in early 2015, consists of volunteers (M.I.T.s and Members) from Branches, Permit Holders and statutory boards, and APEGA staff members in leadership positions. These champions help inform their colleagues of the legislative review process and gather feedback on all proposed recommendations.

APEGA appreciates the time these champions dedicate to the legislative review. They are instrumental in broadening the scope of the consultation process 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](http://apegalegislativeview.ca).

### 2.2 Consultation Sessions

The spring 2017 consultation sessions consisted of a series of videoconferences and webinars, reaching over 140 Members and Permit Holders who registered to learn about the proposed recommendations and then provided input.

APEGA hosted consultation sessions and webinars in May 2017, 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 participant questions and comments emerging from these meetings can be found in **Appendix 2**.

## 2.3 Survey

APEGA also conducted an online electronic survey from March 27 to May 21, 2017, as a primary method of collecting 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*. We also posted information graphics and video clips on the proposed recommendations on APEGA's legislative review website, to help Members and Permit Holders provide informed feedback. Participants were asked for their level of agreement with the proposed areas of change. A total of 406 individuals participated in the survey.

The survey results on the following pages are rounded to the nearest decimal place and are based on the full survey results. Because of rounding and some respondents not answering all questions, percentages may not always total 100%. Verbatim comments can be found in **Appendix 1**.

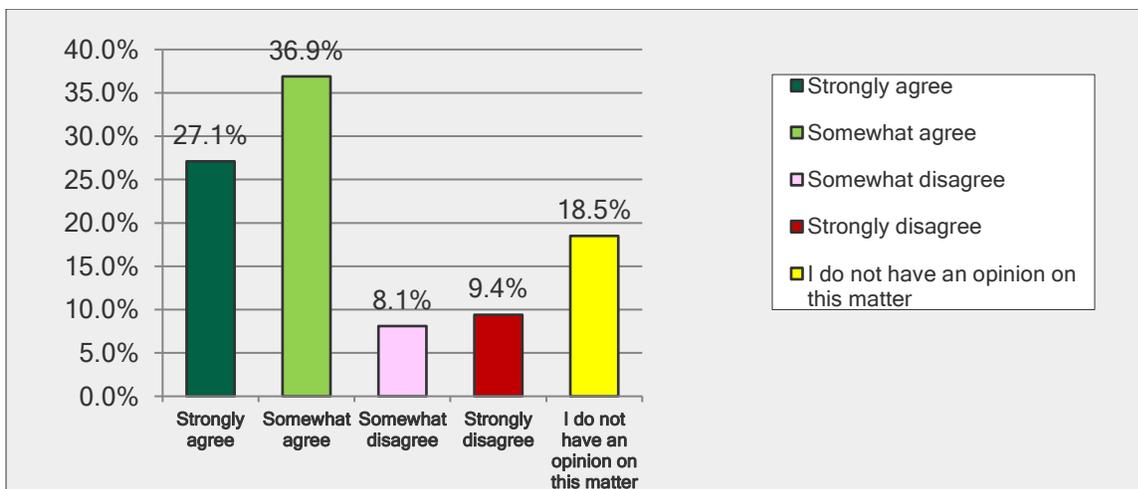
## 3.0 SURVEY RESULTS

### Question 1. Permit to Practice – Registration

To protect the public interest and safety, legislation authorizes APEGA to approve registration of all Permit Holders prior to issuing a Permit to Practice. Applicants must certify that a Professional Practice Management Plan (PPMP) is in place and appropriate to the professional practice. This will not change under new legislation.

**RECOMMENDATION:** It is proposed that the legislation be amended to explicitly:

- *Authorize practice review panels, rather than Council, to be the decision maker and consider applications for registration of Permit Holders in accordance with the legislation and criteria approved by Council*
  - *Authorize practice reviewers to evaluate the appropriateness of an applicant's PPMP and whether it can and will be properly implemented and to make recommendations to practice review panels*
  - *Authorize review panels to perform the following actions (in accordance with criteria approved by Council):*
    - *approve the application with or without conditions and restrictions; or*
    - *refuse the application*
  - *Indicate that in addition to the other requirements, an applicant must satisfy the practice review panel that it has a PPMP that is appropriate to its professional practice and that it can and will be properly implemented, in accordance with criteria approved by Council*
  - *Grant an applicant the right to appeal a decision to the Appeal Committee*
  - *Authorize the Practice Review Committee to delegate to the Registrar's office the ability to review applications for registration as a Permit Holder and make recommendations to practice review panels, in accordance with criteria approved by Council*
- 
- **64%** of survey respondents either strongly agreed or somewhat agreed with the recommendation
  - **18%** somewhat disagreed or strongly disagreed

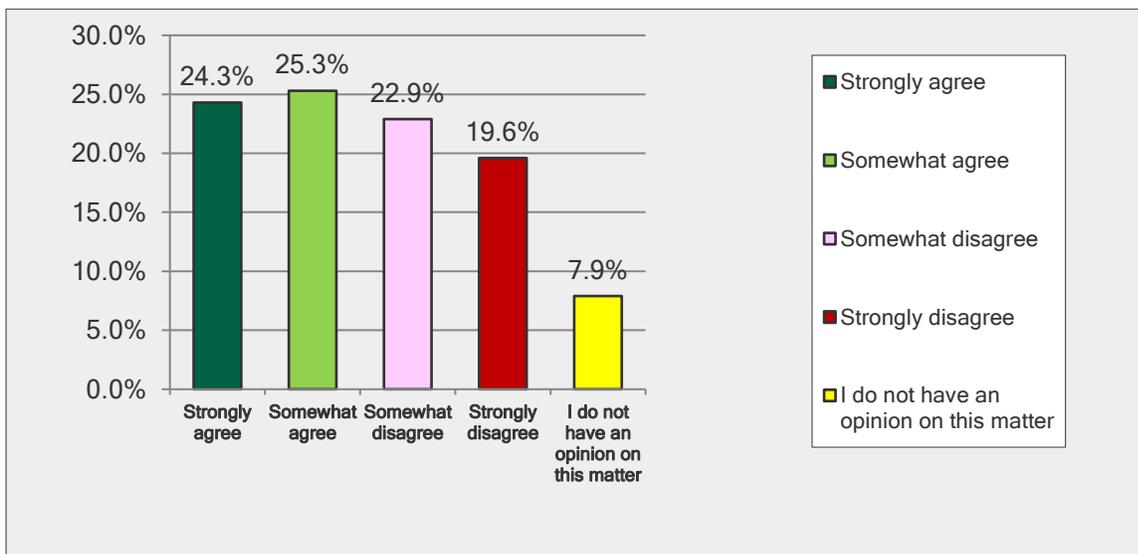


## Question 2. Permit to Practice – Reinstatement

To protect the public it is important that a Permit Holder whose permit has been cancelled meets the same criteria as a first-time applicant before a Permit to Practice is granted again.

**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* and *General Regulation* be amended to remove all references to reinstatement and to require that a Permit Holder whose registration has been cancelled, for any reason, apply for registration through the same process as any other applicant seeking registration as a Permit Holder, in accordance with criteria approved by Council.

- **50%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **43%** somewhat disagreed or strongly disagreed



## Question 3. Investigative Panels Criteria for Interim Suspensions and Restrictions

To protect the public it is important that APEGA have the ability to respond quickly to suspend or restrict a licence or Permit to Practice when there is a question of serious risk to the public. Currently, the Investigative Committee can only suspend a Member or Permit Holder on an interim basis and cannot impose restrictions.

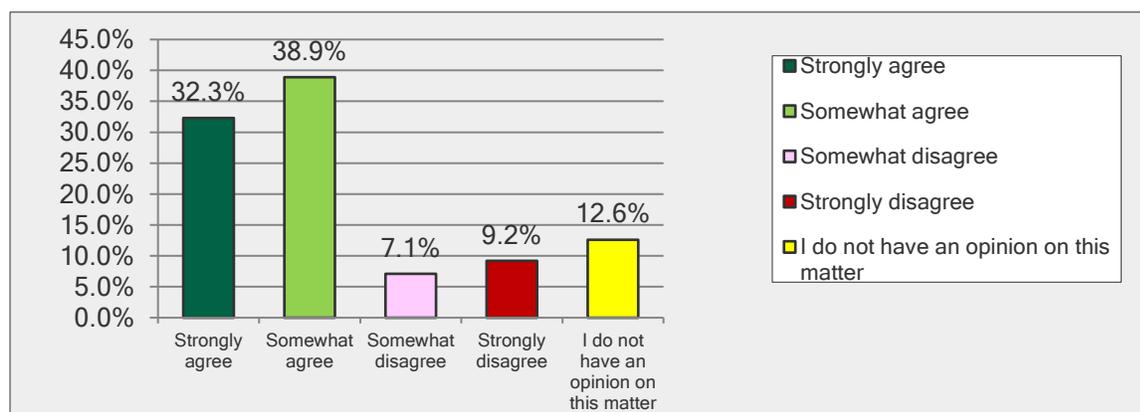
Following the fall 2015 consultation, Council endorsed a recommendation to authorize the Registrar, the Investigative Committee, and investigative panels to suspend or restrict a licence or Permit to Practice on an expedited basis in emergent circumstances. APEGA is now proposing a revision to the previous recommendation.

**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* be amended as follows:

- *The authority to impose interim suspensions and interim restrictions on Members and Permit Holders will rest with investigative panels (rather than with the Registrar or Investigative Committee)*

It is recommended that the *General Regulation* be amended to add a section describing the circumstances under which investigative panels can impose interim suspensions and restrictions on Members and Permit Holders pending the outcome of preliminary investigations or discipline proceedings. These circumstances would include:

- *when there are reasonable grounds to believe that a serious and imminent risk exists to life, personal safety, or health of the public or environment, in accordance with criteria approved by Council*
- *when a delay in holding proceedings under this part would be prejudicial to the public interest, in accordance with criteria approved by Council*
- *when a Member is convicted of an indictable offence in any court in Canada, or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, that would render a Member unsuitable to practice engineering or geoscience or adversely affect the reputation of the professions, in accordance with criteria approved by Council*
- **71%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **16%** somewhat disagreed or strongly disagreed



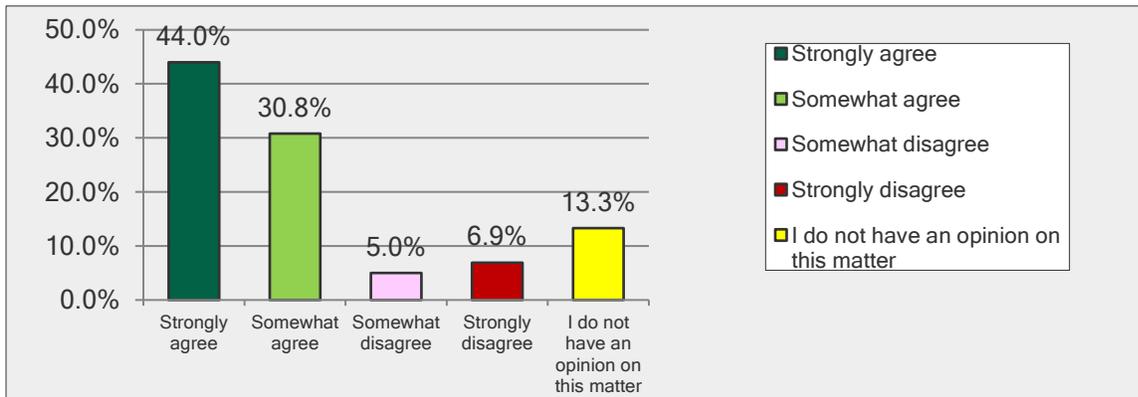
## Question 4. Practice Prohibitions

To protect the public it is important that a Member or Permit Holder whose licence or permit has been suspended or cancelled, as a result of a Recommended Discipline Order or Practice Review Order, not be able to practise or associate in the practice of engineering or geoscience unless provided for in the order. This will remain in place.

Today, a Member or Permit Holder with a cancelled or suspended licence or permit is prohibited from directly or indirectly practising engineering or geoscience, regardless of why the licence or permit was cancelled or suspended.

**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* be amended to clarify that the existing practice prohibition sections only apply to Members and Permit Holders whose licences or permits have been suspended or cancelled because of disciplinary or practice review proceedings.

- **75%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **12%** somewhat disagreed or strongly disagreed



## Question 5. Professional Limited Licensee

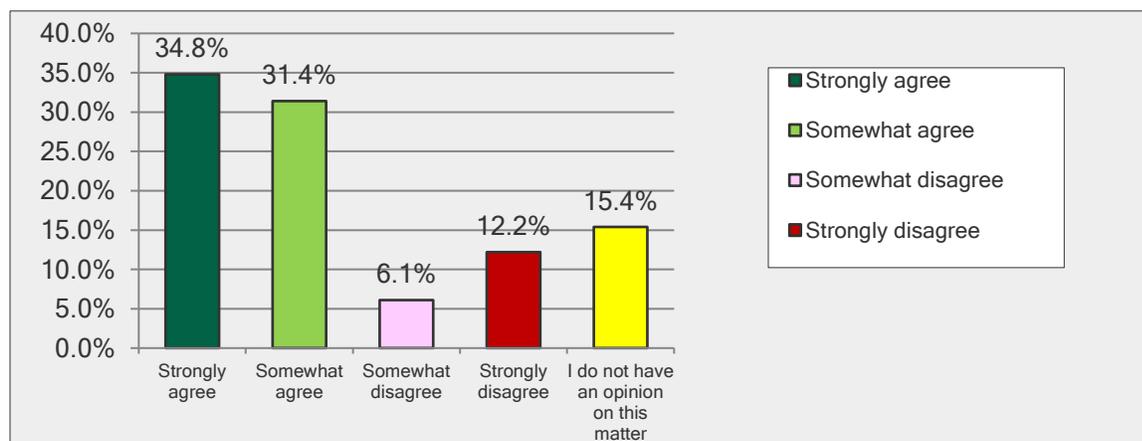
Following the spring 2015 consultation, APEGA Council endorsed proposed recommendations to:

- eliminate the Professional Licensee (P.L.) designation and have individuals without engineering or geoscience degrees apply for the P.Tech. designation
- create a Professional Limited License (P.L.L.) designation for individuals with engineering or geoscience degrees who do not yet qualify for the P.Eng. or P.Geo. designations, but may qualify to practise engineering or geoscience within a limited scope

This change would not have allowed highly qualified and experienced technologists to obtain scopes of practice beyond that of a P.Tech. ASET requested APEGA to revisit this proposed recommendation.

**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* and *General Regulation* be amended as follows:

- *Individuals with engineering or geoscience degrees will be eligible to apply directly to APEGA for registration as a Professional Limited Licensee (as previously endorsed by Council)*
- *Individuals without engineering or geoscience degrees will need to apply to ASET and become registered as a Professional Technologist before being eligible to apply to APEGA for registration as a Professional Limited Licensee*
- **66%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **18%** somewhat disagreed or strongly disagreed

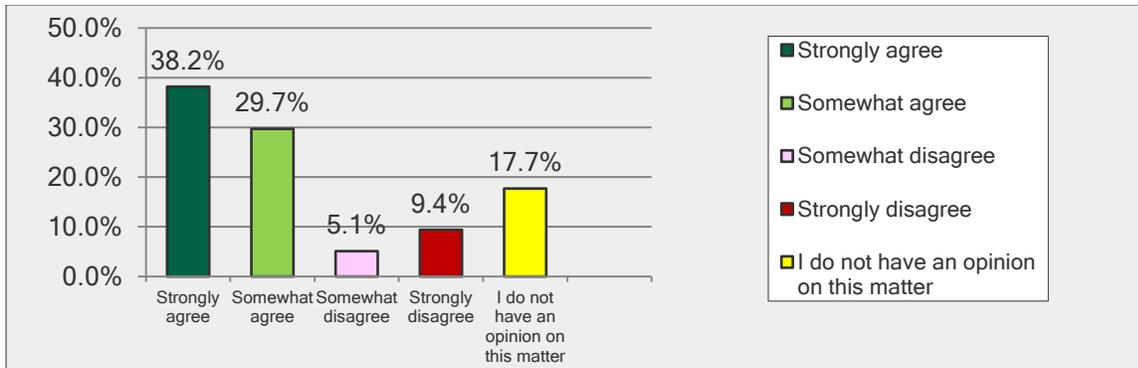


## Question 6. Examination Candidates

To improve regulatory effectiveness and efficiency, it is important that unnecessary category designations be removed from governing legislation. Fewer categories make it clearer to the public who is a licensed professional with APEGA. Individuals waiting to write exams are applicants and are managed through the Board of Examiners. A separate category is not required.

**RECOMMENDATION:** It is recommended that the legislation be amended to *remove the examination candidate category*.

- **68%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **15%** somewhat disagreed or strongly disagreed

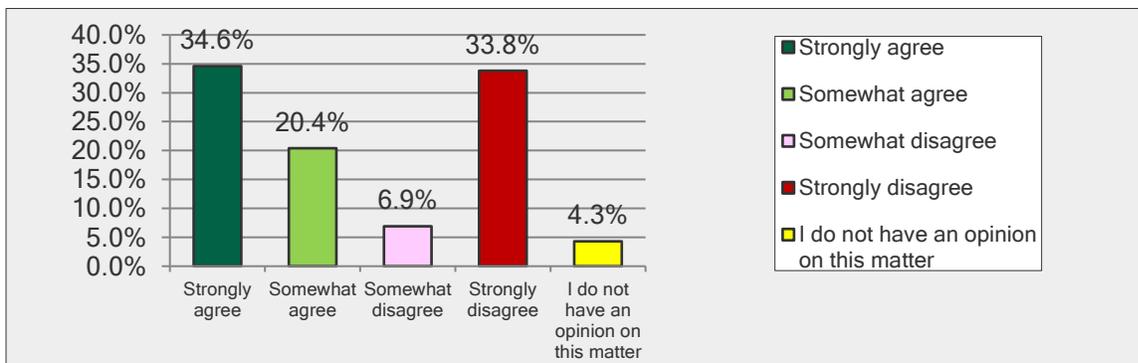


## Question 7. Code of Ethics

The public and governments are placing increased emphasis on the protection of the environment. This is reflected in recent engineering codes of ethics, including the *Engineers Canada Code of Ethics*. The current *APEGA Code of Ethics* says, in part: “Professional engineers and geoscientists shall, in their area of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.”

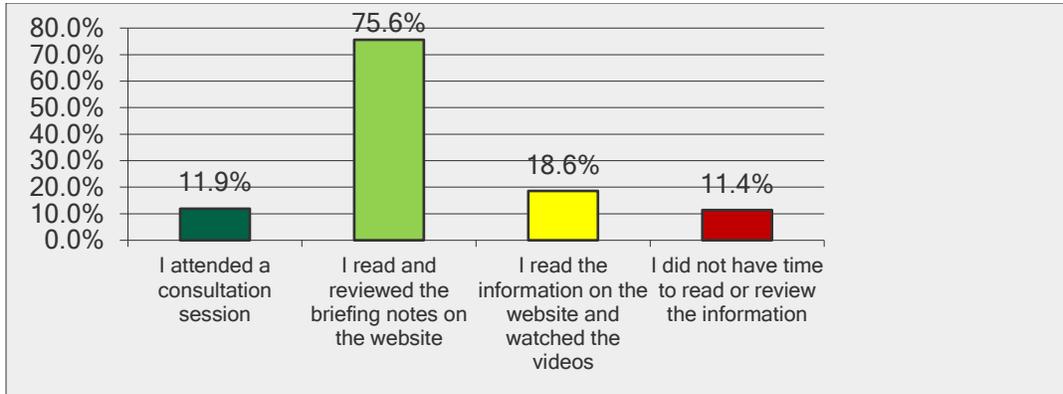
**RECOMMENDATION:** It is recommended that Rule 1 of the *APEGA Code of Ethics* be amended to read: *Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety, and welfare of the public and the protection of the environment.*

- **55%** of respondents either strongly agreed or somewhat agreed with the recommendation
- **41%** somewhat disagreed or strongly disagreed.



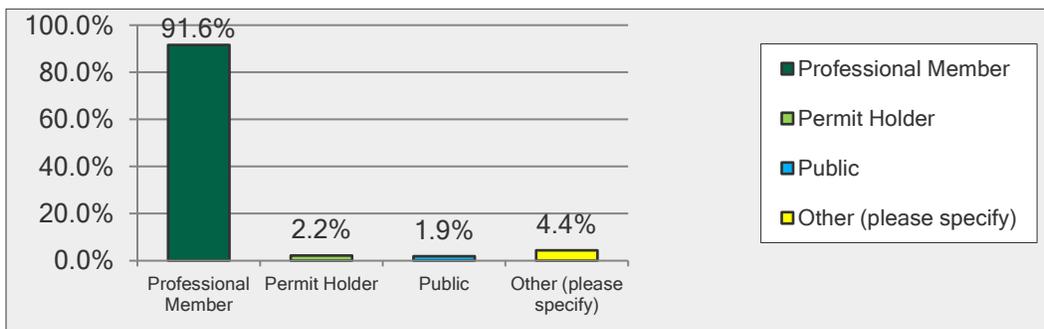
## Question 8. How Survey Respondents Learned About Proposed Legislative Changes

- **12%** attended a consultation session
- **76%** read and reviewed the briefing notes on the website
- **19%** read the information on the website and watched the videos
- **11%** did not have time to read or review the information



## Question 9. Profile of Survey Respondents

- **92%** were Professional Members
- **2%** were Permit Holders
- **2%** were members of the public
- **4%** were in the “other” category including:
  - Engineer/Member in Training (E.I.T. or M.I.T. as self-identified) (5 respondents)
  - Regulator of another professional organization (5 respondents)
  - Retired Life Member (3 respondents)
  - Both a Professional Member & Permit Holder (1 respondent)
  - Provisional Licensee (1 respondent)
  - Responsible Member (1 respondent)



## 4.0 CONCLUSION

The conclusion of the spring 2017 consultation sessions brought to a close the consultation on the recommendations for changes to the *Engineering and Geoscience Professions Act and General Regulation*. Following the spring 2015 consultation and its six main topics, the 15 topics discussed in the fall of 2015, four primary topic areas during the winter 2016 discussions, and 20 topics in the fall 2016 sessions, another seven topic areas were discussed in the spring 2017 consultation.

The proposed recommendations were discussed with 140 registered Members and Permit Holders at the spring videoconference consultation sessions and webinars. As well, over 400 Members and Permit Holders completed the electronic survey, which opened on March 27, 2017, and closed on May 21, 2017.

As it did with the feedback received during all previous consultations, Council will review all input received in the spring 2017 consultation. 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.

# APPENDIX 1

## Verbatim Comments from Spring 2017 Survey & Comments Submitted By Email to APEGA

May 2017



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## Appendix 1 – Verbatim Comments from Survey & Comments Submitted Directly to APEGA by Email

The following individual comments are from each question in the Member & Permit Holder electronic survey as part of the spring 2017 round of consultations. Comments and questions, as submitted, have not been edited.

### 1. To what extent do you agree or disagree with the following proposed recommendations?

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

- *Authorize practice review panels, rather than Council, to be the decision maker and consider applications for registration of Permit Holders in accordance with the legislation and criteria approved by Council*
- *Authorize practice reviewers to evaluate the appropriateness of an applicant's PPMP and whether it can and will be properly implemented and to make recommendations to practice review panels*
- *Authorize review panels to perform the following actions (in accordance with criteria approved by Council):*
  - *approve the application with or without conditions and restrictions;*
  - or*
  - *refuse the application*
- *Indicate that in addition to the other requirements, an applicant must satisfy the practice review panel that it has a PPMP that is appropriate to its professional practice and that it can and will be properly implemented, in accordance with criteria approved by Council*
- *Grant an applicant the right to appeal a decision to the Appeal Committee*
- *Authorize the Practice Review Committee to delegate to the Registrar's office the ability to review applications for registration as a Permit Holder and make recommendations to practice review panels, in accordance with criteria approved by Council*

- Strongly agree with the above listed proposed recommendations.
- Council is not the right body to be directly approving Permits to Practice. They should approve the criteria as well as audit the performance of the review and appeal panels and committees
- The last comment seems to allow the review committee to delegate their job the Registrar's office. I do not agree with this. If we are hiring people to review applications, they should review the applications themselves.
- You may want to consider addressing the issue of permitting the Practice Review panels to defer applications to a future point in time in appropriate circumstances.
- I believe that the creation and adherence to a PPMP is a valuable requirement for a Permit to Practice holder.

- The authorization of a practice review panel and its proposed responsibilities is appropriate
- This is convoluted and I don't understand this or have proper context.
- I strongly disagree with the proposed changes. I see no reason to change the current wording
- I tend to agree with the proposal but I do not have a sufficient grasp of the details to fully support it.
- Council is elected
- I agree, but we need to keep the system quick and streamlined. Not bogged down in cost and delays
- I agree with the proposed changes as it will streamline the process for conducting practice reviews. It is important that practice reviews are conducted on a regular basis to ensure that the public is protected and permit holders are following the standards and guidelines of the engineering profession.
- Objectivity by review panel and Registrar is critical to ensure process consistency. Competency of those making decision(s).
- This should avoid potential conflicts of interest where a council member might oppose a permit to practice based on personal bias. My biggest concern is that the criteria to determine the "appropriateness" of the applicant's PPMP has not been defined. Also, how is APEGA going to ensure that the reviewers actually have the right background and experience THEMSELVES in order to make a proper assessment of the PPMP?
- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- I think ultimate responsibility can remain with Council, with a delegation to the Registrar, but directing the Registrar to follow the recommendations of the review panel / review committee. This would avoid the circumstance where there may be an impasse with an appointed committee.
- How will this affect the speed or resources of reviewing an application? Will the Practice Review Committee have to be retrained for the approval of applicants? Is this reducing the risk of council? If so, what is the role of council if this is implemented?
- Very proactive change to permit to practice registration.
- It is unclear who is represented on this panel and whether it is accountable to the Registrar. I can see that council should not be burdened with mundane activities of evaluating PPMPs but I assumed this was part of the Registrar's purview.
- I would like more details about the transparency of the PPMP panels and any subjective criteria they would use for decision making.
- There is a need to ensure checks and balances
- This move to using review panels will help the council.
- The practice of engineering is very diverse. I have a concern that someone is going to impose their idea of a PPMP on a practice when they may or may not understand the nature of a specific practice. There also needs to be a stronger standard written on what constitutes an acceptable PPMP
- A review panel should include knowledge and experience appropriate to the nature of the Applicant's engineering business.
- Permit holders must be able to prove that they have the proper resources to fulfill the PPMP. The practice review panel must consist of professional members with relevant experience to make the assessment.

- I do not agree with the portion to delegate to the Registrar's office. This seems inconsistent with the concept of being "assessed at the appropriate level", which I think would be by the Practice Review Committee. I agree with the rest.
- Allows Council to focus on broader issues
- I agree that this should not be in council's domain for managing and handling - this is like the operating activities of a company and the company directors of the company are hands on with it. Further, I am of the opinion that the Practice Reviewers should not be placed in a position of ascertaining whether a PPMP will be implemented but should be able to assess after the fact if it was. Also, the practice reviewers should be independent of the Decision makers on this panel as well all those individuals being independent of the Appeal Committee to provide proper transparency for Applicants and the Association. I am also of the mind that embedding the PPMP requirement in the legislation is going too far and will require future changes to remove it as other tools or options become available - it may be the only option and one that is not appropriate in certain cases. This decision should stay with Council to reduce the waiting time. The proposed legislation for issuing the Permit to Practice will create another layer of unnecessary bureaucracy.
- All items appear sensible and are not drastic changes.
- It is hard to agree to something that is not defined. What is the professional practice management plan? Who designs this? What guidelines is it based on?
- The Appeal Committee must consist of completely different individuals than the review panels. I worry they will just rubber stamp the review panel recommendation
- Panels made up of Engineers experienced in the same field are more effective in serving the Public, and pose less of a burden on Council staff.... strongly agree
- Who makes the review Panel?
- Additional funds would be required to support review panels and it is not in the best interest of members to increase dues to reduce the council's workload
- Keep the Status Quo
- I confess I'm unfamiliar with the whole process (I'm still an EIT). I'm assuming these "practice review panels" and "reviewers" are NOT third-party? I.e. they WILL be engineers/geoscientists of APEGA. This just sounds like APEGA is expanding and Council is too burdened to do all the approvals, and therefore setting up a dedicated committee to do it. I'm also assuming that APEGA is proposing all these changes. Sounds fine to me.
- Hard to know whether to agree or disagree without knowing the status quo arrangement.
- Only important thing is that the Practise Reviewers are properly chosen and do their job diligently.
- As a currently laid-off geologist, I find myself in the position of being a single practitioner, whether I want to be or not. For the kind of short, simple jobs that I've been doing, I fell that being required to pay for a Permit to Practice and come up with a Professional Practice Management Plan is excessively onerous.
- Professions are under attack by the public and the government. Self-regulation is only dimly understood by most people. Now is not the time to push the approval of Permit Holders down the organization chain thus giving the impression that this key aspect of self-regulation has somehow become less important.
- Why there's need by the Practice Review Committee to delegate the Registrar's office in reviewing applications for registration to those who want to apply for a Permit Holder? It would be only a repetition (or an overlapping tasks) of reviewing the applications for registration between the Practice Review Committee and the Registrar, it makes no sense for the objective task! Thank you.

- A review panel would help alleviate the work load of council, but the makeup would be important. Are the panel members put there for the same terms as council or are they replaced on some regular basis? A longer term than council would provide some overlap of experience.
- My experience has been that virtually all operating companies that carry permits to practice pay only lip service to the PPMP. The executives responsible for the APEGA Permit to Practice have limited practical engineering experience and provide minimal support to their professional staff. It is frustrating working for these companies because these executives feel comfortable challenging both consultants and staff professional members, with focus on costs and schedule only.
- Council is closer to the general practice than special review panels. They would bring more bureaucracy, less decision making
- What is meant by "practice review panel"? Is this a body made up of APEGA members only, members outside APEGA only, or some combination?
- I do have what could be viewed as a spirited opinion on this matter. If comparing APEGA to, say, the manner in which the medical profession is regulated in Alberta, does the medical association not have a "council" equivalent that regulates the profession (with the exception of midwifery and acupuncture, which are unrecognized medical disciplines that are regulated by a "practice review committee")? Why would the disciplines governed under APEGA want to lower their standards below that of the medical profession? Are the services provided by the members of APEGA not equivalent in terms of technical complexity to those of the medical profession and, as such, APEGA council should regulate the membership? Or are APEGA membership of the opinion that the membership are a "half-profession", equivalent to midwifery in the medical profession, and then should be regulated by an uninformed and technically ignorant practice review committee? Hard to imagine that the membership of APEGA potentially think so little of themselves that they want to go the route of "unionizing" the profession and their behavior and practices. Just saying.....
- Don't understand the last point. Are the practice review panels doing the first approval for a Permit holder and then Registrar have ability to continue which is probably okay for sustained companies with some audits? Don't like two ways of doing things Practice Review Committees and Registrar office for new approvals as how do you maintain consistency.
- Maintain Council authority on this matter
- Please clarify what role practice review panel will play as opposed to Council. How will consistency be maintained? Where will the members for practice review panel be coming from? What is not working today that there is a need for this change?
- What is a practice review panel?
- How are review panels constituted? Briefing note doesn't talk about those implications of the proposed changes.
- If this change improves decision-making process then that sounds reasonable. In addition, if this leads to having a permanent more-qualified panel making this decision, I would be in favour.
- More bureaucracy in a province bring over run with bureaucrats
- The public safety is at risk due to the very slow processes within the current govern body.
- Selection of review panel members is key for this to be successful, and the issue of consistency arises in my mind, as well.
- Keep current system, don't require reviews of PPMPs.

## 2. To what extent do you agree or disagree with the following proposed recommendation?

***It is recommended that the Engineering and Geoscience Professions Act and General Regulation be amended to remove all references to reinstatement and to require that a Permit Holder whose registration has been cancelled, for any reason, apply for registration through the same process as any other applicant seeking registration as a Permit Holder, in accordance with criteria approved by Council.***

- It depends on how serious the reason for suspension was
- Special consideration should be given to previous permit holders. In either case they are not normal applicants and should be treated as such.
- It sounds like you're making reinstatement for non-discipline related reasons more difficult. I'm sure there are many cases where simple reinstatement is a logical and efficient way of dealing with certain Permit Holders. Less red tape is better.
- Perhaps consideration should be given to additional requirements to applicants seeking registration that were cancelled due to a discipline order or because of a fraudulent registration. These additional requirements may include factors such as proof of good character or proof of remediation of previous unprofessional conduct.
- I believe this should really be dependent on the reason for cancellation.
- Given the economic climate in Alberta right now, there should remain some sort of reinstatement process for voluntary cancellations within a certain time period. You may have small business owners who cancel their Permit voluntarily because they don't have work however the following year they have the opportunity to practice again so need to have their Permit reinstated. I'm not sure to what extent, making them apply as a new applicant & paying three times more than applying for reinstatement, provides greater protection to the public. Now if the Permit was cancelled for a number of years and the RM's had not practiced anywhere in that time period that would be different.
- A permit Holder that temporarily withdrew their permit should be able to be reinstated upon re-application, provided no significant company changes have taken place.
- If the permit cancellation was due to a clerical error, or a late payment, then perhaps more leniency should be granted. The distinction between non-discipline and discipline permit cancellation orders should still be recognized
- There should be some extra process for an applicant if their previous permit had been cancelled under a discipline order. They should not have the same application process as a new applicant.
- Discipline and fraudulent registration need to be treated differently than someone who left the country and needs to be reinstated.
- I think that people who have to be reinstated into APEGA should have to follow the same process new applicants have to - they need reinstatement for a reason, and they should have to prove they are fit to do so.

- I strongly disagree with the proposed changes. I see no reason to change the wording. Reinstatement of a permit following cancellation for discipline or fraudulent registration will require guidelines that may be difficult to establish due to the judgement involved.
- I think a reinstatement process should be maintained for non-discipline related issues; however, the conditions may include providing proof of PMPP or participating in audit or high level practice review.
- In the case of a discipline order, the conditions for re-instatement may be prescribed in that order. I agree that there should be just one process for becoming a permit holder. This will eliminate any special conditions and ensure that the process is streamlined for efficiency.
- It will be very difficult to apply the "same standard" to reinstatements and new permits. Part of the review process for reinstatements will of course involve a review of why the permit was cancelled in the first place. This could lead to discovery that the engineer had lost his permit due to not being fit to do the work or mentally incapacitated in some way (refer to other Legislative Review topics). A new permit holder wouldn't be required to undergo a "mental health assessment" as part of the review process. All I'm saying is that there is no way to apply the same criteria to reinstatements and new permits so don't imply there is. I agree that the same body should do both assessments but the actual process will likely be different.
- Bullet 2 is fine. 1 seems to be unnecessary bureaucracy. Perhaps add a time limit to 1, say 6 months, for reinstatement then new application
- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- There needs to be a streamlined reinstatement process for times when the cancellation was a result of an administrative error, mistake or late payment
- Cancellation for disciplinary reasons should have a more severe review than cancellation for non-disciplinary reasons (such as late payment of annual dues) and it appears to be setting up processing and administrative activities that may be unnecessary for non-disciplinary cancellation.
- Makes sense to use same process, which will hopefully make it more transparent and streamlined
- This seems unfair to permit holders whose registration has been cancelled due to ill health or catastrophic family reasons
- Those who have lapsed payment due to no work or being behind on paperwork must apply all over again? That is ridiculous. This process should ONLY apply to those whose permit is canceled due to fraud or discipline.
- "For any reason" does that mean clerical, voluntarily cancelled but requested to be reinstated shortly thereafter. Should be only for disciplinary reasons.
- I think the distinction between disciplinary and non-disciplinary reasons for permit cancellation is important. I would suggest that someone who has had their permit cancelled for disciplinary reasons (whatever that reason may be) needs to justify why they should be reinstated on top of going through the same process as first-time registrants.
- If registration was cancelled for non-discipline related reasons (administrative non-compliance), would the existing reinstatement process be more efficient in terms of time and resources than proceeding with a new registration? It is worth noting that having to apply through the same process as any other applicant would raise the bar of existing permit holders for compliance with APEGA requirements which would be a positive outcome.

- If registration was cancelled for non-discipline-related reasons leave re-instatement concept. They should be checked out in a more stringent manner than a new applicant
- Reinstatement should be commensurate with the offence
- A shorter process should be available for re-instatement for non-discipline related cancellation reasons in the last 2-5 yrs.
- I believe that there could be a reference to reinstatement as being an allowed providing that processes are appropriately established
- This is just more bureaucracy. If a discipline matter has been settled or a permit was canceled for some other reason, then what's the point of making a production out of reinstatement? The assertion at the beginning of the briefing "to protect the public" has not basis as no evidence of a problem for the public is given.
- Non-discipline related reasons should be able to be managed within APEGA and not require the individual to be treated as if they are a new registrant.
- Reinstatement is a messy process, a clean new application is ideal.
- I agree with the recommendation as it regards reinstatement after a discipline process but not if the cancellation was due to non-discipline related reasons such as not paying dues on time.
- If cancelled for non-discipline reasons, then could be reinstated subject to conditions by council I believe that each reinstatement consideration should be based on the reason for cancellation. If reason for cancellation was due to say ethics violations re-instatement should be different than say a voluntary cancellation say for economic reasons.
- The reinstatement must review and evaluate the whole history and recommendations for the reapplying process
- There is nothing wrong with the present system other than in the case of a cancellation for non-discipline-related reasons, there should be a specified time period within which the member can apply for reinstatement.
- This may make extra (unnecessary) work for permit holders whose permit was cancelled for non-discipline related reasons and those who have to review their applications. I also feel that there needs to be clarity for those reviewing the applications about the past history of the potential permit holder with APEGA, so that the reviewers can ensure that any previous problems have been dealt with satisfactorily.
- The cause of the registration cancellation - ignorance (?), or- disdain/'disagreement' regarding the standard, should be the determining essential ethical basis to be assessed to allow (or not) reinstatement.
- You are saying that someone who had their permit cancelled for disciplinary purposes is the same as someone who had their permit cancelled for other reasons.
- Seems inefficient and cumbersome if someone cancelled their registration due to non-discipline reasons, such as not finding work in engineering and taking work in a different field, extended maternity leave, etc. This seems inconsistent with the changes proposed later under "Practice Prohibitions" which does make the distinction between the reasons for suspension.
- Might there not be a wide range of reasons why cancellation was effected and less serious or inadvertent ones might allow reinstatement to be considered a "welcome back" gesture?
- Unemployment has become long-term for many members, and APEGA provides very little relief from the significant financial burden of membership, including training hours. The original first mechanism providing for reinstatement upon council (or panel) review should remain in place

- I think the reinstatement should be available as a norm for reasons not associated with Discipline or Ethics violations or legal compliance issues. I don't see the other reasons as cropping up very often but the additional burden on the association to process these applications through the entire process and evaluation steps will become onerous and time consuming when that time and value can be had on other better throughout activities than a simple reprocessing of an application - I really see some of this as a waste of resources. Our dues are rising every year almost and when these changes come into force, I would expect them to quadruple to manage the entire overhead of this gigantic organization being conceived and created by these changes through the entire legislative review outcomes and results that I have seen thus far. Keep things straightforward and simple - this has become a monster at this point.
- Reinstatement of permit should follow a simpler process.
- Why waste the time and resources to reapply from the start if the cancellation is just for nonpayment or a time away from practicing
- I think this is better on a case-by-case basis.
- There should be a less strenuous process for members who moved to other provinces or countries and let their APEGA registration lapse. The current registration process is expensive and time consuming. If the current process could be improved, I would be more likely to agree.
- A pardon should be sought before any re-instatement for discipline related cancellations otherwise, reinstatements should follow latest criteria so that is on a same process and criteria basis.
- If it was not a disciplinary item, there is no need go through the registration again. That is a waste of time for the committee and the registrant
- Not a chance. Someone lets licence lapse is not a big deal. Why burden them.
- A non-disciplinary reason could be merely late payment. Section 39 (1) (a). If I miss my payment, I certainly do not feel I should need to go thru the whole process again. Now it looks like there is 30 days and APEGA would attempt to contact, which I suppose is reasonable enough.
- A Permit Holder's past should have some influence on conditions that may be attached to a new permit.
- If a permit was cancelled due to discipline there should be a more effort required to obtain a new permit
- Council, the registrar or whoever is going to review applications in the future should have the ability to re-instatement membership without a full review.
- Permit Holders whose permit was cancelled should have to go through the application process again with the history of their previous permit taken into account. Non-discipline-related lapses should be allowed to re-register with an evaluation of their previous experience, the intent of their new re-registration, and a detailed description of their work history between the end of the previous permit and the time of this new re-evaluation. A new application should not be required.
- Practice: noun. Practise: verb.
- I think that a reinstatement after a disciplinary cancellation must be treated with a more thorough review.
- Start from scratch every time is not efficient use of resources
- I agree that a permit holder whose permit was cancelled under a discipline order should be required to go through a similar but more onerous process for reinstatement. In my opinion a discipline order should require the applicant to demonstrate how they have changed their systems, behaviour etc. to warrant reinstatement of a permit to practice. A

permit holder who has cancelled a permit for valid reasons should be able to apply for reinstatement at the pleasure of the Council, subject to conditions that may be applied. Example Exception: If the Permit Holder was a Sole Entity, and was unable to make the annual payment of dues because of unpreventable events (e.g. prolonged hospitalization), then that person/company should be allowed to pay the fees as soon as they are able, without having to undergo the same full process as a new Permit Applicant.

- I have a very strong opinion on this matter. The day our profession is deemed or viewed to hold a different standard for all of the membership is the day that we begin to act in a manner no different than the elected officials of this country. A behavior that is salted by favoritism and nepotism, overshadowed by bias and the murkiness of opinion versus the objectivity that should be displayed
- I liked the old one. What if APEGA made a mistake and messed up that a company had paid or not, why would a company have to reapply as it says cancelled for any reason. What if the accountant/administrator sent payment for permit in late? I like the latitude of council as it feels more human and less big government.
- There is a difference between cancellation for disciplinary reasons and non-discipline related reasons and that should be reflected in the reinstatement process requirements.
- If a permit was cancelled due to a discipline order or because of fraud, it is very important that careful consideration be given to the case. Treating all applications the same does not seem like a good idea.
- Anyone found guilty of fraudulent registration should not be reinstated.
- What a stupid recommendation. You should treat lapsed members different than new members. Leave it as it is.
- If permit was cancelled due to mal-practice reasons then removing these references opens the way for hiding the facts, which could harm the public.
- Would agree in all cases of ethics breaches. Only issue is membership cancellation for failing to pay dues. This could be indicative of financial situation and not ability to perform duties in the public's interest.
- Why is this change being proposed - what element of the current act is problematic?
- This should be a smoother process and require less resources. I don't think it will compromise professional practice.
- The current system of having a Committee of Inquiry to consider reinstatement when re-applying following a discipline order or for fraudulent registration seems to me to be a better practice than the proposed recommendation
- Fraudulent practitioners should not be allowed to re-register
- For cancellation re: disciplinary actions Yes. If not then no.
- Simplification, as much as possible, is good.
- This means that if a permit holder misses a payment deadline, they must start from square one. I do not understand how an administrative issue would warrant such a severe sanction. It certainly is not within this public interest.
- Disagree when cancellation was administrative
- See no need to burden the former permit holder with excessive paperwork to get reinstatement if they lost the permit due to non-disciplinary reasons.

**3. To what extent do you agree or disagree with the following proposed recommendations?**

*It is recommended that the Engineering and Geoscience Professions Act be amended as follows:*

- *The authority to impose interim suspensions and interim restrictions on Members and Permit Holders will rest with investigative panels (rather than with the Registrar or Investigative Committee)*

*It is recommended that the General Regulation be amended to add a section describing the circumstances under which investigative panels can impose interim suspensions and restrictions on Members and Permit Holders pending the outcome of preliminary investigations or discipline proceedings. These circumstances would include:*

- *when there are reasonable grounds to believe that a serious and imminent risk exists to life, personal safety, or health of the public or environment, in accordance with criteria approved by Council*
- *when a delay in holding proceedings under this part would be prejudicial to the public interest, in accordance with criteria approved by Council*
- *when a Member is convicted of an indictable offence in any court in Canada, or convicted of an offence outside Canada that would be regarded as an indictable offence in Canada, that would render a Member unsuitable to practise engineering or geoscience or adversely affect the reputation of the professions, in accordance with criteria approved by Council*

- I strongly agree with the above listed proposed recommendations.
- Concerned with amendment proposed for the General Regulation.
- There is insufficient definition for what constitutes "adversely affecting the reputation of the professions" and the criteria approved by Council may be drastically altered at any time.
- I strongly disagree with the proposed changes. I see no reason to change the current wording note that there is a proposal in Quebec to add the power to suspend in case of certain criminal indictments without waiting for a conviction. This should be clarified in the text of legislation in coming weeks.
- Unelected = unaccountable
- I cannot see why an indictable offence would render a member unsuitable to practice engineering if it was unrelated to their profession. For example an impaired driving causing bodily harm would be a terrible crime, but the court system punishes offenders. It isn't the responsibility of a professional organisation.
- I agree that if a member of permit holder is not maintaining the practice of engineering according to the code of ethics, act, standards and guidelines that there be the immediate ability to suspend or restrict their practice

- I agree with the first circumstance. The second and third are too broad. "Prejudicial to the public interest" leaves too much to interpretation by the individual panel, and risk that different panels will have widely divergent interpretations. "Render a Member unsuitable to practice" is similarly broad, and no indication is given of the types of situations, which leaves it open for Council to decide later.
- Concern is the wording and how the process criteria is established. Example given at the consultation review was for an emergency situation to impose interim suspension in 24 hrs. This is usually not a reasonable timeframe to establish cause and blame. Do not want wrongful suspensions that can cause irreversible damage to a member or permit holder.
- I do not have an opinion on this matter
- I have concerns with the recommendation regarding members convicted of an indictable offence. I hope an investigative panel would only impose restrictions for offences directly related to a professional's practice (for example, fraud against clients). If an offence is not related to a professional's practice (for example, driving under the influence of alcohol) I hope a professional would not have their livelihood affected by a suspension or restrictions. Penalties imposed by a legal court are sufficient public protection for such offences. The public will not be protected further by APEGA imposing restrictions in such instances. I think we should have explicit guidelines regarding which offenses warrant suspensions and restrictions.
- I had no problem with this proposed change until I attended the consultation session and heard how APEGA envisioned it being applied. When asked for examples of how this would be applied, the APEGA facilitator used the following example (paraphrased): "Suppose APEGA learns through the media that a serious incident has occurred on a site. APEGA's investigative panel would take action within 24 hrs of the incident and determine what appropriate actions would be necessary/appropriate." This example illustrates how out of touch APEGA is with industries and especially when it comes to incidents. A good part of my 25 yr. career has been involved doing incident/accident investigations and APEGA has never had any involvement whatsoever--never! To suggest that an investigative panel could get to site, investigate and reach some sort of decisive conclusions about an incident within 24 hrs is nothing short of miraculous. I agree that it might be appropriate for APEGA to be notified within a reasonable amount of time regarding a major incident but their timeline betrays their lack of understanding and weakens my confidence in their judgment. In fact, I'd suggest that this sort of action could actually put the public at risk by making hasty decisions that could wrongly influence the investigation and possibly lead to legal issues. APEGA is NOT the only jurisdiction that has public safety responsibilities. Other jurisdictions play a much larger/active role in this than APEGA and are therefore, much more involved/engaged and capable of incident management.
- Not all countries have the same high level of judicial standards as Canada
- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- There needs to be a mechanism to implement a "caretaker" for an organization if required to sustain the viability of a corporation
- There needs to be amendments to the general regulation as outlined in order safeguard members if the amendments to the Act are made. Note that some offences are summary conviction, other offences are indictable and yet others are hybrid, meaning the Crown can proceed either by summary conviction or by indictment. Sometimes offences are prosecuted by indictment not because of the severity of the offence, but because there is a limitation on prosecuting summary conviction offences and it avoids the limitation on

the prosecution of summary conviction offences. The criteria that would "render a Member unsuitable to practice" may be difficult to enumerate.

- What type of risk does APEGA take on for immediately taking action on a member or permit holder who is found to be acting in good standing? I would like to know more about the processes leading up to the suspension and the criteria before I am in full support of this measure.
- I have serious reservations about this recommendation and I don't support it. This is recommendation asks for significant power that I don't think should be delegated from Council.
- I would like to see the makeup and terms of reference of the Investigative Committee.
- We need to better understand what "emergent circumstances" may look like and how an ad hoc investigative committee will be able to act in a timely manner to prevent adverse conditions from arising or getting out of control.
- A clarification on how member is treated after offence is punished by the judicial system is necessary. E.g. A good engineer may be convicted in non-engineering matters. What happens to him/her after jail time is completed? He/she should be able to be an engineer again if he/she is a regular citizen.
- It is unclear under what circumstances these new powers would be enabled. The info provided in the briefing and the recommendations are inconsistent. The briefing states "The circumstances under which this authority could be exercised would be based on criteria clearly described and established in the General Regulation" while the recommended amendment states "It is recommended that the General Regulation be amended to add a section describing the circumstances under which investigative panels can impose interim suspensions and restrictions on Members and Permit Holders pending the outcome of preliminary investigations or discipline proceedings". Furthermore, APEGA already has an Investigation Committee or Committees and it is unclear how that is different than an Investigative Panel.
- Investigative committees will be able to react more quickly, in emergencies.
- I really think the idea of removing ones right to practice should rest with the discipline committee not the investigative committee. There is a need to move quickly but that could be done with a simple presentation by the investigative panel to the discipline committee.
- It is duty of the Investigative committee, An investigative panel is not needed
- It should perhaps be recognized that there is a difference between deliberately taking risks for financial gain and errors resulting from inadvertencies and errors in complex situations. I don't have a specific answer but it should, I think, at least be discussed.
- My only concern is that the criteria for interim suspensions not be too specific, which would make it harder to move through the process quickly in harder-to-predict scenarios.
- I do not fully agree with the statements regarding indictable offenses affecting the reputation of the profession because it is open to interpretation and does not have specifics on the types of offenses.
- I think that more consideration needs to be given to the statement about indictable offences outside of Canada. The assumption there is that other jurisdictions have fair legal systems.
- There is no sober second thought on this process.
- Public safety requires expeditious treatment
- Need to move fast - prefer Registrar proposal

- There needs to be clear criteria rather the nebulous term "reasonable grounds" to establish when this will be used. What one person perceives to be critical and crucial is usually not very much so but just their perception since they do not have the same understanding. The use and application of this authority needs so strict and defined guidelines and limits to protect members from erroneous application of this authority.
- The conditions where the expedited conditions occur seem quite general and broad, a review one year after this is implemented should be done to review if this power is being overused.
- In cases with imminent danger to life the existing authorities and courts should be utilized. It gives too much power in marginal cases and opens APEGA up to serious liability.
- Timing and duration of investigative panel actions need to be codified to ensure reasonable processing times. Especially beneficial if in the EGP Act versus APEGA policy.
- Generally, too much power concentrated in an appointed panel. Disagree on suspending members because of conviction of an indictable offense or their reputation. The courts and social sanction already punish them for that. Don't see the need for APEGA to pile on by also depriving them of livelihood. Possible exception for when the offense is directly related to their ability to practise the profession.
- These powers will increase membership fee, and create a council trying to invent crooks. Safety of the public is paramount. This would help ensure it. Full immediate suspension might be harsh--does the person have a job still to pay the bills? I agree with restrictions for sure.
- Even with the proposed amendments I still cannot think of a situation where suspension is appropriate until an investigation is completed and it is definitively proven that an individual member or permit holder is accountable for the negative outcome. We are presumed innocent until proven guilty under criminal law and an investigation by a regulatory organization should proceed with the same assumption.
- The member needs to have the ability to "have his day court". Also if there is an imminent risk to public interest, APEGA should advise OH&S or the police of the situation for them to deal with. If OH&S or the police are not interested, the situation is not posing an imminent danger to the public.
- It is necessary to expedite some disciplinary decisions, but it is still important to ensure that the decision is fair. There is always the risk of litigation, but this risk may be much higher with a less vetted review.
- Better decision making with proposed change
- I believe very strongly in this recommendation. This is a critical requirement of ethical and moral behaviour, of which all professional members and permit holders should be held accountable. To do otherwise will damage the public's confidence in the profession and injure those members and permit holders that hold to the Code of Ethics.
- I don't believe that the third item above belongs in this grouping. The wording leaves little room for mitigating circumstances therefore it should not be included. I strongly agree on the first 2 items.
- Wow, APEGA actually was allowed to introduce a self-regulatory revision with being nurtured by the NDP government? Is this the token "give" for all of the autonomous freedom that will be taken away from APEGA by the NDP?
- Again the buck needs to stop at the top! I totally agree with interim suspensions and/or restrictions and that the investigative panel is the one who can recommend them but the actual issuance of the temporary suspensions or restrictions should be from the either

the Registrar or Investigative Committee after reviewing the panel's recommendation to do so. Otherwise it is not clear who is running the show. A company would not suspend or stop an employee from working while being investigated even for a crime without the high level executives knowing what is going on. This is done to ensure review and fairness and to ensure they are aware lawsuits could quickly follow of which they would be accountable.

- I would like to see the phrase "adversely affect the reputation of the professions" modified for clarity such that it could not be held against a member if, for example, they had an opinion that global warming was/not anthropogenic.
- The final statement should include a list of sample offences to prevent the intent of this section from being misinterpreted.
- Maintain Council authority on these matters.
- Sometimes facts become available later. A hasty action could damage the reputation of the member beyond remedy. While I agree that in public interest and protecting the reputation of APEGA, action should be taken sooner than the full investigation is complete, yet member in question should also be provided protection till facts are crystal clear.
- Suspending an entire permit may actually reduce public safety in areas of company operation that are not subject to this suspension. The suspension should be limited to a specific area of concern.
- The briefing note and supporting materials do not clearly make the case that these changes fix a problem that needs fixing - it appears this change is designed to increase complexity and cost, rather than fixing a demonstrable problem.
- It is important that the Association is seen as being very responsive to issues of public safety. There is only one reason to need to impose interim suspensions and that is when there are reasonable ground to believe that there is serious risk to life, personal safety of the public and the environment. Otherwise the existing process is appropriate.
- Due process is being thrown out the window under the guise of "public interest". The purpose of APEGA is not to adjudicate safety issues... that is the purpose of safety codes etc. APEGAs actions seem rather punitive in this regard. It is difficult to understand when an action would be so grossly detrimental to the profession that immediate sanction is necessary.
- Innocent until proven guilty

#### 4. To what extent do you agree or disagree with the following proposed recommendations?

***It is recommended that the Engineering and Geoscience Professions Act be amended to clarify that the existing practice prohibition sections only apply to Members and Permit Holders whose licences or permits have been suspended or cancelled because of disciplinary or practice review proceedings.***

- I strongly agree with the above listed proposed recommendations.

- We agree with the concept of responding to different levels of oversight depending on the nature of the suspension or cancellation. However, the wording of this recommendation appears to permit suspended or cancelled members who were not suspended/cancelled for disciplinary reasons to practice without any permission or oversight. This would, in our mind, constitute a risk to the public.
- I strongly disagree with the proposed changes. I see no reason to change the current wording Consider whether you should also include the situation where a membership has been cancelled following criminal conviction
- I agree with the amendment, but this whole section seems excessively punitive.
- I agree. The member of permit holder needs to abide by the decisions that have been set out. This is an excellent way to more easily allow mothers returning from extended maternity leave to commence the process of returning to professional work.
- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- This recommendation needs to be amended to accommodate for the directions issued as a result of a practice review ruling. If a ruling states that the member cannot authenticate until they have successfully taken the ethics exam, they should still be able to work but only under the oversight of another professional member similar to that of a MIT
- From a public interest / public safety perspective, suspension or cancellation for disciplinary or practice review reasons is an important aspect. One issue that may arise is the issue of what constitutes the practice of professional engineering or professional geoscience. Many activities that engineers and geoscientists engage in are not necessarily required to be performed by professional engineers or professional geoscientists and I can foresee an issue emerging of two interpretations of the practice of professional engineering or professional geoscience - one by a disciplinary panel as compared to one by a provincial court judge on a prosecution (which would have a burden of proof beyond a reasonable doubt).
- The third point seems like an avenue for lobbying. What are the terms and conditions of Council?
- Looks like a reasonable revision to the Act.
- Given the broad nature of practice review proceedings, it seems that including practice review proceedings in this part of the dialogue may create ambiguity that will complicate the objectives.
- This clarification to the Act is needed.
- Not changes are needed
- Or whose licences or Permits have been allowed to lapse.
- You may be removing any chance for a suspended or cancelled permit holder or member to make a living. If they are under supervision of a member in good standing.....
- Implications still unclear to me
- Seems straightforward clarification
- The meaning of the first paragraph is very confusing. 55 words with 1 comma.
- That is too much power for APEGA.
- Quit creating a protectionist bureaucracy that is disguised as looking out for the public good.
- Yes. This is about character and quality of work--not so much if they pay their dues on time. Why would we allow someone to practice engineering with a cancelled permit/licence for any reason?
- Practice: noun. Practise: verb.

- Either you are a Member/Permit Holder in good standing, or you are not. Exceptions just make the APEGA's resolve to regulate look weak and indecisive. See my earlier comments under "Permit to Practice - Registration".
- Engineers are human and will probably provide opinions on many subjects. It would be unreasonable to suggest that this would be an unacceptable practice.
- Common sense
- This seems to be a fair recommendation, as it only restricts the Members and Permit Holders who have been found guilty (Unlike CRA).
- Example: A Permit Holder, ABC Company, has its license for Geoscience canceled because their only Geoscientist /Responsible Member left the company. ABC Company later wants to subcontract the Geoscience portion of a SOW to a Geoscientist. ABC's client wants ABC to be ultimately responsible for all professional Geoscience work. ABC Company MUST therefore have a PTP for Geoscience (i.e. it cannot "assume" that the subcontracted Geoscientist is a Responsible Member, has a PTP, and will be in control of all activities associated with his/her work)
- Is this not an obvious amendment? Should there be an option that practice prohibition sections apply to Members and Permit Holders whose licenses or permits have been suspended or cancelled because of previously referenced issues/conditions? Not 100% certain as to why you would be asking this question.
- Reinstatement should require a review regardless of the circumstances. If a member has not been cancelled or suspended for discipline or practice review reasons, reinstatement should be a relatively straight forward exercise. Consequently from my perspective this change serves no purpose with respect to either the public, the association or members who may be impacted by it.
- Sometimes membership is cancelled because of delay in payment of membership dues. This does not make the member incompetent.
- Losing a licence or permit should not make him unemployable, it just requires a P.Eng to oversee his work.
- Someone who has had their Permit or licence suspended or cancelled still needs to make a living. The proposal could be unduly harsh on an individual.

#### 5. To what extent do you agree or disagree with the following proposed recommendation?

*It is recommended that the Engineering and Geoscience Professions Act and General Regulation be amended as follows:*

- *Individuals with engineering or geoscience degrees will be eligible to apply directly to APEGA for registration as a Professional Limited Licensee (as previously endorsed by Council)*
- *Individuals without engineering or geoscience degrees will need to apply to ASET and become registered as a Professional Technologist before being eligible to apply to APEGA for registration as a Professional Limited Licensee.*

- Strongly agree with the above listed proposed recommendation.
  - I have always had an issue with the limited licensee concept and see it as having to respond to strong lobbying by ASET. You don't see Nurses getting limited licences to practice as Doctors
  - It depends on the degree. We already have a pretty tough road for non-engineering degrees. Other professionals such as doctors and lawyers all have four year of university education and they have no such thing as limited license. Can a doctor have a limited license to perform limited scope? The P.L should be eliminated
  - All APEGA members, as a minimum, should earn a Bachelor's degree in Engineering.
  - I agree with the principle of the Professional Limited Licensee however not sure about making the individual complete two applications & pay two annual fees (one to ASET & one to APEGA).
  - I think that Prof Technologists shouldn't be able to apply for a PLL.
- 
- APEGA is about industry experience and practicality to make the world a better place. Application to APEGA should be allowed by anyone with the clear understanding that refusal or limited license is a possibility. I do not understand the logic of going through ASET for all "atypical" applicants.
  - I support APEGA's original per the 2015 submission. I don't believe ASET has the oversight to warrant expanded practice and I think expanding the technologist's scopes further poses a long term risk to the public and our interests as a self-regulated practice. Further practice or scope creep should be administered by APEGA, not ASET. (I would argue that the P.Tech. program should be administered by APEGA - other concerns that I have include transparency, enforcement of scope limitations, implementation of adequate PMPPs, and appropriate clarity around permitting.)
  - Individuals without engineering degrees should not be allowed to be PLLs
  - I agree that this will streamline and clarify the issue with what and how the technologist can work as well as help an engineer or geoscience individual that is waiting to become a full professional.
  - I disagree with the elimination of the P.L. designation. This forces unnecessary dues and added bureaucracy in allowing Canadian educated technologists the right to practice with a defined scope. The term limited licensee is disrespectful for fully competent professionals with a defined scope of practice. Why are we making it harder for Canadian professionals to practice under APEGA, we should be working to recognize our talented work force not making it harder for them to compete against foreign Engineers. Very disappointing.
  - I agree with including the word "Limited" in the designation because it provides excellent clarity. I don't see the value in having all technologists to register as P.Tech. before applying for P.L.L. It seems like duplication by APEGA and ASET.
  - Issue is definition of engineering or geoscience degree, especially from other countries
  - Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
  - PL designation should only be available to persons with a full engineering degree. ASET P.Tech should not be able to gain PL designations with APEGA without returning to school and obtaining a university degree
  - This proposal misses those people who may have very strong academic qualifications, although not necessarily at a bachelor level in engineering or geoscience. This might include those persons with undergraduate and/or graduate degrees in a science related

to engineering or geoscience, such as chemistry or physics, or environmental science, whose academic training and experience should permit them to be licensed by APEGA to engage in the practice of professional engineering or professional geoscience within a restricted scope.

- Agree with elimination of PL designation. Don't agree with creation of new PLL designation. I don't see the need when P.Tech designation already exists.
- Strongly agree with the previously endorsed by council change. Strongly disagree with the second. ASET members should not be able to register for a PLL.
- It is confusing as to why certain individuals may have an engineering or geoscience degree yet not immediately qualify for professional designations (PEng or PGeo). Is that not why there are members in training? I would support the progression of highly motivated and competent technologists in receiving a PLL license.
- Leave it as is PL (ENG) site no substantive safety reason to change.
- For individuals without a recognized engineering/geoscience degree it makes sense to first be accredited through ASET P.Tech (Eng.) which confirms that the experience and academic credentials align and then registration with APEGA as a P.L.L.
- In the past it made sense to allow highly skilled individuals to be grandfathered into the profession. However it has been many years since accredited engineering programs have been set up. In almost any other profession if I wanted to practice in that profession they would tell me to go and get the applicable education before I could be recognized as a professional member of that profession, no matter how good I was at it. I would add that I was a technologist with ASET and went back to school to get my BSCE so that I could be a professional engineer. It is not an onerous requirement. Also based on the recent behavior of ASET as reported at the AGM why would APEGA water down its requirements.
- The 2-step registration (ASET first then APEGA) meets assurance requirements.
- Individual with engineering degree will be eligible for PLL. And then P.Eng, P.Geo when meet criteria. Individuals without engineering degree won't be eligible as PLL, only P.Tech, these individuals need an engineering degree to obtain PLL
- Need to accommodate competent individuals with degrees in the Sciences who are well qualified to work within a limited scope of practice. Individuals should be free to select either ASET or APEGA and not be forced into having to pay both or go through both registration processes.
- There is enough evidence that technicians are taking engineering decisions without right education and more over they in general don't have the same ethics commitment as engineers do
- Is it no longer possible to complete requirements by examination? The whole concept seems cumbersome and open to subjective decisions. This topic should be revisited and a clearer more practical solution found.
- I'm not clear what additional experience would be required for an individual with a PTech to advance to a PLL. I also think that the previous distinction made sense, in that the formal education level was different for a PTech than a PLL.
- I do not see the need for another title, which is limited is scope of practice, which also appears to be poorly defined. If someone has an engineering or geoscience degree, then they should apply for P.Eng. status. If they cannot apply for P.Eng. status then they should not be practicing engineering without supervision of a P.Eng.
- What does having only an ASET designation restrict individuals from practicing? Does this restriction really hamper their ability to practice?
- Technologists should not be able to obtain any professional titles from APEGA.

- Individuals without engineering or geoscience degrees should not be eligible to apply to APEGA for registration as a Professional Limited Licensee.
- If qualified individuals be permitted limited freedom to utilize their specific technical skills, the overseeing/regulating and maintaining of (APEGA) set limits- additional increased costs to monitor and enforce will result. If such approvals involve limited individual specific areas of practice - it will complicates the regulating duties and mechanism(s) of APEGA.
- I find the additional designations confusing.
- I do not like any designation such as PL or PLL that does not make clear what profession is being referred to.
- Sounds reasonable. Don't know if I like the naming of Limited Licensee though. The word limited has a negative connotation.
- By forcing qualified candidates to register twice, you're doubling the cost and time it takes for them to register. Applicants should only have to register once.
- This only makes sense if the qualifications for a PL (Eng) are significantly greater than that for a P.Tech (Eng).
- If engineers and technologists can become PLL's, companies will move towards hiring technologist PLLs at a lower cost than engineers. This will dilute the value of an engineering degree
- Techs do not have the educational background or capacity to be seen as equals to P Eng members and should always be treated as Techs under P Eng supervision
- Just stop making it difficult for people to make a livelihood.
- I feel it should stay as it is. Some individuals' lively hoods depend on being a licensee with APEGA.
- Technologists should continue to be designated as technologists and if desiring to obtain engineering qualifications should do so through the route all of us engineers did, by getting an engineering degree from an accredited academic institution.
- Let's make sure APEGA continues to take in highly skilled experienced technical professionals, even though they may not meet all the admission requirements. Most of these individuals are 'mature' and have practiced for many years in their fields of expertise. Very often they are mentors to junior engineers and other technical staff. For this last reason alone, having the 'mentor' uphold the same regulatory standard of professional conduct as the 'student' is essential.
- Technologists are not trained as engineers, if they want to become engineers they should take the necessary courses or pass the necessary exams. I do not like this circuitous backdoor route.
- I am not in favour of eliminating the P.L. (Eng.) or P.L. (Geo.) designations in the first place. What level of data exists to say that these individual members of APEGA are a concern within APEGA's structure? In the 10 years of the R.P.T. (Eng.) designation, none of those members were ever disciplined for working out of scope, whereas the same cannot be said of P.Engs. I think that this is a narrow-minded witch hunt by the P.Eng and P.Geo members at large; one which does not serve the public's interests, and industry's needs at all. It's merely a protectionist turf-war.
- P.L.L. is nonsense. Either you qualify as a P. Eng. or you qualify as a Prof. Technologist. Let's not have a host of wiggle clauses to get to allow unqualified persons to be sort-of P. Eng's.
- I believe that Professional Engineers and Professional Geoscientists should have a university degree. I do not support a limited licensee designation for those without a

degree. Unfortunately, it appears that on Jan. 23, 2017, once again, this horse escaped from the APEGA barn.

- Why is P.Tech allowed to apply as P.L.L. to APEGA, it would be a passport for them to become fully P.Eng. in the future, considering they had no Engineering or Geoscience degree? It's not fair to those who toiled and ultimately earned a degree in University!
- I'm not in favour of P. Techs. No one should practise engineering without at least a bachelor.
- My 40 plus years of experience have demonstrated to me that there are many competent individuals who do not have engineering or geoscience degrees but only in very limited scope of practice. I have worked with and supervised a large number of technologists and have never found the depth of understanding that most engineers and geoscientists with APEGA approved degrees exhibit. Similarly I have found that technologists who have chosen to go to jurisdictions (e.g. Montana) to get 2 year engineering degrees that are acceptable to APEGA may be competent in specific tasks of the Art, but tend to lack creative thinking and the ability to generate novel solutions to designs or problems. This must be due to the differences in training regimes.
- Qualifications and experience aside, I do not see why APEGA would endorse a "half or partially" qualified individual as a designated professional. If this were the case then, say, the medical profession should designate a midwife as an (even though the midwife has not completed the same rigorous education and training as an obstetric professional). I have to ask again, does the membership of APEGA not view itself in the same standard and level of professionalism as the medical profession? Why does APEGA look to "dumb down" the standards of professionalism?
- A P.Tech could know more about drill well abandonment well products and lifespans and ability to be pumped in the hole without sanding the walls (mud puppy) such there is not just a permeable liner up the hole anyways than many engineers and so the P.L.L makes sense in some strict areas of work.
- Personally, I find the whole discussion involving P. Tech's or technologists generally to be a distraction that was foisted upon APEGA by the government as a result of lobbying by technologists. There has been a huge amount of time and effort dedicated to these changes, and obviously the discussion/debate is still ongoing. If I were a neophyte member of the public, I would be concerned about the complexity and lack of clarity about who is ultimately responsible for the protection of the public in relation to engineering and geoscience matters.
- If someone has a valid engineering degree, they should be designated as EITs or P.Eng. according to experience requirements. If someone does not have engineering degree then they should be designated as P.Techs. There is no need for P.L and P.L.L designations. These will confuse the public and is not in the best interest of public for safety when it comes to awarding work.
- I am concerned about potential confusion to the public due to the various titles.
- There is a lot of mobility of engineering and geoscience professionals throughout Canada. It is far more practical to have similar professional designations and registration requirements in all provinces and territories.
- Individuals without an engineering degree (even with adequate experience) should not be allowed to obtain a professional license with APEGA.

## 6. To what extent do you agree or disagree with the following proposed recommendation?

*It is recommended that the legislation be amended to remove the examination candidate category.*

- Strongly agree with the above listed proposed recommendation.
- convoluted, not sure
- I strongly disagree with the proposed changes. I see no reason to change the current wording 5
- I agree that there are often too many categories. This will help streamline and clarify the process for becoming a professional
- Why would we make changes to P.L designations, but then let Examination candidates work under the direction of a professional.
- The existing process allows applicants with non-Alberta degrees to become members and is one of the more progressive attributes of APEGA. To remove this option would be unnecessarily restrictive and open APEGA to more claims of discrimination.
- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- If this improves the efficiency of member approvals and applications, I am in support of it.
- Looks like a reasonable revision.
- This examination candidate status is not needed.
- Explanation is unclear - what happens with the applicant?
- Individuals in process to be member are applicants. I prefer the EIT or AIT (applicant in training) designation instead of MIT that can be associated with Massachusetts Institute of Technology
- But only if such individuals are treated as Members in training for either a full or limited licence. A lot of good engineers have used this route to upgrade in the past.
- This whole question needs to be revisited and the process clarified. It does not seem to be taking into account the varieties of education, training and experience of immigrants; it is too tied to conventional Canadian University Education.
- I think as far as the public is concerned, there doesn't need to be a distinction, as long as it is still clear to all involved (candidates, reviewers, employers, etc.) what the former "examination candidates" category applicants need to do in order to progress towards registration.
- The fewer the better, and all should indicate to what profession(s) they relate
- Seems an unnecessary category
- I believe examination candidates probably substantially meet the requirement for registration but may need to clarify some deficiency. They should be permitted to have some status in the meantime.
- Don't understand this. Just make things easier for people to apply, reduce the size of the employees and keep fees low.
- This just allows a back door entry to unqualified (mostly offshore) persons to get P. Eng. status. I believe that being identified as an examination candidate provides a service to the public as this person can still provide "engineering" under proper supervision. Being identified by APEGA shows some allegiance to APEGA by the applicant.
- Makes sense

- It appears to be a redundant category.
- I do not understand what the original intent of the examination candidate category was. If it was created to correct a significant deficiency of a potential professional member in order to bring them up to a standard of an M.I.T., then the category should remain as it was put in place to protect the public and the profession.
- When working with an M.I.T. I assume they lack the required experience but have all credentials. When working with an examination candidate there may be a missing element that could be significant in what I am working with them in, so that is an important distinction in my eyes.
- Removal reduces the candidate's opportunity for registration
- Better to avoid confusion and keep it black and white.
- A separate category is not needed.

## 7. To what extent do you agree or disagree with the following proposed recommendation?

*It is recommended that Rule 1 of the APEGA Code of Ethics be amended to read:*

***“Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety, and welfare of the public and the protection of the environment.”***

- Strongly agree with the above listed proposed recommendation.
- Protection of the Public automatically includes protection of the environment to the standards in place. This is just another attempt by alarmists to add political influence to technical practice.
- Need a balance between some environmental impact and economic activity. If environment is paramount above all else, all economic activity would stop.
- I am not against "have regard for the environment" but to include "protection of the environment" is dicey. Maybe instead of "protecting", it's more like minimizing adverse impact to the environment.
- I am concerned about this change. I am not certain that I can reconcile using the term "paramount" to protection of the environment in my work (oil and gas extraction). We have strong consideration for the environment and always strive to minimize harm but to hold it paramount seems to put in my conflict with my career. I am afraid that this can and will be used against us (on a personal and/or business level) with this proposed wording change.
- I don't agree with this at all. The wording is far too vague. It seems to put a blade of grass on the same plane as a person's life. A lawyer could argue I was not holding the protection of the environment paramount when I drove my car to work.
- I do not feel the old wording needs to be changed. The health, safety, and welfare of the public always comes first.

- Without some definition of what "holds paramount the protection of the environment" means I cannot support this change. It is too ambiguous and puts engineers in direct line of sole legal responsibility of the environment for any outcome or potential outcome. Everything we do in some way will alter the environment. As such it is pure opinion on anyone's part whether the engineer has shown or will be able to demonstrate that the environmental impact is minimal or that he/she has been able to show their paramount protection of the environment.
- The stronger wording creates a conflict of interest for anyone working in an industry where tree clearing, emissions, etc., are a part of the job. Breaking ground to drill a well isn't "holding paramount the protection of the environment" even if the site is managed and reclaimed perfectly. The current wording is sufficient, however if you wanted to use a stronger word than regard, "consideration" would be better than "protection", and wouldn't create a conflict between your job requirements and your code of ethics.
- I think the Rule 1 is fine as it is.
- I strongly disagree with the proposed changes. I see no reason to change the current wording.
- I strongly disagree with the proposed changes. I see no reason to change the current wording. There may be times when paramountcy for the health, safety and welfare of the public are in conflict with the protection of the environment. The Rule would need to be clarified to provide registrants with direction when the health, safety and welfare conflicts with the protection of the environment. The previous Rule appears to provide adequate consideration of environmental matters.
- I strongly disagree with the proposed wording. I see no reason to change the current wording
- Strongly disagree! I do not see the need to change the wording as it stands!
- I believe the wording is fine as is.
- In some industries, it is prohibitive to hold paramount both the public safety and environmental protection. Sufficient emphasis is placed on the environment with current rules & regulations in Alberta and Canada.
- Although consistency with Eng. Canada and ASET is desirable I do not agree with this amendment. HOWEVER, as part of "progress" and economic development the necessity of new infrastructure, buildings, oil & gas developments, mines etc. Will realistically have some impact (hopefully minor) on the environment. To me this rewording implies environmental protection to be more important than recognition of the need for these activities. I believe the current wording strikes a balance for the expectation of prudent environmental protection and engineering practice.
- I strongly disagree with the proposed changes. I see no reason to change the current wording.
- I see no reason to change the current wording
- The current wording better reflects the balance that we strive for in our resource based economy in Alberta.
- "Hold paramount ... the protection of the environment". It is not practical. Protection of the environment is very important but sometimes compromises are made for practical reasons.
- Everything that we do as engineers affects the environment: building houses, industry, oil and gas. We hold paramount the health, safety and welfare of people but if environment was held to the same standard we would not do anything. We would not have power, heat, vehicles, houses etc. We try to minimize the environmental impact and weigh against the benefits. The original wording is what we are able to achieve.

- I disagree with the proposed recommendation to change the wording of Rule 1. The current wording is satisfactory
- I strongly disagree with the proposed changes. I see no reason to change the current wording
- Holding paramount the health, safety, and welfare of the public in the original wording is absolutely necessary. Holding paramount the protection of the environment is a potential breach of ethics for normal business decisions. Regard for the environment is suitable wording to balance APEGA member/public expectations and benefits, and there is no reason to change the wording of rule 1.
- I strongly disagree with the proposed changes. I see no reason to change the current wording. If this change is made, any decision made that has a negative impact on the environment could put the engineer in conflict with their code of ethics, this would mean that even if a balance was determined between economic benefit and environmental impact...the engineer should always choose the environment above all else
- I strongly disagree with the proposed changes.
- Not only is this a bad change it would make all APEGA members hypocrites. All energy resources harm the environment from heavy metals in batteries to CO2 emissions from oil sands. Instead of protect it should state minimize damage to the environment.
- I don't see any reason to change the existing wording, etc. This makes no sense. Does a rocket going into space hold the environment paramount? Absolutely not, but it is still in the best interests of humans to send one into space. The existing wording makes sense. The proposed wording doesn't make sense and seems to pander to some idealistic and unrealistic standard. This standard would 100% be broken with most engineering projects: bridges (disrupting river ecosystems), windmills (killing many birds), glass buildings (again, killing many birds that fly into them). Arguably any city and its corresponding footprint does not hold the environment paramount. Using this wording just takes credibility from APEGA and will dislocate members from the organization as they realize this is not realistic.
- The current Rule 1 Code of Ethics is fine. We are not able to hold the environment "paramount" in the same light as the health, safety and welfare of the public. A large majority of us are involved in Natural Resource extraction which is the opposite of "holding paramount the protection of the environment". A change in wording to reflect a heightened awareness of environmental impacts is necessary but changing "have regard" to "holding paramount" is not the right choice.
- In resource extraction, impact on the environment will, at times, be unavoidable. Consider using "have regard" to "limit impact" or the like. Hold paramount the protection of the environment may be at odds with resource extraction.
- To 'hold paramount'...the protection of the environment' creates a new imbalance when weighing the value of industrial development vs the environment. Because any industrial activity may be considered to harm the environment an APEGA member could be in conflict daily in their work life.
- I see no reason to change the current wording
- Wording should be left as is
- Development activities will almost always have an effect on the environment and therefore, the proposed wording change would potentially place members in a conflict if protecting the environment is paramount.
- No need to update the verbiage on this.
- I think APEGA is playing with words here, and see no reason to change the current wording. All geoscientists understand their responsibility to be stewards of, and have

high regard for the environment in all we do. 'Paramount' and 'protection' are ambiguous words that could lead to internal dilemmas in our work world, and shouldn't have an effect on how we work as professionals.

- It is problematic to hold paramount the protection of the environment. Many APEGA members are employed by companies involved in natural resource extraction. It would also be difficult to hold the environment as paramount in our personal lives. Please keep it as having regard for the environment.
- Protection connotes a focus that must both determine and act upon issues affecting the environment. Engineering and our geosciences must diligently and reasonably identify (determine) impacts on society including those that are environmental, social, and financial. The onus to act upon the recommendations of a reasonable professional is not within the professional practitioner alone. The clients, those who retain the professional for their expertise, ultimately decide whether or not to act consistently with the professional recommendations and then to what extent. Therefore, it is naive and inappropriate to place all APEGA professionals in a position where they will always have responsibility without authority. Like physicians, we must inform our clients well. Some of them will continue to smoke anyway. In addition, doesn't "holding paramount the health, safety, and welfare of the public" necessarily include the environment anyway? Separating the environment from the public good to emphasize actions to protect it does not improve the spirit of the original statement.
- I strongly disagree with the proposed changes. I see no reason to change the current wording this overstates the importance of the environment and elevates it to be as important as human life...all things have an impact on the environment... its balancing and determining if the impact is in the best interests of society that's important...original wording is adequate!
- I strongly disagree with the proposed changes. I see no reason to change the current wording. I strongly disagree with the proposed changes. I see no reason to change the current wording. Government departments already do this. We already have laws, rules, and regulations that ensure that we protect the environment. No reason to change.
- I am in support of this as I think that we all hold dearly to public health, safety and the environment. My only concern is that it could become a tool to bully our peers into anti-development stances when there exists a benefit to society, but possible risk to the environment (i.e. if we can't cut down some trees to build a school that is a problem, or where one of our members is working on a project and they are brought in front of a panel due to a complaint from the public for working on a development, even if all the commonly required environmental items were done ...)
- The current wording is fine
- I see no reason to change the current wording.
- This is a conflict of interest for many people and should not be adopted.
- I strongly disagree with the proposed changes. I see no reason to change the current wording I see no reason to change the current Code of Ethics.
- Redundant, potentially conflicting and subject to misinterpretation as the proposed wording applies. Old statement is adequate.
- I see no reason to change it
- Current wording is appropriate and there is no good reason to change it.
- I strongly disagree with the proposed changes. I see no reason to change the current wording I strongly disagree with the proposed changes. I see no reason to change the current wording. I strongly disagree with the proposed changes. I see no reason to

change the current wording I strongly disagree with the proposed changes and see no reason to change the current wording

- I disagree with the proposed changes. I see no reason to change the current wording.
- I see no reason to change the current wording.
- I strongly disagree with the proposed changes, there is no reason to change the current wording
- I strongly believe that the protection of the environment, while extremely important, should NOT be held in the same regard as the health and safety of the public.
- I strongly disagree with the proposed changes. I see no reason to change the current wording. The environment IS held to a high regard as is. Adjustment of the wording will create many conflicts with every branch of engineering and geoscience. It is very easy to make an argument that any human development would disrupt the environment.
- Strongly disagree with the proposed change. See no need to change Rule 1
- I strongly disagree with the proposed recommendation. The proposed wording will put APEGA members in a conflicted position when conducting ANY operations. Almost anything an APEGA member physically does will have an impact on the environment and we are obligated to mitigate any impact, however, to make the protection of the environment our paramount consideration is much too restrictive.
- The development of green field projects requires that some damage to the environment occur. How do we hold paramount the protection of the environment when society accepts the fact that we must do small amounts of damage in the name of progress?
- The word "paramount" is too strong - supreme, pre-eminent. Fine with use of "paramount" with regards to health, safety and public welfare, but the use of it in regards to the environment provides too many potential conflicts not of the same significance as health and safety.
- "Protection of the environment" is too broad. Everything we do alters the environment in some manner. If "protection" means "no alteration", which activists will undoubtedly interpret, then APEGA is asking for a load of trouble. Does publication of the PEGG in any way contravene "protection of the environment"? Does an ad in a newspaper? This is far too vague a meaning and the original wording should be retained
- We should have regard for the environment, but to hold it paramount is going too far. Same status as public safety is too far. Far above economics and job creation, is going too far. There should always be a balance. Stick with existing wording.
- I strongly disagree with changing the wording. I like the current wording and see no reason to change it.
- I strongly disagree with the proposed wording. The currently wording is sufficient, however, an alternative wording could be "Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have high regard for the environment."
- I agree that professionals should always be working and acting to protect the public and environment.
- I agree that "have regard" is a little weak in current times, but I don't agree that protection of the environment is equal to protection of the public. Human health, safety, and welfare will always be a little higher, although without coincident care of the environment the former will not be sustainable for the long term. I would prefer somewhat different wording than "hold paramount ... the protection of the environment" but I don't have a proposal.
- Only way to protect the environment on many projects is to eliminate the project (e.g. Oil sands mines). Better to say minimize environmental impact

- Most of the Legislative changes have no engineering experience, sometime, even lack of common sense
- There needs to be some guidance provided on the "protection of the environment" as it could become very subjective to the individual - what may be deemed as prudent by one professional member could be deemed as damaging to the environment by another.
- "Protection of the environment" opens us up to liability issues and large debates in extracting hydrocarbons processes.
- This is a stronger statement on environmental protection than "have regard" and is more consistent with the draft code of ethics from Engineers Canada and at least some of the regulators.
- It should read, "... public and the sustainability of the environment." Protection suggests a bias towards impending threats to the environment whereas sustainability suggests an understanding of the environment and its support for continued prosperity.
- I don't support the change.
- Though I disagree with the need to change our wording as I believe it adequately dictates our obligations as stewards of the world we live in, to suggest that we ought not to be consistent with our brother and sister engineers in other jurisdictions of this country would be to create the very seed bed of ambiguity which I have been decrying throughout this survey.
- There is no definition as to what "protection of the environment" means, therefore without definition, I cannot support this. I believe professionals, in their judgement should be able to have "regard" to properly carry their duties. The legislation is adequate as is.
- It begins to enter the realm of pseudo-religiosity to equate the rights of the environment with those of a person/persons.
- "Protection of the environment" is too subjective. This term cannot be evaluated objectively. This opens the door to prosecution of engineers for political reasons. I strongly disagree with this recommendation.
- I am not sure on the punctuation and the meaning of the emphasis. Is "welfare of the public and the protection of the environment" one idea or two?
- Sounds like political games to me. In the extreme, one could argue that any project that involves the environment, such as a pipeline, road, building and the like, could be construed as not protecting the environment. When APEGA members are involved in projects, I think that "having regard" for the environment is important, but it may not always be possible to "protect" the environment in the strictest sense of the word, because strictly protecting would mean no development whatsoever.
- Protection of the environment is extremely vague, changeable and unenforceable. Where environmental concerns affect the health and safety of the public it is already covered under the existing language.
- To protect is a stronger expectation than to regard.
- APEGA should adopt the Engineers Canada code of ethics and work towards uniformity across the country.
- It can be inferred that holding environment paramount means that any work undertaken cannot damage the environment. Thus no work would proceed. E.g. no Stoney Trail through Fish Creek or Weasel Head as there is damage to the environment etc.
- I don't disagree with the concept but it doesn't address the problem of clients who cleverly draw up contracts of work that circumvents some of these aspects- if you don't comply, you don't get the job.
- I'm very glad to see a stronger emphasis on protection of the environment in our profession. The phrase "protection of the environment" is often up to interpretation,

especially by groups that are against development. I would prefer to see additional wording to define what is considered to be "protecting the environment".

- What is the intent of the statement "hold paramount the protection of the environment"? Does this mean beyond existing environmental legislation, or that an engineer must comply with existing regulations- which is already the case?  
It seems that in many instances environmental protection depends largely on corporate or organizational values at a higher level, and not so much on an individual engineer.
- Environment is a very general term - defined individually. The 'environment' is beyond circumscription by "scientific minds" or (any) individual, and so - "protecting the environment" is a nebulous end pursuit. Rather - minimizing waste pollution should be the goal. By putting onus to avoid profligate release of, with reuse of 'waste' etc. Our puny resources can never "protect the environment". Note: Prairie settlers(1930's) saved, and reused all material's and substances - as many times as they could - not as 'environmentalists' - but a stewards of the little they had to live on.
- Which of these two has precedence if there is a choice between these two. Not clear at all.
- I think this is the single most important change that we can make to the legislation.
- Uniformity of wording across Canada should apply
- The previous language is far too weak and vague.
- This can create conflicts based on ones definition of protect. To have regard for the environment is sufficient. It is not our job to protect the environment.
- Better wording "Hold paramount the safety, health and welfare of the public, protection of the environment, and promote health and safety within the workplace"
- Rule should be left broad in its aspect, that's the reason it was issued in the first place
- This change is not necessary
- Definition of protection may limit the ability to do work. Mining projects could be halted since reclamation work may not be considered as protecting the environment
- The change can bring conflicts between company and engineer (employer and employee). The political correctness of changing the current regulation is based on non-scientific hysteria political gain and an uninformed public The engineering profession is based on technical feasibility and practicality not on public hysteria and complete ignorance of the natural world
- This must be a hot topic for debate. If the public is losing trust in APEGA unless we change this, then we should. The public safety is still more important than the environment
- There are "Environmental" professionals, the same as Geologists, Civil Engineers, Doctors, etc. I think we need to take care to not place expectations of responsibility on those who are not undertaking the scope of some or all other professions.
- Conforming to so-called climate change should never be requirement for attaining professional membership or acquiring a permit to practice.
- I think this statement should reference all APEGA members, not just engineers/geoscientists. The changed wording makes me concerned this might open up an engineer to a frivolous complaint for radical environmental related to a project they design creating greenhouse gas emissions and then them being investigated for not following the code of ethics in terms of "protection of the environment"....
- I think this is a waste of APEGA membership dues and tax pay dollars to change that word. The phrase has the same meaning.
- I believe we're missing the point with the existing and proposed statement. The statement should be more explicit with the regard for human life - we hold paramount but

why not ensure the protection of the public? I want to protect the public, the environment, and the interaction of all people, equipment, and interests of those involved with the planning, management, execution, and maintenance of the work or finished product. All items should be placed with equal emphasis as they are all a balance where one is not necessarily more important than any other.

- This should not even need saying. Do we have such poorly qualified people that they do it even know this?
- "And promote health and safety in the workplace." should be added as this is sometimes missing from plans and procedures developed in an office environment.
- Playing with words. Useless addition
- Assuming the "public" includes health and safety in the workplace and on job sites. Human safety should always be placed above the environment, even on the job site.
- The public does not feel that Professional Engineers have the knowledge and/or the ability to provide this responsibly because they are conflicted by their employers' business model. Only people who are not influenced by an employer's drive to make money regardless of the consequences. This might sound somewhat facetious however it is meant to show that the environmental activist does accept the input of a knowledgeable professional engineer acting in proper capacity.
- Potato potato; tomato tomato. Does it make a difference? Or does the wording change relate to a change in law that will prevent APEGA members from doing their jobs because they will automatically be in default? Do the members of APEGA not engage EA's as part of a technically complex industrial project? Are there not laws and regulations already in place that govern environmental practices so tightly that the majority of commercial developments in Canada have been made uneconomic and uncompetitive with the rest of the world. Methinks we are covered with that insanely ludicrous change, no?
- Words paramount and protection could easily misconstrued and could lead to a slippery legal slope. Protection is a matter of degree and overall effect on environment? How much pollution is too much and how much is okay considering the economic benefit of that pollution. If I fill my gas powered equipment and spill some and didn't use or provide a funnel or other means to fill it am I not doing enough to protect the environment, etc.?
- I am concerned that this could be applied against a person seen as not promoting environmental protectionism that may be in vogue at certain times as societal norms change and special interest groups hold sway.
- I think this proposed change is significant. What would happen to all engineers and geoscientists working in the oil sands of Alberta if a reputable scientific organization/body declared the oil sands to be detrimental to the earth's environment? Would that mean that all engineers and geoscientists registered with APEGA and working in the oil sands need to insist that their employers/clients change how they are doing their business? Be careful what you wish for!!
- Who draws the line for what is considered protection of the environment? For example, building a mine is considered by some as damaging to the environment, even if reclamation is planned into the operation.
- Really?
- I strongly believe that you cannot protect the public without also protecting the environment. The current rule is outdated, and needs to be changed as we're ever to evolve past considering the environment as an afterthought.
- This should only be done in parallel with the country setting a standard for tolerability of exposure of the environment to risk. Without a tolerability guideline, there is no

acceptable/unacceptable risk exposure guideline to assist engineers in defining compliance to the new language and you will get vastly different applications in industry then. Do not move faster than the government on environmental policy.

- What does protection of the environment mean? Almost everything we do impacts the environment in a negative way. We all leave a large environmental footprint. It is too vague.
- I would like to see Rule 1 to be the same as the Engineers Canada's Code of Ethics and include the promotion of health and safety in the workplace
- "Protection of the environment" is not well defined - there may always be some negative impact of the environment, which although may be mitigated, may still exist (e.g. zero carbon emissions, no waste etc.)

## Email Comments Submitted Directly to APEGA

- Legislate an appropriate mechanism to replace APEGAs existing complaint policy. There needs to be a suitable way for professional members to report violations committed by permit holders, as well as other members, without risk of losing their livelihoods and careers. These are often non-arms lengths relationships, such as when a professional member employee must report an employer who is a permit holder.
  - How can professional members submit complaints without fear of retaliation if APEGAs policy does not allow for anonymous complaints, and there are no whistleblower protections for private sector employees?
  - The discipline order data indicates a problem. Out of 41 discipline orders issues between 2011-2016, only 1 is against a permit holder, and it is a joint discipline order between the permit holder and professional members. It is clear that members are wary of reporting permit holders, because of the reasons provided in the bullet above.
- Implement engineering discipline-specific stamping requirements instead of relying on Rule 2 of the Code of Ethics (i.e. so computer engineers can't stamp drawings for a bridge).
  - This is highly relevant for multidiscipline industrial engineering and other complex projects.
  - After-the-fact discipline does not adequately protect public safety.
- Implement a requirement that applicants for P.Eng. or P.Geo. status must pass technical competency examinations covering their specific discipline, which include relevant design codes and standards
  - Similar to PE exam in the U.S.
  - Undergraduate engineering education does not cover many practical aspects of technical competency, including design codes and standards.
- Legislate that professional members who are not actively engaged in or overseeing engineering work with a public safety component must file for non-practicing status,

including company management and executives. Dedicate a title which must be used for non-practicing members so that it is clearly identifiable (e.g. P.Eng. (non-practicing))

- Legislate appropriate measures so that all permit holders who are found to have non-professionals performing engineering work (as defined by the *Act*) must immediately have their permit suspended or cancelled.
- APEGA investigation and discipline reports, including Discipline Orders, must be stamped by a professional member(s).
- APEGA should not offer any titles to technologists i.e. no P.L. or other status. There should not be any legislated scope of practice for non P.Eng.s and P.Geo.'s in the APEGA ACT. Leave this to ASET or other organizations to manage. A clear distinction needs to be made between professional engineers and geologists, versus technologists. Refer to the case of chartered accountants for more information.
- Prohibit APEGA from making political contributions to ensure objectivity.
- Limit APEGA's mandate to focus only on the protection of public safety.
- The reputation of the profession needs to be improved within the province after several high-publicity incidents in recent years, otherwise it is likely to be placed in a trusteeship similar to the Quebec situation.
- I attended the Round 5 Consultation. I think most of the Legislative changes are from those people who have no or very little engineering experience, sometimes, even lack of common sense.

# APPENDIX 2

## Comments & Questions from Spring 2017 Videoconference and Webinar Consultations

May 2017



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## Appendix 2 – Notes from In-Person/Webinar Consultations

### Introduction

The following individual feedback is from videoconference meetings and webinar consultation meetings held with Members and Permit Holders in the Spring 2017 round of consultations. Individual comments and questions, as recorded by transcribers at the meetings, have not been edited, but they are not necessarily direct quotations.

### Permit to Practice – Registration

- I have a question, I don't understand exactly as to what is the Professional Practice Management plan is? Can you give me an example of what that means? What is the difference between permit to practice and professional engineering license? Or a licensed professional engineer? This might seem silly, but I couldn't really get the grasp of what is going on here.
- I think, from what I understand we are just going to be a little more explicit about the PPMP, is that a fair statement? I think for us, I think it's a good idea to make sure that whomever is practicing engineering in the company has all the controls in place and I think overall that will enhance our discussion and manage the business of engineering in Alberta, at least that's my view as a business owner. Not sure how everyone else feels about that, but it is thumbs up for me.
- One of the elements that was noted was that the PPMP is appropriate and that it would be implemented, how would you practically check an intent to implement a PPMP? I am a little concerned that would be difficult if not impossible to do.
- Regarding the evaluations that will be done on the PPMP, I have a 2-part question. 1- Will you be following some sort of protocol for the evaluation so that it is done the same way each time? And 2- will those evaluations be documented and the outcomes be presented to the applicant so that they know and have in writing what the failings (if there are any) are, or what they can do so that they can improve their PPMP going forward?
- If there was a finding that some of the existing PPMPs were insufficient, this might be part of a 'how' question, but will there also be some way to circle back on the existing approved ones, to audit those or are we only looking forward on these?
- Is it not your means of controlling when you provide a permit to practice to a company to upholding the PPMP?
- Will the PPMP requirements for a sole practitioner be the same as for a larger corporation? So there will be some guidelines available for people in that position, it will be forthcoming?
- You mentioned the audits for existing permit holders with PPMPs, will there be some guidelines or instructions about them?
- What is the authority structure? Council, then practice review committee, then Registrar, then panels then reviewers? Council, committee then panel. Then the panel decides who the reviewers are? Then where does the Registrar's office come into this? The low risk ones? So then they don't actually make it to the committee, they just stay with the registrar's office. Everything goes to the panel. [Insert: this item was a lot of conversation with APEGA clarifying the process and structure]. Let me summarize, the panel gets all the applications and they decide the low risk ones can be done by the Registrar's office. That's perfect, I think it's clear now how the authority and the flow of information goes.

- I have a similar question but that has certainly been clarified and thought about on how the practice review committee, the panel, council, all fall in and I'm assuming the expectation is that everything is always appealable to council? But my question is, if a permit to practice is cancelled but they have to apply for a permit to practice from scratch, the same as an original application, is whether the practice review committee or somebody has the ability to create escalation steps before cancellation? Or is it you comply, you don't comply, and at some point the only thing they can do is cancel the permit, or can they, (I'm not asking what the steps are) does somebody have the authority to create some interim escalation steps?
- Ultimately, even though the appeal board, is there not ultimately potential for any issue with APEGA to appeal to council?
- There is a lot of mention of 'criteria approved by council', I'm just wondering if any of those criteria have been set out yet? Or that's still to come? I don't have any comments right now, I'm just curious if any more information is yet available.
- I'm part of the council, I'm glad you brought that up, right now is only the 'What'. We are dealing with the 'what' that is why the council was elected, once we get approval from the government, the 'How' becomes our only task. And because there is only 16 of us, we will be going back to the membership, we need more brains to come up with suggestions on the 'how'.
- Practice review panels, they are a subset of the practice review committee?
- Is this applicable to new companies or people who are just registering for the first time? If not, do current permit holders, will they be grandfathered? Is this a yearly practice or a one-time deal? I.e. once it's been met there is not a yearly certification. And lastly, what exactly is this certification process? Is it simply signing a paper with the COO?
- I'm just an engineer working in a large company, so I don't really deal with the PPMP, I haven't set it out, I haven't really seen the nitty gritty of what ours is, but just for clarification how does it work today? Does a company just say 'ok, we have a PPMP and it's good enough', so this is a fairly substantial change moving forward?
- Question about the risk, how would APEGA know that a company applying for a permit is going to do a vessel or something dangerous? How would the risk be identified? Because imagine a new company applying for a permit to practice, or an established company re-applying, they just say we want to do this, we have such skills, is there a requirement to specify that they will be designing a vessel? So they will be doing some other dangerous activities?
- I fully endorse these changes it certainly makes the permit more meaningful, more manageable and is something I wanted to do almost the entirety of the dozen years (member was involved with APEGA and the permit to practice program for a dozen years).
- Is this being looked at just for new applicants or is this something that would be looked at on a renewal basis as well?
- With regard to the templates, will there be multiple templates depending on the size of the organization and the structure of your organization? (With regard to PPMP templates).
- Is there someplace on the APEGA website that you can take a look at what is actually documented with APEGA as far as a PPMP? I have one (a PPMP) but I'm not sure what APEGA's got.
- It's been my experience, especially with the younger engineers, they're not aware of the PPMP, will there be more of an effort by APEGA to make the younger engineers more aware and know that they have the right to read the organization's PPMP.

- These practice review panels, if we have 4600 engineers therefor we need lots of practice reviewers, is there a guideline for that yet?
- Why do you want the practice review committee to delegate to the Registrar's office? Does the Registrar's office have that?
- I represent a larger company and I can see value in going through the PPMP from that perspective. I wonder if there is anybody in the audience here that represents a sole proprietor shop because I see very low value in giving that individual a template to follow for a PPMP and then saying that we are going to grade you on that PPMP which is essentially saying that is going to be that template anyway for those ultra-small engineering shops. Is there anyone in the audience who has some comments on that?
- Will the practice review board be able to help individuals who are having trouble developing PPMPs? Question pertaining to whether resources from APEGA will be available for support in developing and reviewing the PPMP.
- Item 6 talks about granting the right to appeal I would suggest we be explicit whether it's an appeal to the practice review committee or an appeal to the appeals board.
- In regard to the previous question that was asked about helping the members or having a template for the PPMP to be in place, is there going to be a committee or subcommittee or panel or experts in APEGA that can provide help or is it just going to be individuals. My suggestion is that should be part of the suggestion and proposals. Maybe item number 5 can be more explicitly stating that.
- A few weeks ago I had heard that there was discussion on this topic requiring that all permit holders stamp all deliverables with both the member professional stamp as well as the permit stamp and sign the stamp contrary to what we have been doing here for the past 20 years. Is that still in the plan or has that been dropped what's the situation there?
- Has there been a bit of a review to understand what the requirements of the volunteers to carry out this task will be and does APEGA already feel that have in line that number of volunteers ready to go or is there going to be a cost associated with this? As far as doing the review of the PPMP for everyone.
- Given the potential added overhead of examiners and of course staff to APEGA and the cost related to that is it contemplated that some kind of an increase or scaled application fee would be imposed?
- I like the idea of where this is going, it's overdue, one of the questions I do have regarding the last slide, says that the practice review committee would delegate to the Registrar, would it not be reversed? That the delegate of authority be back to the practice review committee?
- I need some clarity on the relationship between the practice review panel and the practice review committee, how the memberships of those two entities are decided and what the relationship is between them, can you please elaborate on that?
- I was also looking at the composition of the panel and committee, that question has just been answered, thank you.
- Nowhere in the legislation that I can see, is there going to be periodic reviews of the companies and the permit holders? How is that going to happen in the future?
- Supplementary to this question, is the review by random selection? Or is this going to be annual?
- I have a follow up question, but you may have already answered it, how do you ensure that the people that are doing the reviewing of PPMPs, that they themselves have the appropriate background and experience for the particular PPMP that they are reviewing? For example, you wouldn't choose geologists to be part of the review committee or the review panel to go and review an engineering company's PPMP, that kind of thing. Or would you have people with an academic background doing reviews of industry PPMPs?

Is there a process of doing that? Or do you leave it up to the PRC to kind of pick those panel members.

- I'm unclear as to the status of the practice review board, vis-a-vis the practice review committee, are these two organizations?
- There are about 4600 permit holders right now, how many reviews a year do you expect to be doing? What's it going to cost APEGA and staff?
- Just for information, back when I was involved in the PRC, in a typical year the number of firms audited or checked out would be in the dozens, 2, 3, 4 dozen, there was 10-15 members of the board and in a year, you get 2 or 3 audits. I don't think there was a year of more than 40 or 50.
- Just a suggestion, ABSA also has to conduct audits in a given year, you may want to look at the model they use to do the audits on their own or user programs. They are on a 3-year cycle, just a suggestion.
- The practice review committee, if the registrar's doing the assessment, which sounds like a fine idea to me, does that go back to the PRC?
- What are the review panels responsibilities and obligations? Are they merely following the application guidelines to the T or are they making decisions which may look and sound arbitrary at times?
- Is a wrong decision possible? For example the review committee reviews a company and decides that it has proper PPMP and later on few years down the line, the arrow of suspicion points towards the PPMP not being proper and sufficient, in that case is the panel under any obligations or misconduct or having not looked at properly.
- Can the members at large see the application criteria before it is implemented? Before it becomes the law.
- It's mentioned here that the reinstatement policy that if a particular company has its permit to practice revoked, they have to go back and start from scratch, will the previous history of a fraudulent reason, or other reason still be available for the committee to consider and should that information be part of the decision-making process?
- Will there be any re-reviews of PPMPs over time as things change and we get better?
- The applicants can appeal decisions, is that to council?
- Is the appeals board a different set of members than the council and the review committee?
- Third party, do you mean non-members? Still professional members or public member appointed.
- I come in favour of this kind of legislation, one thing that struck me when I came to Alberta 5 years ago was how loose the PPMP appeared to be. These are frameworks and give some structure in Alberta, this reminds me a lot of the ISO quality management plans and the ISO 9001 follows this kind of detail, companies are unique the ISO has a framework for their quality management plan but the entities themselves have to fill it out and make it work for them so I think there is a lot of precedent for this kind of legislation.
- I find this confusing, the applicant must certify that a PPMP is in place and the PRC may need a risk based audit. It's not clear to me if every PPMP will be submitted and reviewed by the panel prior to application being granted?
- At a previous session, I believe they talked about a 2-year audit cycle and that was the plan to look at existing permit to practice and existing PPMPs that are in place.
- It's good that they are delegating some of the responsibilities because I found that after we had our review it was a good 4 months before we heard back because it had to go through council. I appreciate this power distribution, hopefully that will make things more efficient.

- Let's say a company has a PPMP in place but they are not actually following it does your audit actually cover that or do they just see if they have a PPMP in place or not?
- How many permits of practice do we have currently on the Register?
- With 4600, you want to audit every 2 years, I don't think that is feasible.
- The current APEGA website says the PPMP must be available to any member of the Permit Company or APEGA upon request, so is that intention still to be the same in this legislation?
- I work at a company and ask to see the PPMP, I read it and think it's crap, what's my professional and ethical responsibility?

## Permit to Practice – Reinstatement

- I think it's a good idea.
- I think it would make the process so much cleaner, because the word reinstatement meant they had an advantage over first time applicants when in reality they shouldn't. It should be a brand new, from scratch grass roots application.
- The current process for reinstatement is actually not very far off the existing process for application, really the form is almost the same except the word reinstatement appears on it, this is not inconsistent so because I endorsed the previous one, I certainly endorse this. The standard should be met and as has been stated if we are going to be going through and confirming this with all permit holders over some period of time whether it's annually or every 5 or 10 years or whatever it is going to be I don't think this is at all inconsistent with what has been suggested and I fully endorse it.
- I just wonder when a permit holder's license was cancelled and re-applied for, does the history of an offence get taken into account? So there would be as a new applicant plus whatever has happened in the past your history has to be cleared (i.e. an order needs to have been complied with).
- What are the scenarios where a permit could be cancelled? Could a permit be cancelled for lack of payment just as an example?
- I am a bit uncomfortable if a permit was cancelled because of the check showed up a day late that now all of sudden they need to go through the full application process again. I would seek to have some clarification as to when they could invoke the full application versus some kind of short application.
- Along the same line, I think this is not fair for somebody who has just not paid the permit fees or for a different reason or for one year he wants to cancel it and then he wants to come back, to go through all those applications things and the other side of it is also not fair because if somebody's permit was cancelled because of disciplinary action there should be some consequences when he wants to come back they should rectify the faults, the problems and one should make sure. So I don't think here is a good balance so because of the cause, the permit holder's reinstatement should be a matter of how to renew it. That's my opinion.
- I will comment on the same thing again, in the previous section we were talking about a risk based approach on applications and I think here the comments you are hearing, to me here they are saying that it is contrary to a risk based approach where a disciplined

individual will obviously present a higher risk to the profession and the public and I think non-payment would not represent a risk therefore it would be totally warranted to treat the two differently.

- I would second that recommendation on a risk based approach and I would encourage that also you would consider reasonable medical exceptions. If a person were to have a protracted illness and have to disengage from practice for, you obviously have to bind that timeframe somehow, but lack of payment perhaps certain extenuating medical circumstances perhaps could be considered very low risk category and then set you up for a fast track for you reinstating your permit.
- Along the same line, this sentence about “all references to reinstatement be removed from the legislation” it looks to me that quite a few of us here have the opinion that it should not be the same, so there should be some regulations and standards that we have to follow. I don’t think we agree with this statement.
- Whether this process would extend to existing permit holders or would we require this process when we go to renew?
- One other question I had is to whether this would extend to existing permit holders when they go to renew their permit.
- So reinstatement will no longer exist?
- Seems that through some of the bylaws, the clauses pertaining to reinstatement were added in to provide a balance to protect the members, for example in the event the board is making decisions that may be arbitrary. I just wanted to make the comment that from what I have seen through bylaws with other organizations, that reinstatement that has been added recently, before bylaws would just have clauses dealing with termination or disciplinary action with no mention of reinstatement, so my experience, I see that reinstatement has been added in to provide a balanced view and to also protect the rights of members, as an example, from a potential trumped board, where a board that makes arbitrary decisions. I’m assuming this is after the appeal process?
- I’m curious if this is in line with what other professional bodies are doing?
- Some companies lose their permit, they have an un-earning year, if you gather the same, it makes it a bit more difficult for a company like us, because there are two engineers in a year and then if I move the job, the firm loses its permit to practice.
- I also think it is not good that the annual dues increase every year, with the economy, now the company does not pay it, I need to pay it myself. If I refuse to pay, then the company loses its permit to practice [because there is not a licensed responsible member].
- I agree with the previous speaker, with the current economic situation, I am also jobless, how do I practice if I don’t have a job and how does this whole thing suspension, re-instatement all these things take place? It seems very confusing. Is there an explanation on that? [How to maintain permit to practice and professional designations].
- If you apply the principle that every reinstatement in APEGA requires members to meet the same standards as new applicants, if you apply that to members as well as permits, it could affect that a bunch of current life members that are hoping to get back into practice in a couple of years when the downturn hopefully relieves itself. So I have a concern that this principle could be applied to members without discussion (from permit to practice).
- What I heard you say then is that this is specifically a legislative change for the permit holder and the process and wording as far as individual members is going to remain unchanged.
- This comment applies to all 7 topics today, the ‘how’ is really important and even how the first topic today is going to be really, really important.
- I understand what you are trying to accomplish here and it makes sense, a challenge I see is that the body that is looking at the reinstatement, are they going to be privy to the

information as to why the permit was pulled in the first place? And if that is the case, the challenge is going to be how do you really make it a level playing field and make the process the same for a new applicant versus one that is a reinstatement.

It also touches on the 2 bullets on page 3 of the briefing notes, I am not certain that the two bullets don't possibly contradict themselves, we are trying to make the process standard for all applicants, but it's not standard if you are being reinstated. There are additional levels of scrutiny, I'm not saying we shouldn't be, but we may be contradicting ourselves unless we say it is standard to reinstatement.

- On the fraudulent registration, I'm not sure any company which has demonstrated fraudulent behavior should even be allowed back into practice. It seems that whatever the cause was for taking these people out they can still go back in queue. It's like committing a crime and the judge says 'don't do it again' and this person is set free back in the public. Is there any protection for the public at large and for APEGA from fraudulent behavior? Why should these people be accepted back or have the right to re-apply explicitly demonstrated fraudulent behaviours?
- I am surprised this wasn't there before. I am glad it is now.
- What is the impetus of this change? Looks to me that the grandfathering back in someone's permit that has been suspended under older criteria under which it was originally granted. Is part of the intent to have anyone who is reinstated that they are at least current and not rely only on their good standing to ensure their permit is legit?
- I am all in favour of this type of thing, but reading the handout, "this change requires the applicant to meet the same criteria and allows APEGA the option to require a risk based line audit" – I think that the risk based line audit should be mandatory on a reinstatement.
- I think this is unclear, if it's the same process as registration, then the PPMP will be submitted, reviewed and approved, I'm not sure what all the language around the risk based assessment means when we are saying it is going to be submitted, reviewed and approved prior to registration. To follow up on that, when we are talking about cancellation, we are talking both voluntary and involuntary, is that correct?
- I have run into situations where this can get a little weird, I am not sure about all the available means, we acquired a division of a company and they gave up their permit to practice when we bought them, I was running a permit in the mother company, I was not informed that they gave it up, I was not informed that these people were not going to be working under my permit and I did not feel that I actually had the necessary scope to control their work and I insisted that they re-acquire their permit because they were operating a separate kind of business, in that kind of a scenario, it seems to me following the full entire process is not really necessary, because it was essentially cancelled in error. The other scenario I am interested in, is there an option for a voluntary suspension? So you have a small company, they want to go on a leave of absence, perhaps a health issue or something and they don't feel that they can uphold the permit for a period of time, 1-3 years, do they have to cancel and re-submit or can they just suspend and bring it back from suspension under a different process?
- In the document, is there an ability to have a side process? (I.e. Non-payment of dues), that needs to be reflected in the documentation.
- Would it be better to have a separate category for the people that are not able to work due to the down turn? It is not the intention of the people not to work, it's tough, those people who voluntarily take a break, that is different they can come back and work under the supervision of a person, but what about those people who really want to work but they are not able to actually do engineering work but work in some other areas that are not really related to engineering to survive, would it not be better?

## Investigative Panels Criteria for Interim Suspensions & Restrictions

- Is this proposed change in anticipation of a developing problem or is it that council feels there have been circumstances in the past where having this power was needed and found wanting. Because I look at this and think, if our company audits or professional practice audits are doing what they are supposed to do, we shouldn't end up in emergent situations so I am asking, what is prompting this need now?
- You've got to balance that against due process and allowing investigations to proceed and not prejudice the outcomes of those investigations by unfairly characterizing someone's practice as insufficient when it hasn't been proven on the face of it.
- I have some very serious concerns of triggering someone's suspension based on someone's Twitter feed (or other media), that just doesn't seem like a very good idea at all.
- Was an indictable offense alone sufficient to warrant this? I was curious and looked it up on Google, criminalnotebook.ca, there are some things in there that are personal and I don't see that it would affect a person's ability to deliver a safe solution, so I am just trying to understand the limitations of an indictable offence.
- I think it's a good idea, specifically in the era of rapid speed of communication, things come up and we need to be able to take action rather quickly and move through any type of bureaucracy, however I would think that this sword cuts both ways, if a person's permit of license is suspended and in fact it was unfounded, I would imagine that APEGA could potentially bear the brunt of loss of income and reputation as well, so I would take this action very seriously. This sword does cut both ways, so I am sure APEGA would be careful not to suspend someone's permit of license too quickly because APEGA could also be liable for a loss of income and reputation as well. I generally approve, I really like everything I have heard to date, it's just a comment to be aware of.
- As background, what's the scenario today if an event occurred today, who would impose a suspension? Would it be the registrar? I didn't understand that the investigative committee had that current power, you're confirming they do? Not the disciplinary committee.
- Right now, can the investigative committee take that action unilaterally or do they, can they only respond to a complaint? Do they need something else to initiate that investigation?
- I am assuming again that the investigative panels are a subset of the investigative committee and where is that laid out? I am seeing that part of this you have got at least that initial investigation and it's a panel and it may be through people who are easier to get together than having to wait until you can get the committee together or quorum together so that makes sense, but where is it laid out is it at the regulation level or at the legislation level on how the panels are made up? I heard some of it I couldn't remember where, I will go back and look at those past briefing notes to refresh my memory.
- I heard mention of staff members being participatory to the investigative committee and of course the investigative committee would form a smaller group which would be 'the panel' and again I need to refresh the notes, but I think some of what we are talking about is pending legislation that would change the format of that committee, but I just have a concern related to staff members, who they are, how they will incorporate into that

committee and then of course the extent to which their views may lean towards the decision being made which isn't necessarily with our peers. (This pertains to the future state).

- So by that, I understand there is really 2 investigations, one by staff members and then a subsequent ratification or otherwise by another committee which is the peers, is that how you see it?
- Who is making the decision to determine if that would go to a contract body or to an internal staff members on payroll?
- My questioning and interest here is for the catastrophic type thing, where a decision needs to be made fairly quickly, there isn't an opportunity to necessarily put panels and sub panels and get everybody's input before we follow through with some decision. That's what the association is trying to satisfy, the public, how you make a quick decision. So in that scenario, hypothetically, who is going to make that? Will that be the council? Or will that be the Registrar? Or how is that going to be dealt with?
- In lines with the check and balance on this recommendation, is there a sort of appeal process or an ombudsman where a member that was impacted by this recommendation could go and appeal it if he feels it was wrongly done? All I see here is the ability to implement a decision, but what's the counter checker or counter balance to the recommendation?
- If the panel has the ability to put on to restrict a license in an emergence situation does the same panel have the authority to remove the restrictions?
- It's interesting that the title uses the word 'interim' inferring that it could/ would be removed with certain circumstances.
- While I was at APEGA I was also responsible for investigations for approximately 7 years, the investigative committee was almost vexed with the situation of what to do when there appeared to be a risk to the public, we only had the one tool available to us which was a fairly substantial hammer which was to suspend the license entirely there was no option for restriction this is certainly an advancement on that a refinement and I again am in favour of this entirely, I think it's probably long overdue.
- Can you give an example of a situation of where this would have been useful? (Question posed directly to Member who previously commented).
- One investigation, it was located in the city of Calgary. There was a consulting firm that was providing fire sprinkler systems to a number of commercial installations in Calgary. Briefly when we did the initial investigation we determined that the Professional Engineer that was doing this admitted that he was not competent to do this work and that he was located in Saskatchewan, that we cannot reviewing the plans, and that he handed his stamp over to a person with essentially a 10<sup>th</sup> grade education who was running the company. This was a situation that was very clearly one that we wanted to remove the right to practice all together and we did as rapidly as we could, but if this was a larger firm and this was a division of that firm, the only thing we would have been able to do is cancel the company's permit entirely and that might have effected work they were doing for other things that were perfectly acceptable. Like I said, in this case it was limited to one company, one very specific narrow field of practice, so the tool was useful but it wouldn't be useful in every circumstance and certainly there were instances, I can't remember at this time. I did over 400 investigations, but there were instances where something a little less brutal would have been more appropriate.
- I want to add that I am in favour of this, I can see scenarios in an organization with multiple managers within an engineering department and disciplines and for example if there is one manager whose suspected of an incompetence or something along those lines and the rest of the managers within the organization within the engineering

department are competent in the engineering in those disciplines are going fine then being able to have this implemented would be beneficial and protect the other engineers who are not guilty of what's going on.

- How would giving authority only to an investigative panel as opposed to the registrar and the investigative committee enable a timely response?
- A comment about the reference that a “delay in conducting the proceedings would be prejudicial to the public interests” I don't have a specific wording for you, but that seems pretty broad and pretty vague. So I just wonder if we can do a little bit to, obviously we are contemplating pretty significant extreme circumstances, but “prejudicial to the public interests” could be interpreted rather loosely. Particularly the severity of the impact to the public interest. I worry that it is just way too vague and could be interpreted to be pretty minor. A small public interest could have significant weight here more than we intent here.
- I have a question regarding suspension if a person is convicted of an indictable offence, I'm just wondering if that is any offence whatsoever or one that would be directly related to their profession? So it's not just a blanket thing, that if someone is indicted they would automatically be suspended?
- After suspension or restriction, does an applicant need to reapply using the same process? Or would there be a different or similar process?
- Does a panel decide by unanimous decision?
- After suspension or cancellation applicant must re-apply through the same process as a new applicant or there would be different, similar process?
- Could you please lay out a possible scenario that this would occur in?
- It's not just for high profile, public, media type scenarios, and it could be others?
- Just for clarity, in the emergency situation you provided that involves a fatality, there is a number of regulatory bodies that conduct investigations, first and foremost in an emergency situation, for example, OH&S and other incident investigation processes occurring, so I'm just looking for clarity, would then the committee forming from APEGA to make a decision on an engineering firm that was involved in the particular incident, would they be relying on the results or outcomes on that information first? Because you talked about a 24 hour turn around and sometimes it's 24 to 48 hours before it is determined anything such as cause, factors, what are the actual facts around that incident.
- I don't disagree with the authority, what I am trying to understand, what I am hearing is that something occur at a site and within 24 hours any member or permit holder associated with that particular incident would be suspended just by default? How would you determine cause or what actually happened in only 24 hours?
- I think this is an example where APEGA might benefit from a higher level of engagement with industry and industry groups to better understand what is going on out there, I think it's highly unrealistic to think that within 24 hours APEGA is going to have any clue over the people that are actually on the ground, on the scene, I am involved quite a bit in investigations it's part of my job and I have never been involved in an investigation that ever involved APEGA, they are not there, they are a no show. We have run into situations, something that regulators needs to work out amongst themselves, it is not clear which regulator has jurisdiction on the scene. At times there is conflict, and these are regulators that are there on a regular basis. If APEGA showed up at the scene, I would ask them to take the safety orientation of the site probably, I'm not sure what I would ask of them. What I am saying is that you need to work close enough with the other regulators that are actively involved and have jurisdiction on these scenes to work out the hierarchy of who actually has jurisdiction there.

- I echo the comments that have been mentioned here, this is a big can of worms and if a building fails or if something happens on a pipeline or something, the amount of detailed analysis of the engineering behind the scenes would take a long time, days, weeks, and I'm not clear if someone could be suspended from their permit holder while that investigation was going on and then have it reinstated when the failure was found due to a construction efficiency, but in the meantime that permit holder has had their reputation dragged through the mud, possibly, because this is public information, and I am worried about that.
- Public perception is at risk, I would be very concerned of a permit holder having that happened to them (suspension) when at the end of the day they are exonerated (i.e. Their structural design was fine), but in the meantime they have had a public label of not being able to practice, so I am nervous about that. I am in favour of the public interest, the concept is good, but what do you need to know before taking action. The details can really hurt here. I would suggest that maybe their status as a permit holder can be supervised or changes, that it's not revoked, but maybe with supervision.
- Very concerned about the risk to reputation that APEGA can cause here.
- We are discussing things here that are essentially reactive, in protecting the public, I think there needs to be something proactive in terms of doing something. There is a myriad of definitions of 'seriousness' in respect to we have, yes, loss of life and so on is a serious situation, I'm not so sure how serious it needs to be if you are involving the environment. Is there going to be a definition of 'seriousness'? Or are you standing by the 3 items you have in the briefing notes here that will define it?
- Somebody knowledgeable is going to help define what 'seriousness' is in a particular situation?
- I agree, we have a presumption of guilt here if you issue a suspension and you have clarified that it won't be an automatic suspension however any action by APEGA without doing enough background info would not only influence the public perception but it could also potentially affect the results of the ongoing investigation which take longer. And OH&S investigation results could look different and be influenced if APEGA has already suspended a Member. Maybe the best thing to do is commit to a 24-hour turnaround at least to mobilize and start looking into an incident, rather than 24 hours to have a decision. Is that perhaps a clarification you need?
- The purpose is good, but I agree with the comments presented, generally it is not applicable as APEGA does not have the people ready with all the certifications for investigation, how can you know if something happens?
- What's the difference between the panel and the committee in this case? What's the relationship?
- We are giving disciplinary powers to the investigative committee, now is there any checks and balances in place? Like a watchdog internally, is there a fairness in that judgment? So that there is not any misuse of power in this case.
- A very serious issue if a company or person has their license suspended and can lose their income, but what about those individuals who claim to be engineers that are not? Should there be some sort of investigation if something happens? But it turns into a very serious offence, there needs to be some follow through.
- Something that can seriously address people who should not be practicing engineers because they are not engineers.
- More powers to the investigative committee, I would suggest that a council member should definitely be involved, in terms of skin in the game when such an expedient decision is being made, remember the key item here is there is a sense of expediency, there is an imminent danger to the public, you can not have a full investigation done (that

takes too long), the investigative committee is being given this power to issue suspension and restrictions, so in my opinion there should be a council member to be allowed to endorse this, there is an extra layer of fairness of an elected member having skin in the game.

- Enforcement of these restrictions, when a permit is suspended, what are imposed restrictions? How do we enforce them?
- With the topic, 'emergent situation' and therefore APEGA needs to respond very quickly, in the conditions where the panels say it is emergent, it's the safety but you have also mentioned that the delay would be detrimental, is it both? In other words, is the panel making the decision that this is something that is considered as both a serious risk today 'and' if delay it could be or is it an 'or' issue?
- Under what condition, is it considered an "emergent situation"?
- Could you give an example of when this would happen?
- When and what restrictions can they impose?
- How are we going to determine the consistency of the decisions? Both to impose this and the discipline side, this is probably too soon a question.
- I think this part is somehow incomplete, the panel decides in an emergent situation, but who will take over the responsibility of the situation? I think that it is very important to know and to specify here in the legislation, somebody should be in charge.
- I thought this was already discussed, if someone was suspended, the committee would assign a caretaker for that situation until it was resolved.
- I don't see a reference here to a timely review, if you are going to suspend someone on authority of a panel because they see something that scares them, fair enough, but you need to ensure that the person whose livelihood you just stripped has the opportunity to appeal that in an extremely timely matter, like within days, rather than through a committee that could take months.
- How many practice review panels are currently set up?
- I hope there is an appropriate number of them to handle the volume of them.
- On the subject of panels we don't have today, I hope we can staff them, a lot of what is in the legislation going into the new legislation, it's going to require a significant uptake in volunteerism amongst APEGA members, that's going to be a big issue, but how are the committees going to ensure consistency when they have a large roster of people. I think consistency is going to be extremely challenging.
- Is Council or the committee going to provide criteria as to what constitutes an indictable offence that would render a member unsuitable? I would imagine there are many indictable offences that would not render capacity to practice professionally and uphold the reputation when others would.

## Practice Prohibitions

- Flies along the face of anyone who has had their permit cancelled for any reason still has to go through the entire process of reinstating. I understand they would still have to reapply, but it's a tonal difference between the two.

- How long should these voluntary unlicensed professional wait until they can actually apply again for P.Eng.? So if they decide to not apply, they can still be gainfully employed under this provision. And for the involuntary cancellations, how long does the cancellation last? Based on the discipline order? It may be 2 years, 5 years, under all these conditions? That's for individual practitioners, what about permits? Permits that were voluntarily cancelled? They just start from scratch? And involuntarily cancellation of permits, they have to go through the same way as the order says. I think it is clearer now, thank you.
- I certainly agree with the overall purpose of this, somebody who is off for a maternity leave for example and wants to refresh their skills under supervision should absolutely be allowed to do so. The caution that I offer though is that a Permit holder that voluntarily cancels though might be doing so for reasons that are not entirely appropriate and allowing a company to then engage a permit holder that is voluntarily cancelled in order to practice engineering or geoscience as they had previously been licensed was something that had come up many, many times, if they are practicing through these companies they are required to be licensed by allowing a company to engage a company voluntarily cancelled you are simply allowing them to bypass that at least for a period of time until such time as APEGA fines it. The devils in the details on that one, no problem on the individuals some problem with the permit holders.
- My comment on this you take engineers that have been laid off or that have been out of work for any period of time and they are not able to get in the hours that they need in order to continue on, I think you really need to do something with this because experienced engineers with 10, 25, 35 or 45 years of experience, should not have to work under some other engineer to get their license back where they have been laid off, you need to do something with that whole scenario because it is very, very unfair and it's very problematic for good engineers or engineers that retire for a year and then they go back to work for a company for a certain amount of period of time and the reason they are called back is because they have all the experience and the knowledge to help all the younger engineers and you are asking them to be supervised by other engineers? That's ridiculous.
- Is the information on the APEGA website?
- This one bothers me, someone who is engaged in unskilled practice, they have made an error and it's serious but their skill level may be quite good, I can't see why you wouldn't allow them to practice under the authorization of a professional member. Or can they practice beyond their scope under the supervision of another member? Those to me seem reasonable to do.
- Members in training don't hold a professional designation but they are still practicing, so a member who needs to review the ethics or some order, they are going to be completely barred from practice whatsoever until that is done.
- I think we need to ensure that the disciplinary orders need to be very well thought out. Especially if we are taking away an avenue how people can now work around it.
- Under the practice prohibitions, you're proposing to change the reinstatement of people that voluntarily leave the practice for a while, you are moving that control to re-admitting to staff, I think that is what this is saying? Currently the practice review board does that? Ok, just a different committee now. The PRB was very scientific of how they would apply the need for more professional development hours and so forth, that would just carry on.

## Professional Limited Licensee

- Trying to understand, what you have discussed on professional limited licenses, can you maybe go over that and explain it more simply or give us a usage case there?
- What advantage is there over having the PL over their current P.Tech. designation?
- So your intention is to make that differentiation clear?
- Do you still offer temporary license? Full engineering temporary license? And how is this registration would affect the temporary license? (Likely referring to a Provisional Licensee designation).
- This presumes that the current P.Tech. would still have the joint APEGA-ASET Board that would handle the P.Tech. and that it would be only APEGA on their own (with other applicants, as we have other engineers in training and such) that would accept applications from P.Tech.s that are looking for the PLL, is that correct? If something happens or changes with the joint board it, i.e. that it doesn't exist, then the P.Techs would not have the opportunity to go for the PLL.
- Just a comment, helping these folks be mobile across other jurisdictions in Canada I am in favour of that, I think that is a good idea especially within our own country and I appreciate how we have that between the various engineering associations as well, I know working south of the border and then having every state being individual where you have to have a license in every state that makes it difficult for some of our folks who work down there. I think this is a good step if that helps inter mobility within our own nation.
- Just a comment, as the technologists continue to integrate with the engineering groups and acts, it began with CET and then it became a Professional Tech and now it's, another category that has more experience so we are going to call them a PLL and I am just wondering where is this really going to stop if there aren't different categories for professional engineers you're a P.Eng or a P.Eng. or a P.Eng. and if you want to upgrade your status so to speak amongst your peers within the industry one way to do it, or really the only way to do it other than experience which everyone obtains is to get more education in other words go back and take formal academic qualifications but it seems that if you come up the Tech side you can forgo a great deal of that and merely claim you have good experience in order to increase the title-ship so to speak. Just a comment.
- Just related to that, the CPD program how that may relate to CETs possible, not APEGA's business but P.Tech.'s and PLLs?
- With respect to what's on the slide here individuals with engineering or geoscience degrees, are you referring to engineering or geoscience degrees that are not CEAB equivalent? Because if they are not CEAB equivalent, why would they just not be applying for full professional membership?
- Would this be an automatic process? That is to say if somebody were currently a foreign trained professional applying to the association they would apply once and then the association would sort them into the appropriate category or is it under the current circumstances where they apply once as a P.Eng., get rejected and then have to come back and apply as a professional licensee.
- I have to applaud this effort, this is fantastic. I know dozens if not hundreds of people who are extremely disappointed with the currently system and this would be a lifesaver to them and would certainly be looked upon by the Human Rights Commission as the proper approach.

- I was wondering if the PLL applies to new graduates. So you graduate do you get a PLL right away? So the EIT and GIT still stands, ok, thanks.
- Looking at this through a risk based lens, is there anything that APEGA would apply in a proactive sense to ensure there isn't scope creep on the practice of someone with a PLL? That is they get a very defined statement attached with their scope it's been my experience in the past to see folks see that fixed scope and being skirting the margins and actually taking on a little bit more scope that wouldn't align with the definition they were given when they first got PLL.
- Certainly education is a key component, but I'm wondering about doing some random audit or reviews just to ensure for that very limited category that the bounds are not being exceeded. In my mind this is first and foremost a bit of concession to ASET, frankly there is a way to get P.Eng., go and get the degree, but that's all water under the bridge, but when you go and open this type of special category the potential is there for that category to overstep their bounds. At a minimum, it would allow APEGA to show / demonstrate a diligence (doing the random audits).
- In regard to ASET asking APEGA to review this recommendation, what has been the reason that they have asked for this? To revisit the proposal/ the recommendation.
- Then the next paragraph is talking about "those registered as professional technologists to apply to APEGA for a PLL? We are saying we want to change the PLL to P.Tech and now we are saying those who are registered with ASET they can apply? I don't understand, maybe I am not familiar enough with ASET. I appreciate it (member will follow up to gain more information).
- I take the point I realize we are really retaining what we have had for the last 10 or 15 years and that ASET asked APEGA to revisit this proposed recommendation sensitive to the fact that the engineering act applies to both APEGA and ASET members, are ASET in agreement with this proposal?
- Is there any kind of overview of what ASET has put forward to government? In other words are they working collaboratively with APEGA or is there an adversarial?
- I thought from the last round, the existing PL would be grandfathered but that category would cease to exist, no new technologists would come under that program, they would be strictly managed through ASET.
- In terms of the first topic, it was claimed that there is a significant subset of license holding companies that don't have a valid PPMP in place. IS there some data we can review on this?
- The proposed amendments make sense.
- Professional limited licensees, I got the sense that the relationship between APEGA and ASET are frosty, I got that sense from another colleague during the APEGA summit AGM, but I think this is a right step there are some highly specialized technicians that are masters of their trade and it is highly technical and they should have the ability to get a professional license, however, someone needs to define this clearly or at least have some sense of the four corners in which to practice otherwise everybody could say that they are an expert on wing tip design on a Boeing aircraft and I'm a technician so can you grant me a professional designation, how do you determine what trade and what craft should be granted a license?
- How does the scope and the authority between a limited licensee and a P.Tech. differ?
- I am involved in the safety council and we get P.Tech.s who would like to sign off on the design on piping design or pressure vessel design, and they have referring to code, but the codes and standards are developing so we are starting to get into various levels, we

get other parts that are very complex and very analytical that only a professional engineer with specific training can apply those codes, but because the description says codes and standards, they see that as an avenue to get approval and I see that as where we have to be very careful and we start to get scope creep with these technologists slowly and slowly and eventually they get to a situation where they can't handle the scope and complexity.

- This does not touch onto the subject of how APEGA tends to handle the professional licensees that are currently registered. I am in possession of a letter from the minister of labour that APEGA intends to grandfather all of those, there is no documentation on APEGA's behalf that they are actually intending to do that, so my question is why are those professional licensees not getting a forthright answer from APEGA on this matter? It would be clear if it was in writing.
- What does APEGA intend to do for those professional licensees that are operating on a scope of practice that is without limit? And there are numerous professional licensees that have that designation.
- This also applies to international applicants like from Washington that actually can work in Canada without a degree, if they were called engineers in the previous jurisdiction, I think Canada is a signatory to that, is that correct? We had the conversation before offline, it was clarified but it was not resolved.
- Seems to overlook the council meeting endorsement of January 23, in which professional technologists were going to be allowed in as membership into APEGA.

## Examination Candidates

- Candidate in waiting topic, if that change goes through, what sort of title would they be entitled to use? They are not MITs, they are not professional members, and so would they just be "candidate in waiting"?

## Code of Ethics

- My comment with that is whether you can include the "economic welfare of the public and the client".
- I have concerns that this is too broad of a definition and can open up a member to tremendous liability.
- I am versed in that practice guideline (referring to the Code of Ethics practice guideline), I have read it and I think the current wording is completely satisfactory and that this phrase is a political phrase that can be interpreted in many different ways outside of that practice guideline and that's my main concern with this.
- I'll echo with the previous person's concern, I think the terminology to me seems to be a little bit too political and does open us as individuals and an association up to potential problems and although the devil may be in the details of the practice guideline, I think we

need to put a little bit more thought into putting some definition ahead of time into what the word 'protection of' means.

- This goes back to a council meeting I recall vividly, early 2000 or around that timeframe, there was a huge discussion around exactly the point you are raising at the time, I would be cautious frankly about making that seemingly innocent change. Again the words were carefully chosen at the time, the original draft I am sure Mark would perhaps recall, ok, he was not there, anyway a bit of a history lesson, a very simple caution. The first draft that came to council on this revised code of ethics was sent back to the committee and they worked on it for a whole year afterwards, but the first draft said, I will paraphrase slightly, it is really close to what you are proposing right now, the first draft essentially said "and we will treat every member of APEGA as if they were a fully qualified environmental engineer who must, as a matter of our code of ethics, protect the environment and it will be an indictable offence basically if you don't do that", paraphrasing obviously, but the concern that was discussed and they had to work on it for a whole year was the following. But I am not a professional environmental engineer, I don't have the training, I'm quite conscious of the fact that there are environmental things that need to be considered, but you cannot hold me to the standard and behavior that you have written here. As a lawyer, would not hold to this, because I don't have the training and I don't have the standard of a professional environmental engineer. At which point they said, 'ok well, but you have to be aware of the laws and the requirements and have some regard for the protection of the environment". So far, so good? This is just a word of caution, the lawyers would have to interpret and I know exactly why you are proposing this, you want me as a professional to pay closer attention to the environment, whether I'm trained as an environmental engineer or not, to protect the environment, but at that point, it's the same concern that was raised almost 20 years ago. That is to say that I am not trained as a professional environmental engineer and you cannot expect me to protect the environment. This is my comment.
- I would second the last comments. Having worked for 30 years in high risk pipeline industries, we do everything prudent and possible to ensure there is never going to be an environmental impact, however, having that said, pipelines do fail, structures do fail, and I certainly appreciate "having regard for the environment", but ensuring the protection of becomes an absolute and I think it needs some real thought and consideration.
- Aside from the implications of what that means individually for you, for your own expectations, I actually question the message, the wording is 'hold paramount' and I think the phrase 'hold paramount' means hold above all the other things and I think the safety and protection of the public is our paramount concern and I agree environment is important but are we really in a situation now and if we had two engineering solutions and one was better for the environment and one was better for people, where we would actually sit and think about whether we would risk people or the environment. I think we really need to question if that is the message we are sending to the public and the members, that we have to think twice on where we put people in that equation.
- I would refer to Deep Water Horizon, I don't think the general public know how many people died on Deep Water Horizon, I think as engineers we need to know that people died on deep water horizon and it's not just that the oil spill that was bad, we (as professionals) however the human factors played into that, people lost lives and the environment was damaged but at the end of the day people make decisions where we aren't 100% certain on everything and I think we need to know what the order is on those two items (people & environment).

- If you add the word ‘protection of’ you should also add “enforcement”, and as an engineer I can not ask anyone to protect the environment, so I cannot see to act the word “protection”, it has a totally different meaning compared to “have regard” and we are getting ourselves into a situation where we will not be able to manage it.
- As a consultant to an Owner I can only make recommendations, I don’t know how I can protect the environment when the Owner decides not to protect the environment.

## Other General Comments

- When council votes on these, is that voting public? Is there a way that we as members can go in and see how individual council members voted on these issues because it would sure possible influence whether we vote for people again? Is it private or in camera or something that is public?
- I hope these discussions have more introspective behavior for APEGA to consider.