

# WE'RE LISTENING

*Fall 2015 Consultation Summary*

January 2016

*The Engineering and Geoscience Professions Act*



The Association of Professional  
Engineers and Geoscientists of Alberta

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# 1. ABOUT THE LEGISLATIVE REVIEW

## 1.1 Background

This summary is the second in a series of consultation summaries related to APEGA's legislative review. The summary gathers all the feedback, data, and insight provided by Members and Permit Holders throughout the consultation. This report specifically addresses the 30 proposed recommendations discussed during the fall 2015 consultation, held between October and December 2015.

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

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

In early 2016, another consultation will take place, on more recommendations for legislative change. This will complete the majority of the recommendations related to the Act. Then in the fall of 2016, APEGA will consult with Members and Permit Holders on more proposed recommendations, mostly related to the *General Regulation*.

## 1.2 Council's Response to Input

Council is using the feedback from all consultations, emails, and surveys to evaluate proposed recommendations. These recommendations address solutions that Members, Permit Holders, statutory boards and committees, the public, and the GOA identify as important and relevant to the professions.

### Spring 2015 Consultation Response

The first legislative review consultation was held in the spring of 2015. Results from that process can be found on the legislative review website, accessible through [apega.ca](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 are in agreement with the principles of the proposed recommendations presented in the spring 2015 consultations.

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

1. to place a limit on the number of Members-in-Training (M.I.T.s) (through administration of the Nominating Committee) that could run for Council and a limit on the number of M.I.T. positions on Council.
2. to create a new Limited Licence designation that includes the word "Professional".
3. to remove the requirement for a Professional Member to be Canadian citizen or have permanent residence status. However, a Professional Member must be a Canadian citizen or have permanent residence status to run for Council.

## 1.3 Fall 2015 Consultations

The legislative review conversation continued in the fall of 2015 on another set of proposed recommendations for changes to the Act, these ones focused on legislation related to improving regulatory efficiencies and the public interest. The proposed recommendations cover the following areas:

1. Authority to Inform the Public of Decisions of Statutory Boards and Committees
  - Informing the Public of Discipline Decisions and Interim Suspensions
  - Informing the Public of the Existence of an Ongoing Investigation or Practice Review
  - Informing the Public of Actions Against Use-of-Title and Scope-of-Practice Violators
2. Capacity to Practice
3. Changes Regarding Orders, Fines, and Costs
  - Increases to Discipline-Related Fines
  - Increases to Fines Against Use-of-Title and Scope-of-Practice Violators
  - Recovery of Discipline-Related Fines and Costs
  - Recommended Discipline Orders
4. Formalizing the Mobility of Discipline Decisions
5. Modernizing the Investigative Process
  - Clarifying the Role and Authority of Investigative Panels
  - Compelling Witnesses, Producing Documents, and Entering Premises
  - Complaints Against Former Members and Permit Holders
6. Authority of the Registrar
  - Initiating an Investigation or Complaint
  - Suspending or Imposing Conditions on an Interim Basis in Emergent Situations
  - Using Alternative Settlement and Dispute Resolution Mechanisms

This report summarizes what APEGA heard during its fall 2015 consultation and has been written by Soles & Co. Inc., an independent third party. We remain committed to reporting what we hear throughout the legislative review process.

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

## 2. METHODOLOGY

APEGA used a number of methods to provide information and gather input from Members, Permit Holders and other stakeholders during the fall 2015 consultations. Over 2,600 people provided input through the following opportunities:

- Branch meetings in:
  - Calgary
  - Edmonton
  - Fort McMurray
  - Grande Prairie
  - Lethbridge
  - Medicine Hat
  - Red Deer

- in-person consultation sessions in Calgary (October) and Edmonton (November)
- in-person consultation with and surveying of volunteers on statutory boards and committees
- in-house Permit Holder consultation sessions
- a survey of Members and Permit Holders open from October 23 to December 18, 2015 ([Appendix 1](#))
- email submissions

Input from Members and Permit Holders is an important part of the review process and will influence recommendations to the GOA regarding changes to the Act. As the legislation affects other stakeholders too, it is also important that their feedback also be considered. Stakeholders include The Association of Science and Engineering Technology Professionals of Alberta (ASET), the GOA, other Canadian self-regulating associations of Professional Engineers and Geoscientists, and other self-regulating professional associations in Alberta. Their input has been requested as part of the 2015 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.

Soles & Company Inc., facilitated the consultations in Calgary and Edmonton and developed this summary of all the feedback. Software used for the survey was SurveyMonkey.

## 2.1 Champions Collaborative

The champions collaborative was brought together in early 2015 and consists of volunteers from Branches, Permit Holders, statutory boards, Members, and M.I.T.s, and representatives of APEGA's senior leadership team. These champions are helping inform their colleagues of the legislative review process and are gathering feedback on all proposed recommendations.

The champions met in September 2015 to review the fall consultation topics. They discussed the proposed legislative changes with a number of Members and Permit Holders throughout the fall and provided useful feedback on the proposed recommendations.

APEGA appreciates the time the champions are able to dedicate to the legislative review. They are instrumental in broadening the scope of the consultation by helping APEGA reach as many Members and Permit Holders as possible.

A full list of champions can be on the legislative review website, [apegalegislativerview.ca](http://apegalegislativerview.ca).

## 2.2 Consultation Sessions

The fall consultations sessions consisted of a series of face-to-face meetings, reaching about 1,200 Members and Permit Holders who learned about the proposed recommendations.

First, APEGA hosted large, facilitated consultation sessions in October and November 2015, giving Members the opportunity to provide feedback in person on the proposed changes. To formalize their input, attendees were asked to complete the Member and Permit Holder survey after each session.

Face-to-face meetings were also conducted with Permit Holders, Branches, and statutory boards and other APEGA committees to obtain feedback on the proposed changes.

Through the champions collaborative, smaller branch meetings were held in Red Deer, Lethbridge, Grande Prairie, Medicine Hat, and Fort McMurray in November 2015.

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 scribe notes can be found in [Appendix 2](#).

## 2.3 Survey

APEGA ran an online survey from October 23 and to December 18, 2015, as the primary way to collect feedback from Members and Permit Holders on the proposed recommendations. The survey directed respondents briefing notes on the proposed changes to the *EGP Act*. Information graphics and video clips on the proposed recommendations were also posted on APEGA's legislative review website to help Members and Permit Holders make informed decisions. Participants were asked for their level of agreement with 30 proposed changes.

Over 1,400 people responded to the survey. Of those who responded, 88.5% reviewed the briefing notes on the proposed recommendations. The information graphics were viewed by almost 14% of respondents and over 8% watched the video clips on the recommendations.

The results below are rounded to the nearest decimal place and are based on the full survey results, including all verbatim comments, which can be found on APEGA's legislative review website.

## 3.0 SURVEY RESULTS

### Authority to Inform the Public of Decisions of Statutory Boards and Committees

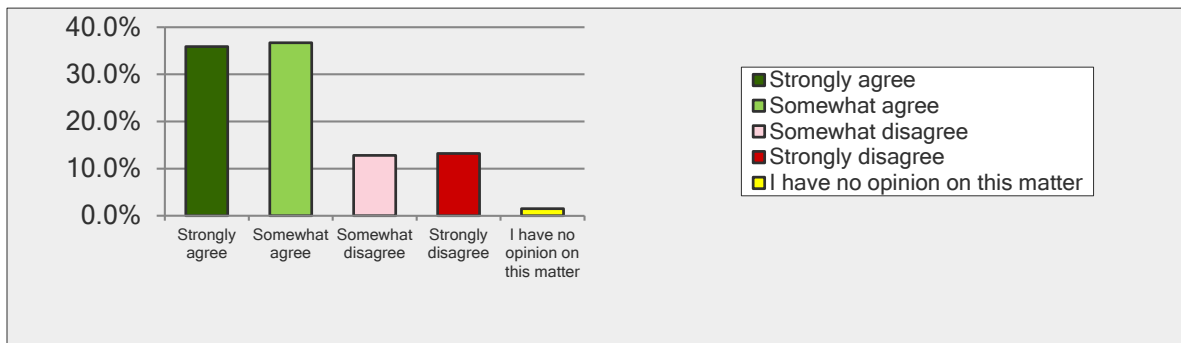
#### Informing the Public of Discipline Decisions and Interim Suspensions

APEGA's duty to protect the public includes helping the public make informed decisions. It is in the public interest that the public be informed of discipline decisions, including names, against APEGA Members and Permit Holders.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to expressly require that the Registrar make public, including the names of Members and Permit Holders, of:

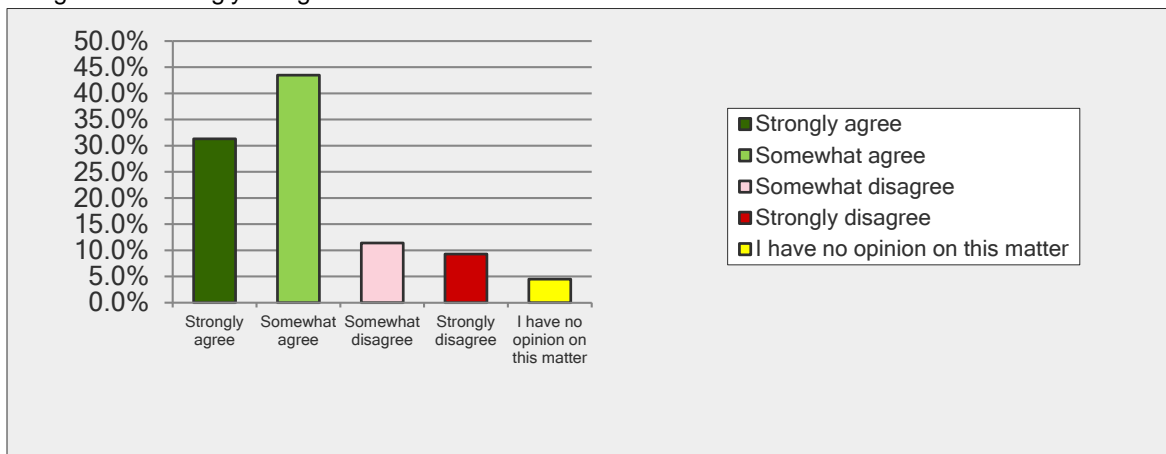
- discipline decisions of the Discipline Committee and the Appeal Board
- accepted recommended discipline orders
- decisions of the Registrar or Investigative Panel to suspend or restrict licences on an interim basis in emergent situations

**Those who reviewed background information on the recommendation before completing the survey**  
More than 72.5% of respondents either strongly agreed or somewhat agreed with the recommendation, and almost 30% somewhat disagreed or strongly disagreed.



#### Those who did not review background information on the recommendation before completing the survey

74.8% of respondents strongly or somewhat agreed with the recommendation, and 20.7% either somewhat disagreed or strongly disagreed.

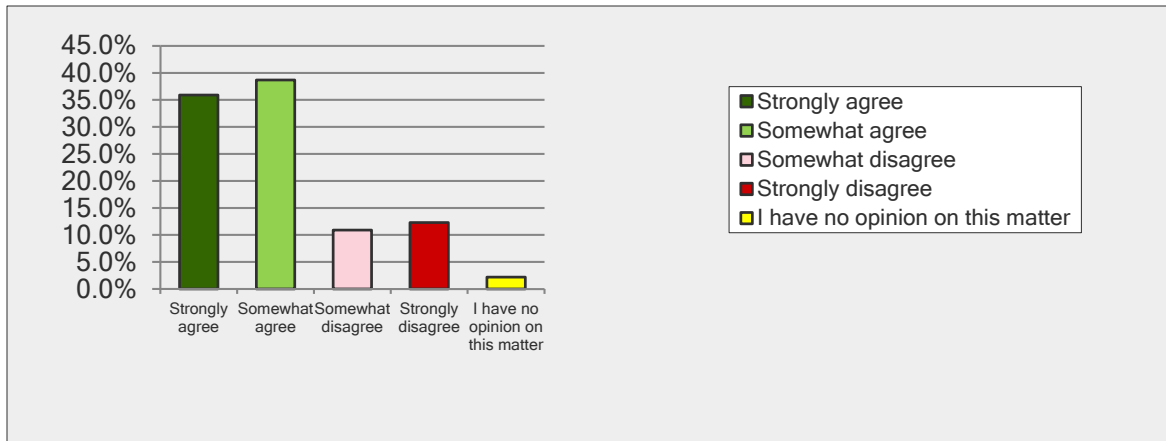


**RECOMMENDATION:** It is also recommended that the legislation be amended so that the APEGA Register (also known as the directory) will include:

- whether a Member or Permit Holder is currently subject to a disciplinary order
- the details of any active disciplinary order, including whether the Member's or Permit Holder's licence or permit has been cancelled, suspended, or restricted, or has had other conditions placed on it

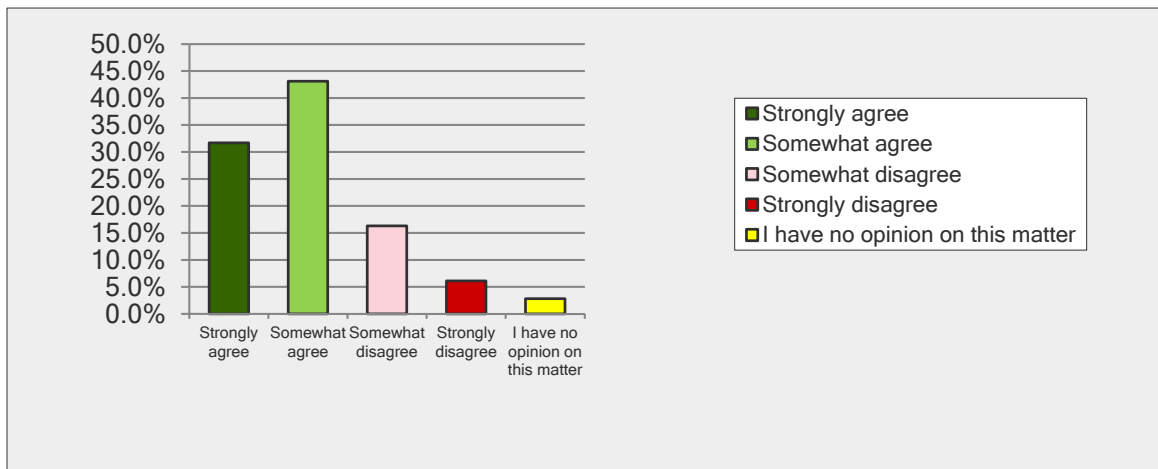
***Those who reviewed background information on the recommendation before completing the survey***

74.6% of respondents either strongly agreed or somewhat agreed with the recommendation, and 23.2% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

74.8% of respondents strongly or somewhat agreed with the recommendation, and 22.4% either somewhat disagreed or strongly disagreed.





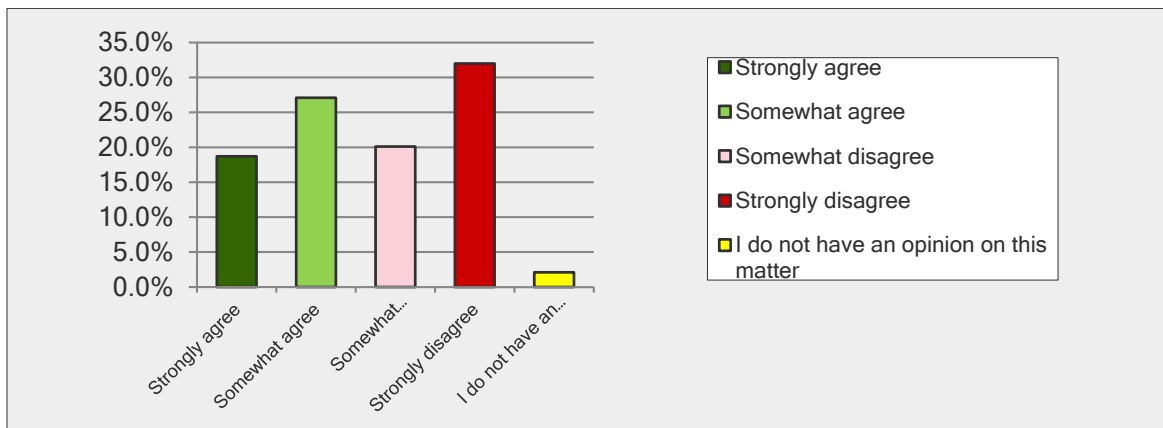
## Informing the Public of an Ongoing Investigation or Practice Review

There may be cases in which the public should be informed that APEGA is conducting an investigation, inquiry, or practice review into a Member or Permit Holder's practice.

**RECOMMENDATION:** It is recommended that the *Engineering and Geosciences Professions Act* be amended to expressly authorize the Registrar to inform the public that APEGA is conducting an investigation, inquiry, or practice review into a Member or Permit Holder's practice, even though a final decision has not been made. The decision of whether to inform the public of an ongoing investigation, inquiry, or practice review will be made according to criteria set in policy by Council.

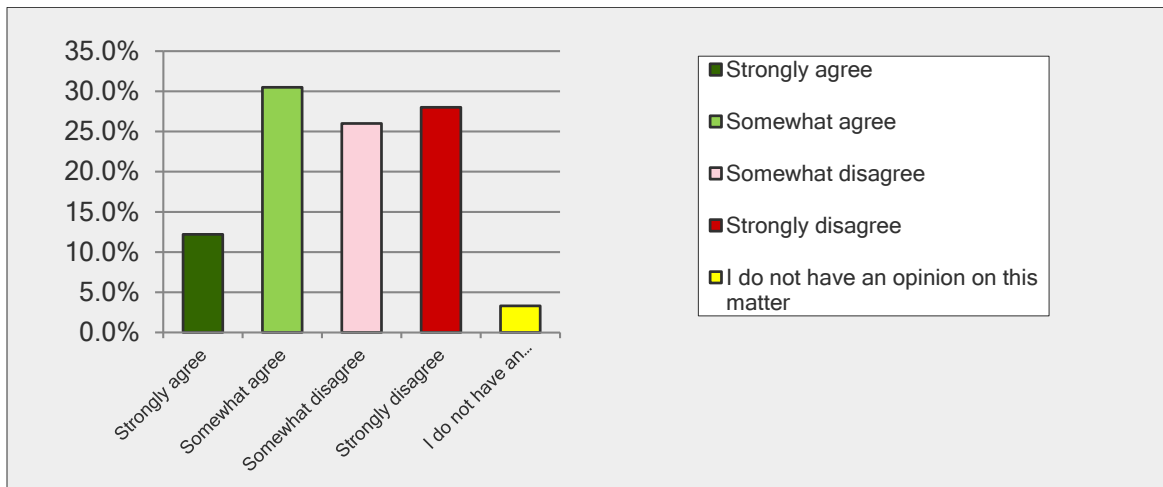
### ***Those who reviewed background information on the recommendation before completing the survey***

45.8% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 52% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

42.7% of respondents strongly or somewhat agreed with the recommendation, and more than 54% either somewhat disagreed or strongly disagreed.



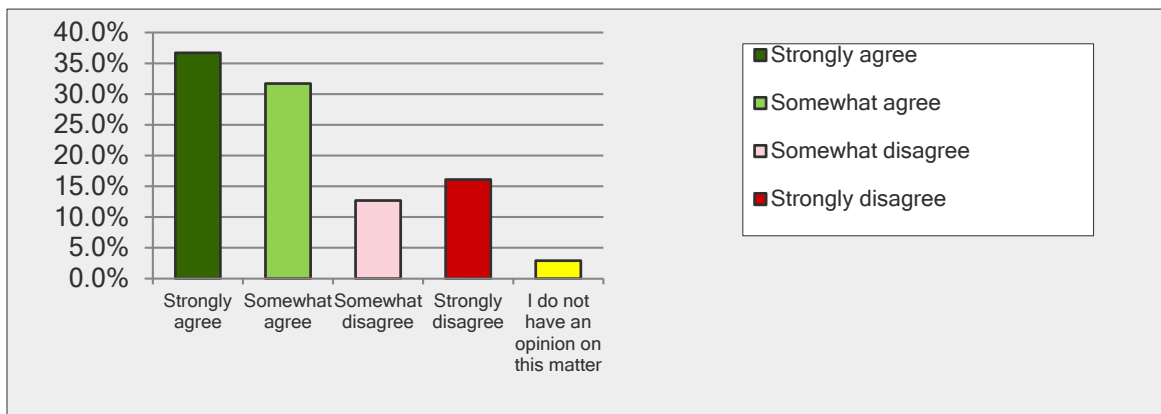
## Informing the Public of Actions Against Unlicensed Use-of-Title and Scope-of-Practice Violators

There may be cases in which the public should be informed that APEGA is taking action against an individual or company not licensed with APEGA, when the conduct of the individual or company may be putting the safety or well-being of the public at risk. It is in the public interest that APEGA can inform the public of action being taken in these cases.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to expressly authorize the Registrar to inform the public that APEGA is taking action against an unlicensed individual or company for use-of-title and scope-of-practice violations, even though Court decisions have not been made. The decision of whether to inform the public of action being taken will be made according to criteria set in policy by Council.

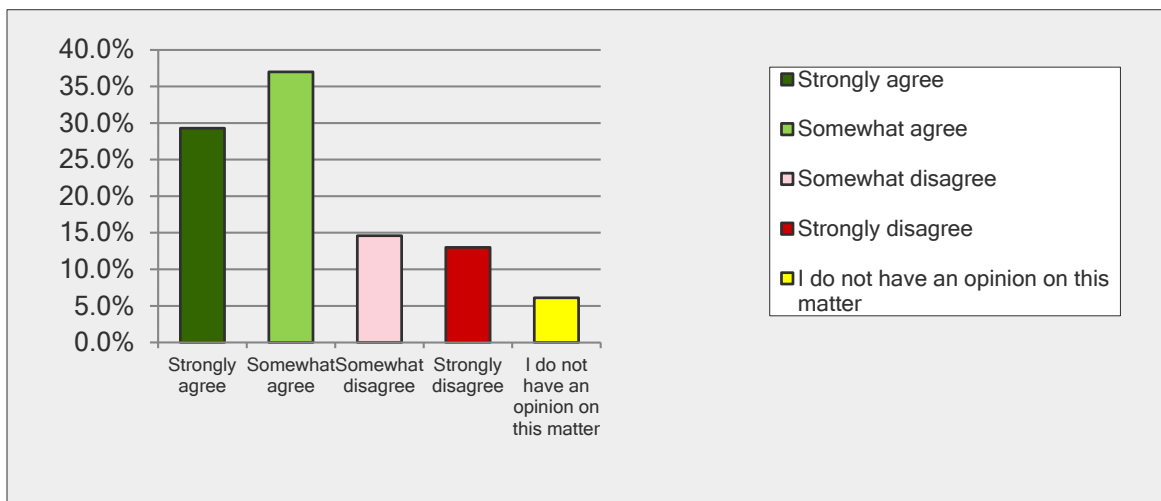
### ***Those who reviewed background information on the recommendation before completing the survey***

68.3% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 28.8% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

66.3% of respondents strongly or somewhat agreed with the recommendation, and over 27.6% either somewhat disagreed or strongly disagreed.



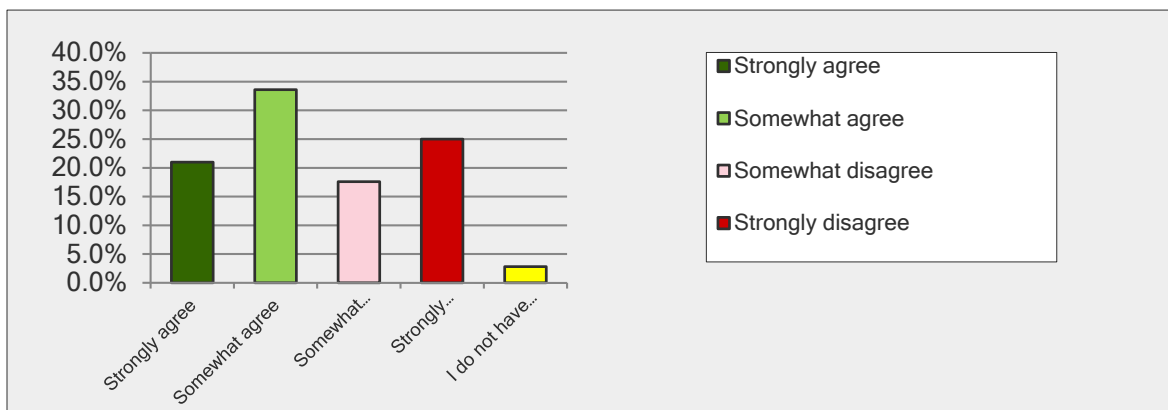
## Capacity to Practise

To better protect the public, APEGA must have the ability to quickly suspend or restrict a Member's licence if a Member is unable to provide professional services in a safe and competent manner due to an impaired health condition.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize the Registrar to require a Member or applicant to undergo independent, third-party mental or physical examinations to assess the person's fitness to practise.

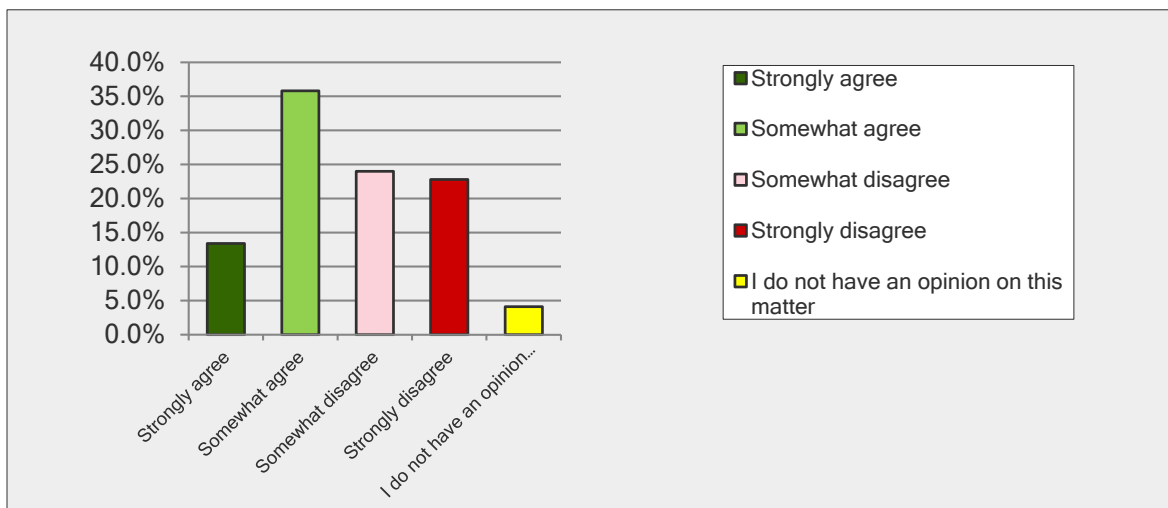
### ***Those who reviewed background information on the recommendation before completing the survey***

54.7% of respondents either strongly agreed or somewhat agreed with the recommendation, and 42.6% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

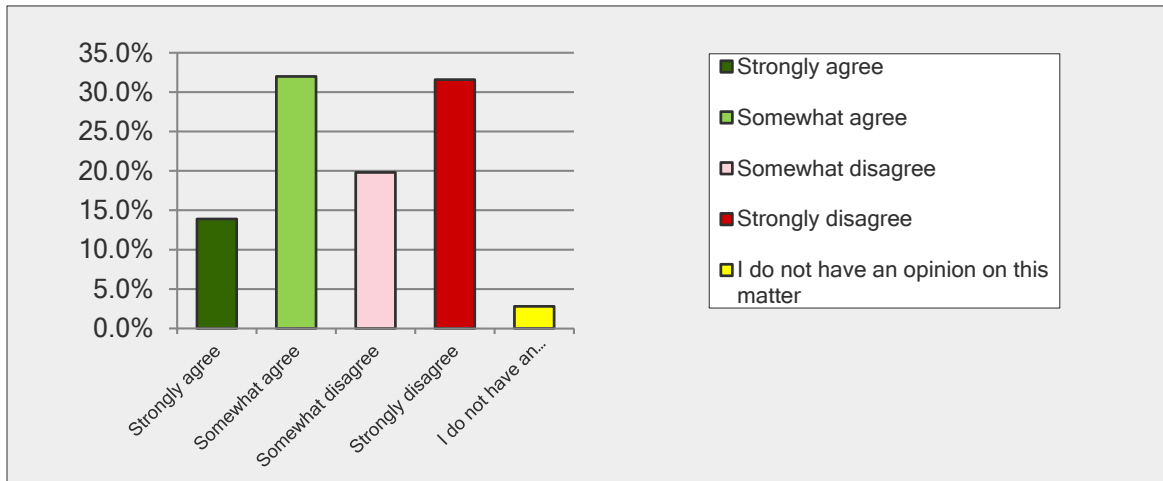
49.2% of respondents strongly or somewhat agreed with the recommendation, and over 46.7% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize the Registrar to restrict or suspend a Member's licence pending receipt of the results of the medical assessment.

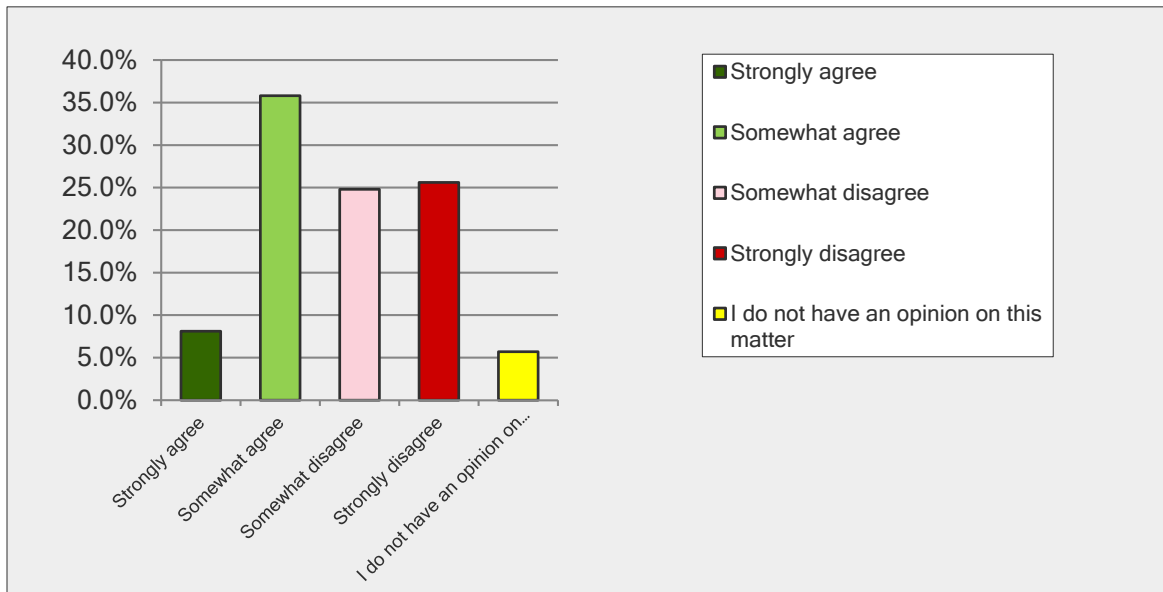
***Those who reviewed background information on the recommendation before completing the survey***

45.9% of respondents either strongly agreed or somewhat agreed with the recommendation, and 51.4% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

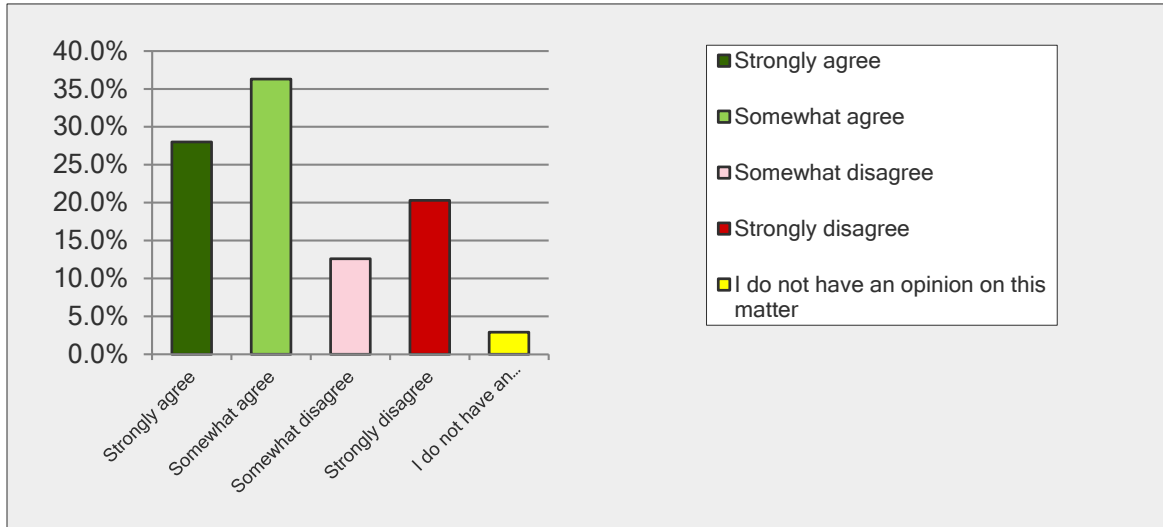
43.9% of respondents strongly or somewhat agreed with the recommendation, and 50.4% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize the Registrar to maintain the restriction or suspension until the incapacity has been treated and addressed.

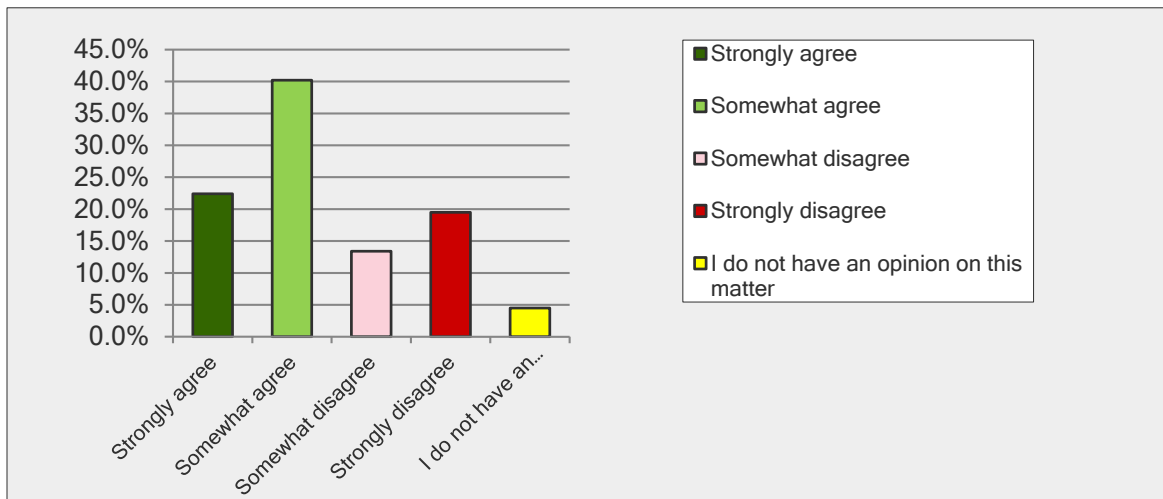
***Those who reviewed background information on the recommendation before completing the survey***

64.3% of respondents either strongly agreed or somewhat agreed with the recommendation, and 32.9% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

62.6% of respondents strongly or somewhat agreed with the recommendation, and more than 32.9% either somewhat disagreed or strongly disagreed.



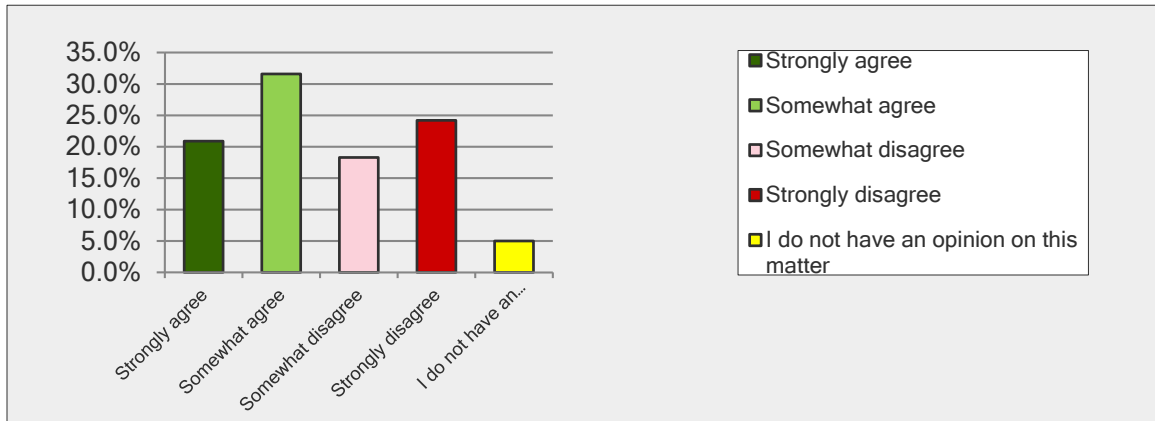
# Changes Regarding Orders, Fines and Costs

## Increases to Discipline-Related Fines

It is in the public interest that APEGA Members and Permit Holders not engage in unskilled practice or unprofessional conduct. Discipline-related fines should appropriately punish and significantly deter unskilled practice or unprofessional conduct by APEGA Members and Permit Holders. The current maximum fines are too low and should be increased significantly.

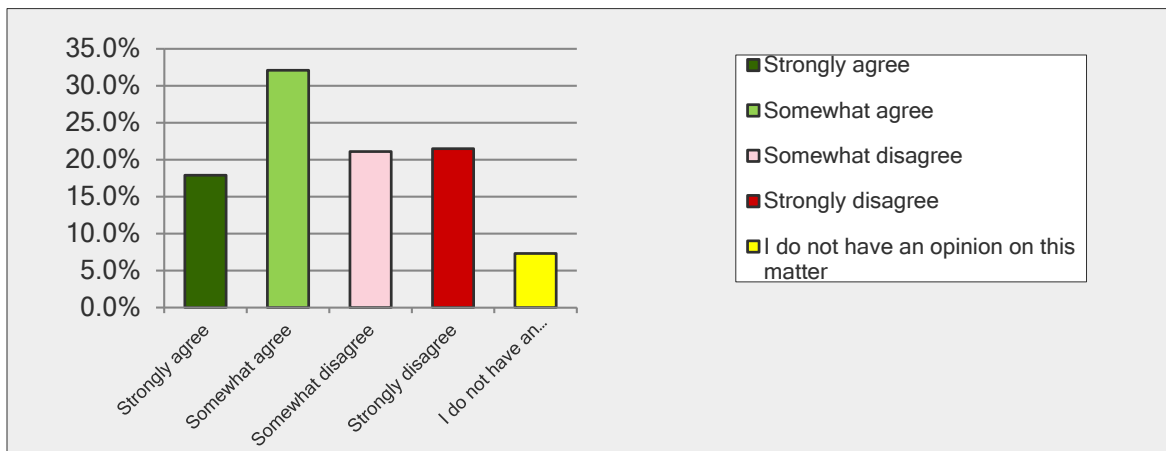
**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to increase discipline-related fines for Members to a maximum of \$100,000.

**Those who reviewed background information on the recommendation before completing the survey**  
52.5% of respondents either strongly agreed or somewhat agreed with the recommendation, and 42.5% somewhat disagreed or strongly disagreed.



**Those who did not review background information on the recommendation before completing the survey**

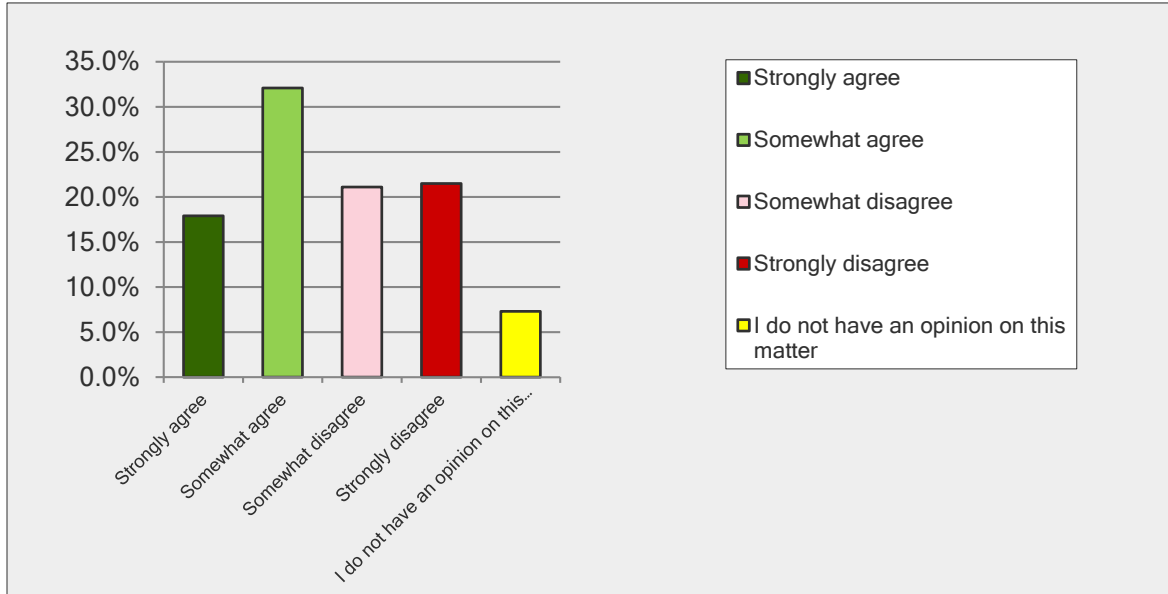
50% of respondents strongly or somewhat agreed with the recommendation, and 42.7% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to increase discipline-related fines for Permit Holders to a maximum of \$500,000.

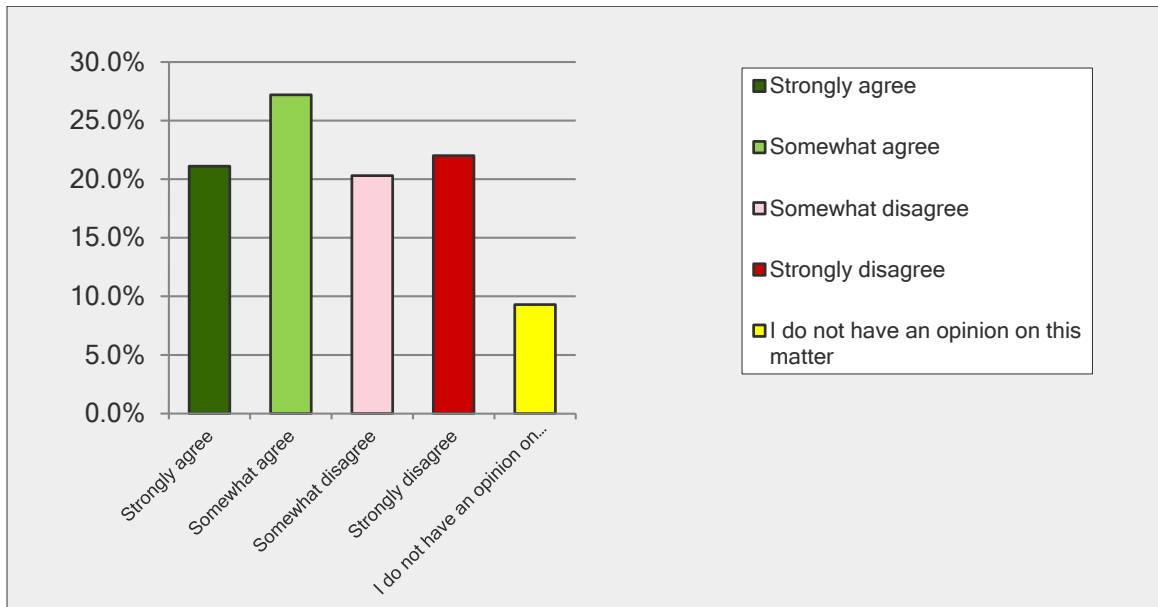
***Those who reviewed background information on the recommendation before completing the survey.***

More than 53% of respondents either strongly agreed or somewhat agreed with the recommendation, and 41.2% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

48.4% of respondents strongly or somewhat agreed with the recommendation, and 42.3% either somewhat disagreed or strongly disagreed.



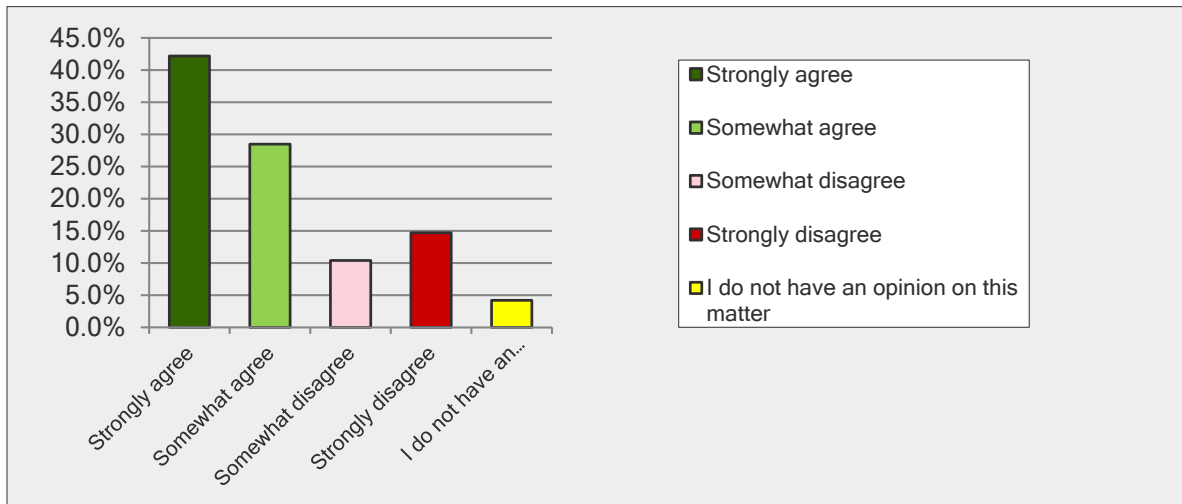
## Increase Fines for Use-of-Title and Scope-of-Practice Violations

The public should be protected from unqualified, unlicensed, and unregulated individuals and companies that practice engineering or geoscience, or mislead the public into thinking they are licensed. Fines should appropriately punish and significantly deter such conduct. The current maximum fines are too low and should be increased significantly.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to increase fines for unlicensed individuals for scope-of-practice or use-of-title violations to a maximum of \$100,000.

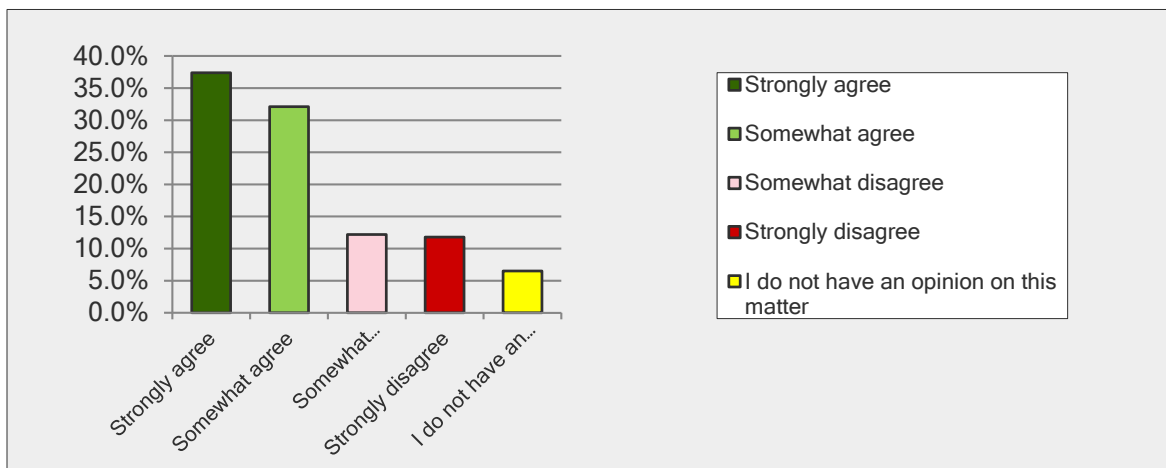
### ***Those who reviewed background information on the recommendation before completing the survey***

70.7% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 25.1% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

69.5% of respondents strongly or somewhat agreed with the recommendation, and 24% either somewhat disagreed or strongly disagreed.

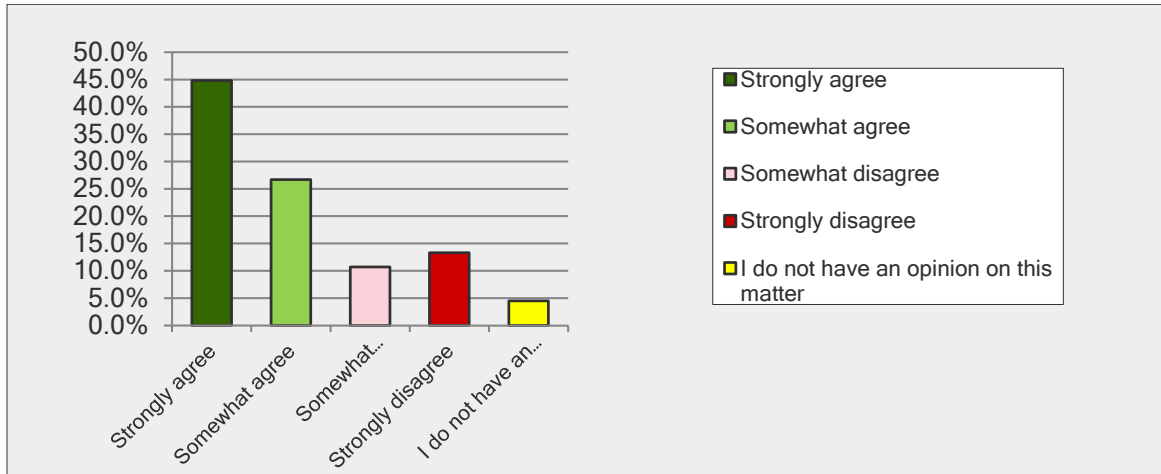




**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to Increase fines for unlicensed companies for scope-of-practice or use-of-title violations to a maximum of \$500,000.

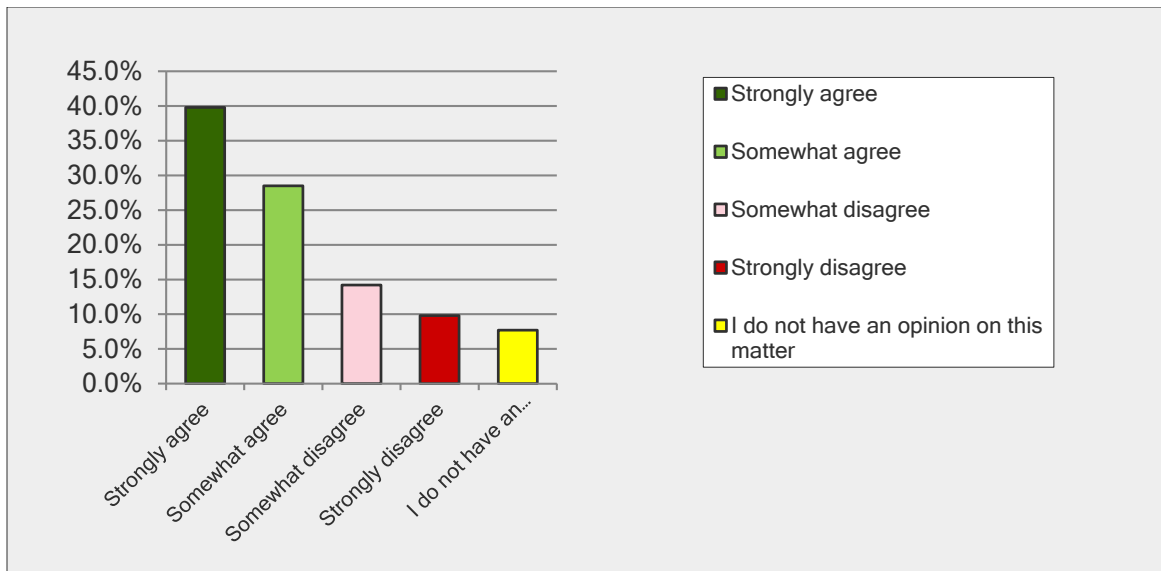
***Those who reviewed background information on the recommendation before completing the survey***

71.5% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 24% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

68.3% of respondents strongly or somewhat agreed with the recommendation, and 24% either somewhat disagreed or strongly disagreed.



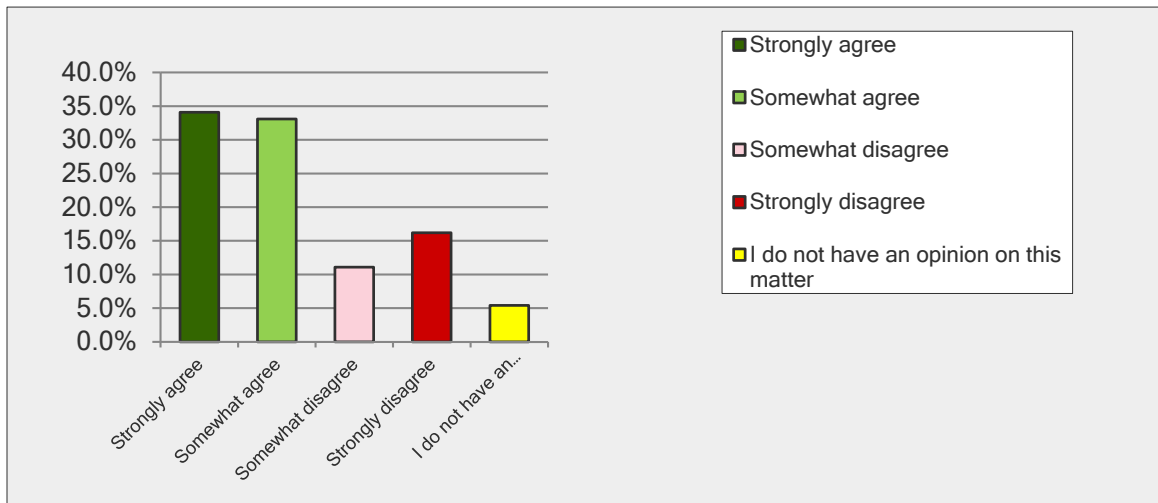
## Recovery of Discipline-Related Fines and Costs

To improve regulatory effectiveness and efficiency, APEGA should have the ability to recover discipline-related fines or costs from offending Members and Permit Holders without a civil lawsuit and trial.

**RECOMMENDATION:** It is recommend that the *EGP Act* be amended to authorize APEGA to file discipline orders with the Court if the orders include fines or costs. These orders would be enforceable as Orders of the Court.

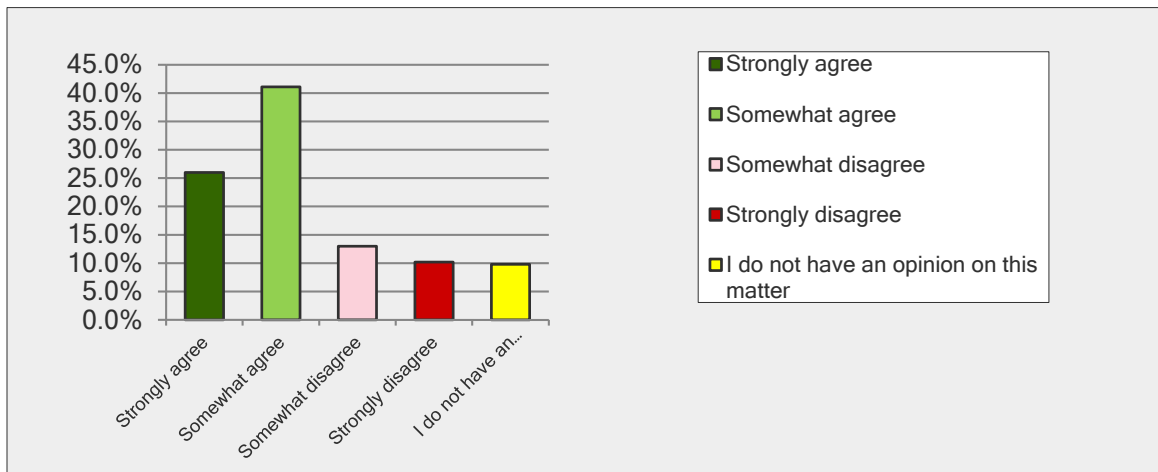
### ***Those who reviewed background information on the recommendation before completing the survey***

More than 67.2% of respondents either strongly agreed or somewhat agreed with the recommendation, and 27.4% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

More than 67% of respondents strongly or somewhat agreed with the recommendation, and 23.2% either somewhat disagreed or strongly disagreed.



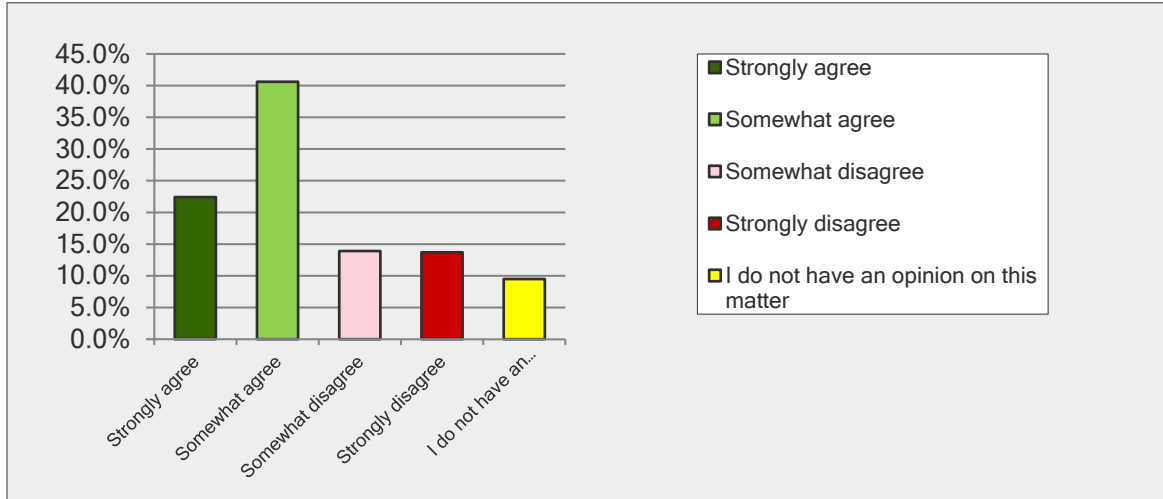
## Recommended Discipline Orders

To better protect the public, APEGA must have the ability to quickly and efficiently impose appropriate sanctions on Members and Permit Holders that have admitted to unskilled practice or unprofessional conduct.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to make the Registrar the case manager for all proposed Recommended Discipline Orders.

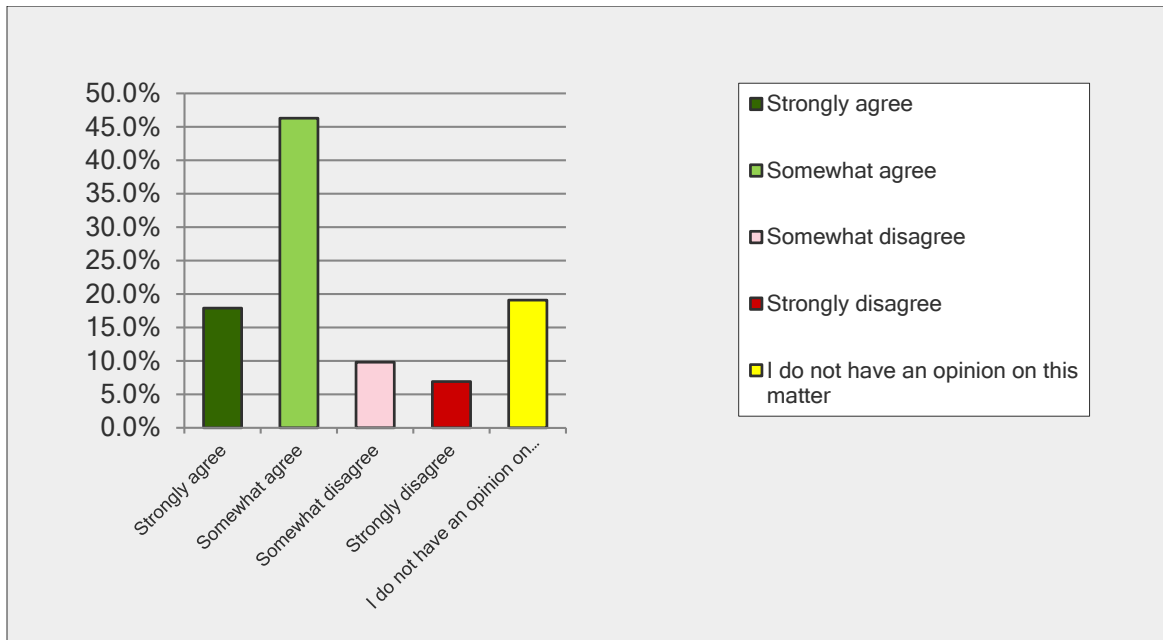
### ***Those who reviewed background information on the recommendation before completing the survey***

63% of respondents either strongly agreed or somewhat agreed with the recommendation, and 27.6% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

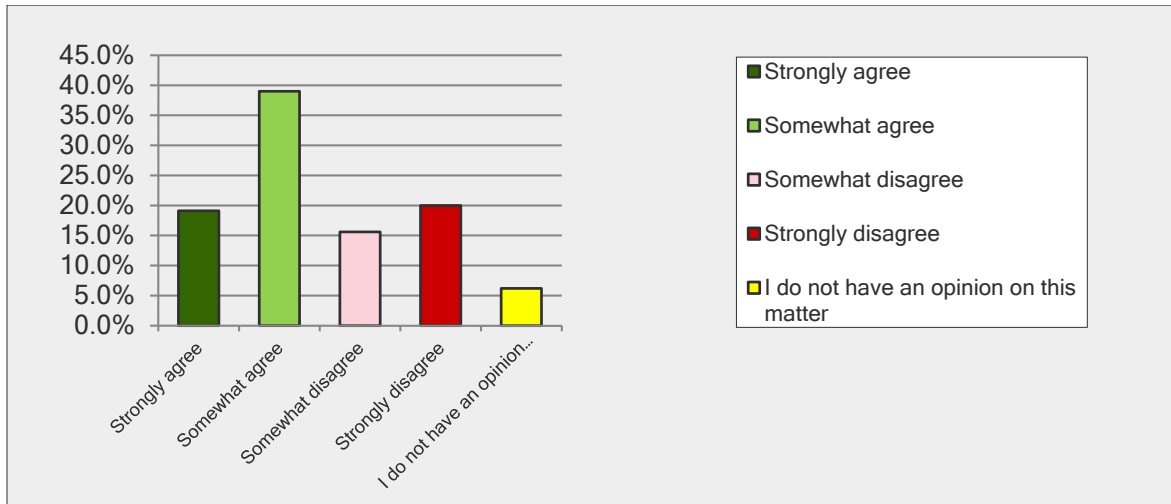
More than 64.2% of respondents strongly or somewhat agreed with the recommendation, and 16.7% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *Engineering and Geoscience Professions Act* be amended to give the Registrar the express authority to review and approve proposed Recommended Discipline Orders, reject proposed Recommended Discipline Orders and refer the matter to the Discipline Committee for a formal hearing, or refer the matter back to the parties for further negotiation, with or without suggested amendments or other direction.

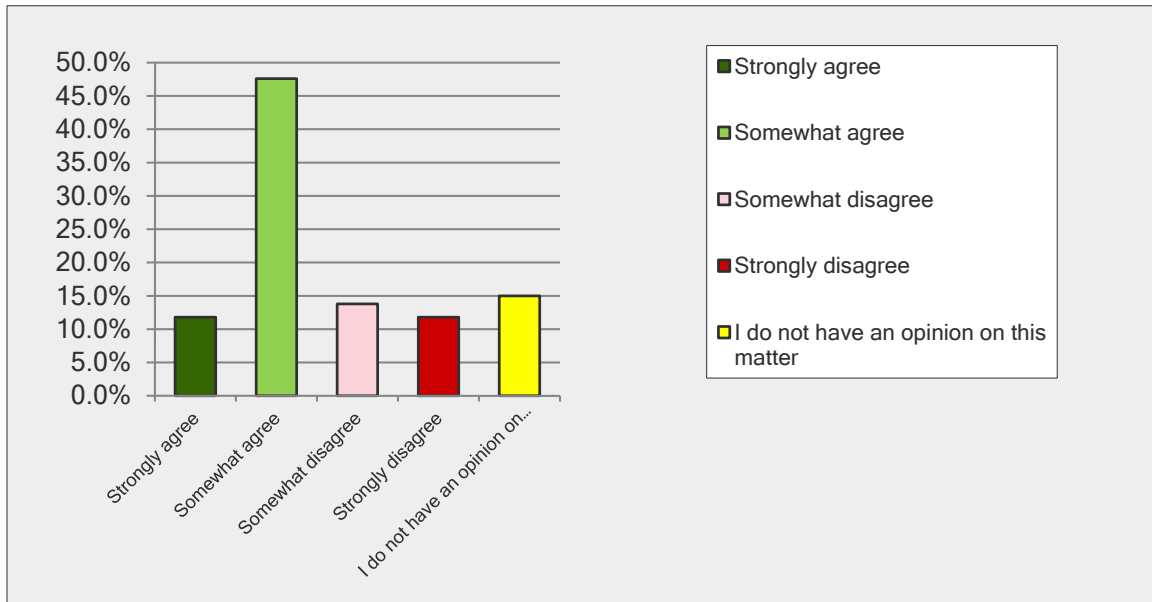
***Those who reviewed background information on the recommendation before completing the survey***

More than 58% of respondents either strongly agreed or somewhat agreed with the recommendation, and 35.7% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

59.4% of respondents strongly or somewhat agreed with the recommendation, and 25.6% either somewhat disagreed or strongly disagreed.



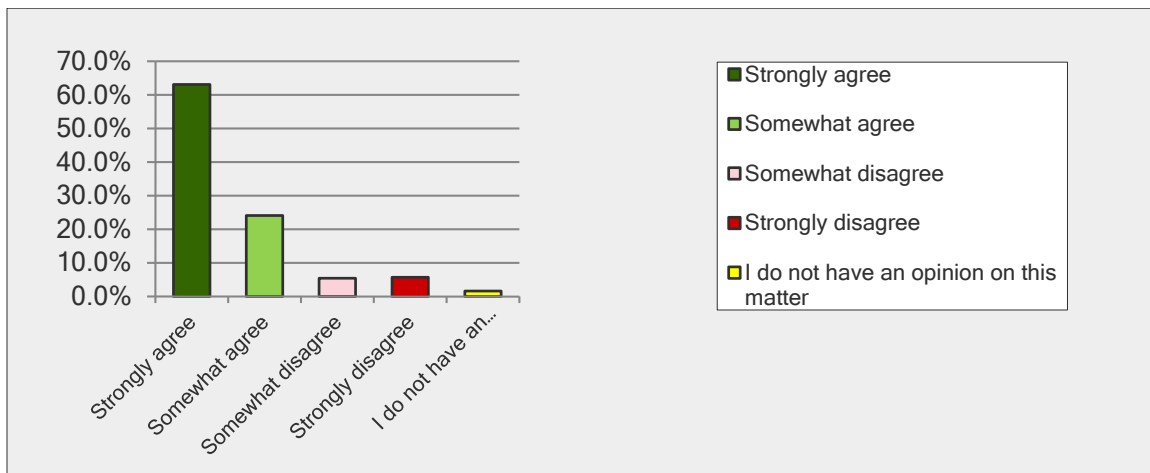
## Formalizing the Mobility of Discipline Orders

To better protect the public, APEGA must have the ability to respond quickly if needed. If the licence of a Member or Permit Holder has been cancelled, suspended, or restricted in another province because of unskilled practice or unprofessional conduct, APEGA needs to be able to act immediately to cancel, suspend, or impose restrictions on the Member or Permit Holder's licence to practise in Alberta.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to require Members and Permit Holders to advise APEGA if they have had discipline orders made against them from other jurisdictions.

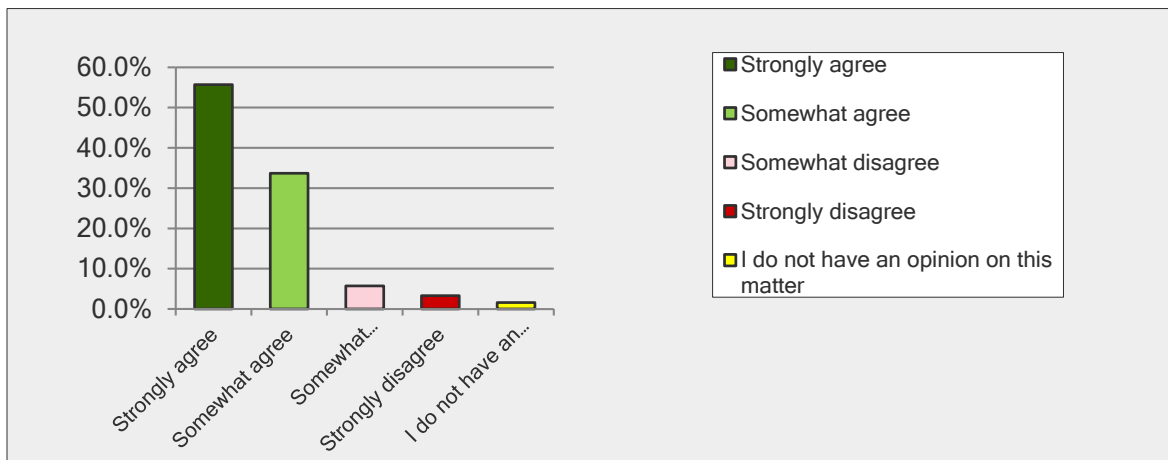
### ***Those who reviewed background information on the recommendation before completing the survey***

More than 87.2% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 11% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

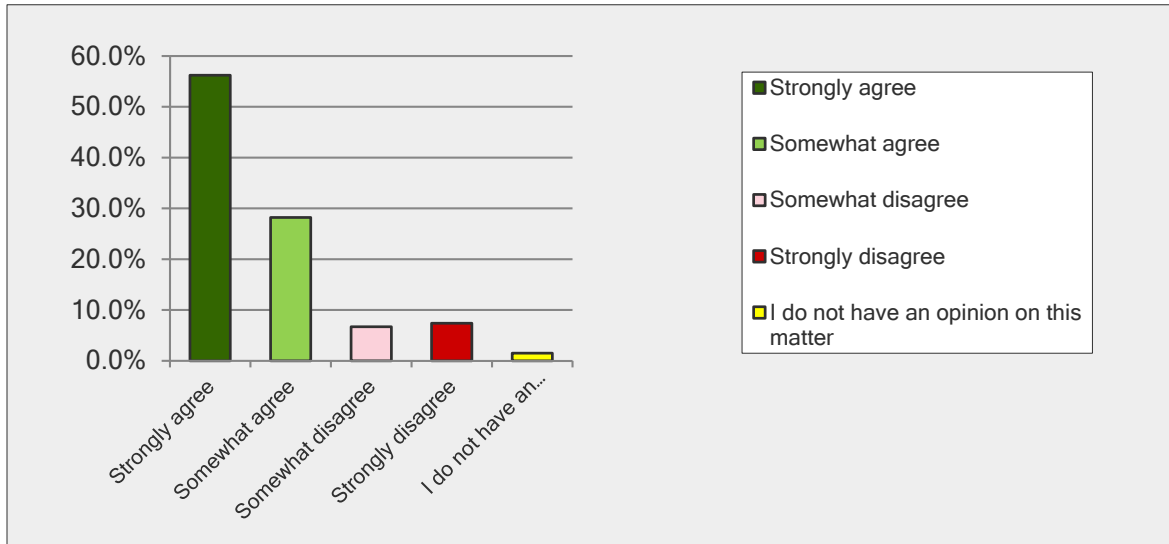
More than 89% of respondents strongly or somewhat agreed with the recommendation, and less than 9% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize APEGA to share discipline decisions with other professional associations and regulators.

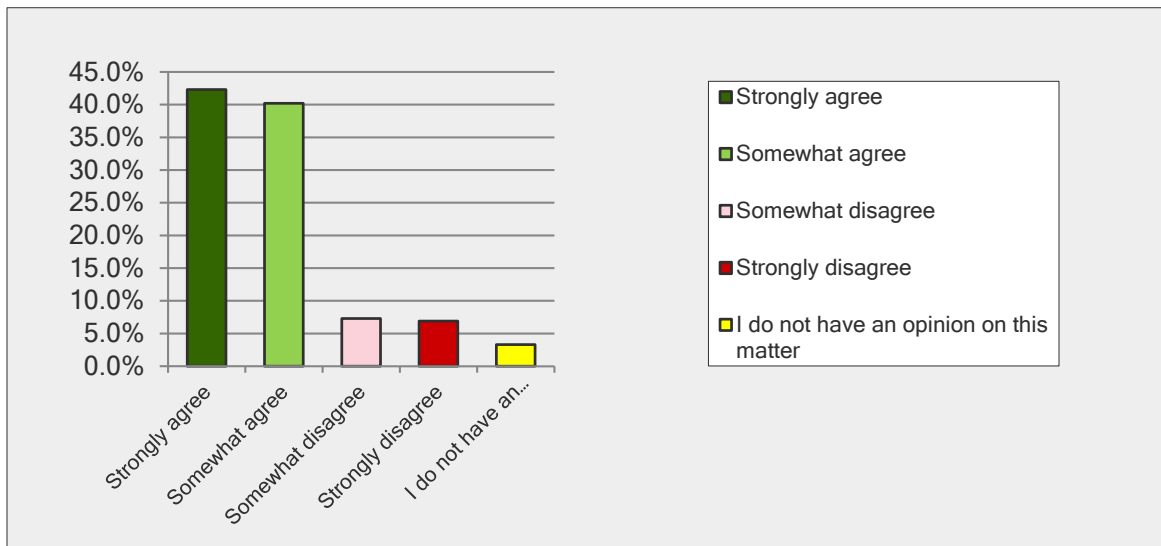
***Those who reviewed background information on the recommendation before completing the survey***

84.4% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 14% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

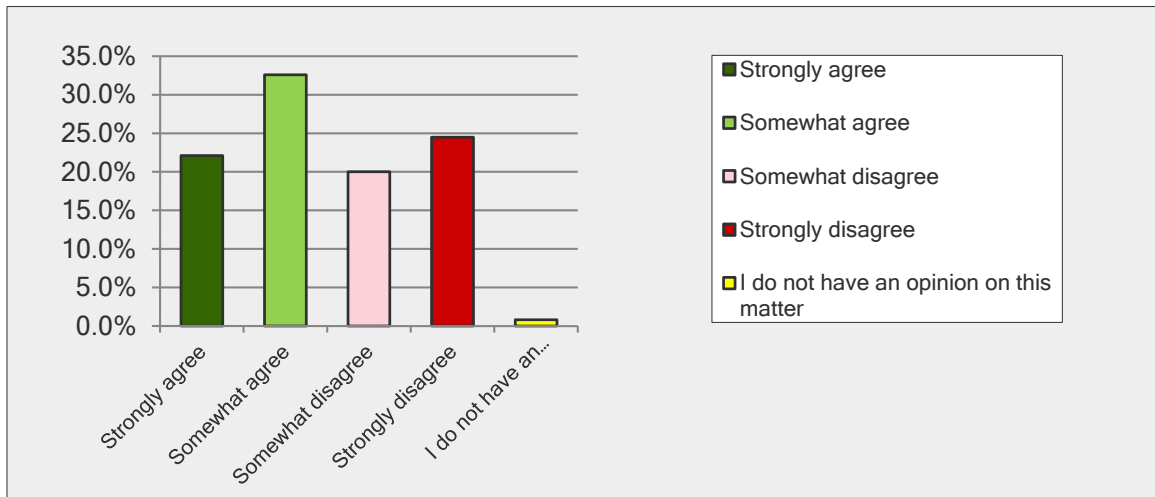
More than 82.5% of respondents strongly or somewhat agreed with the recommendation, and more than 14.2% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize the Registrar to use another provincial engineering or geoscience association’s discipline record of proceedings, decisions, and orders, and make the equivalent orders to those imposed by the other provincial engineering or geoscience association without conducting a full investigation and disciplinary hearing.

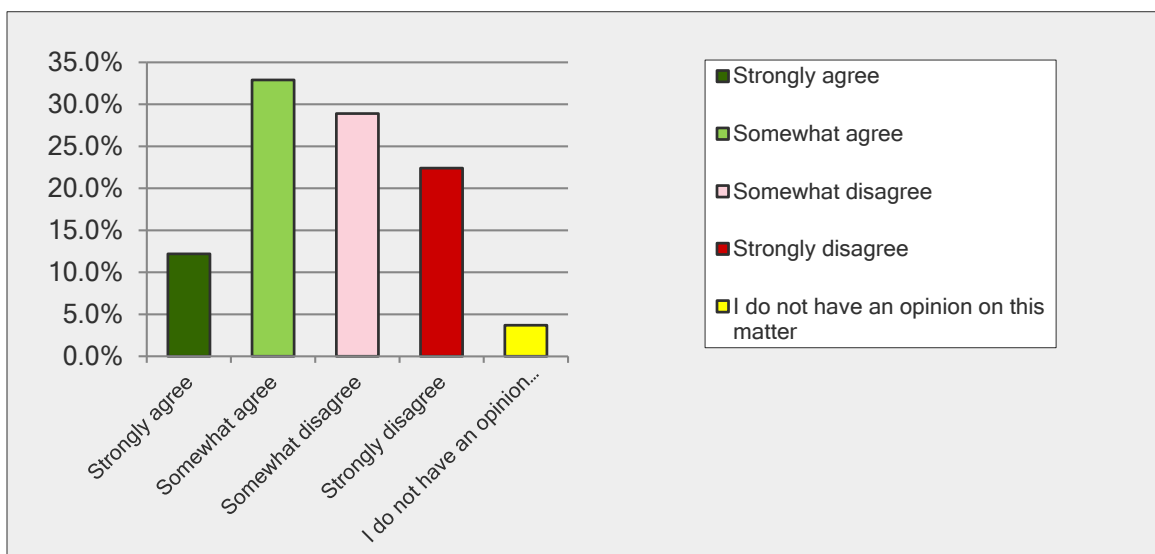
***Those who reviewed background information on the recommendation before completing the survey***

More than 54.6% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 44.5% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

More than 45% of respondents strongly or somewhat agreed with the recommendation, and more than 45.2% either somewhat disagreed or strongly disagreed.



# Modernizing the Investigative Process

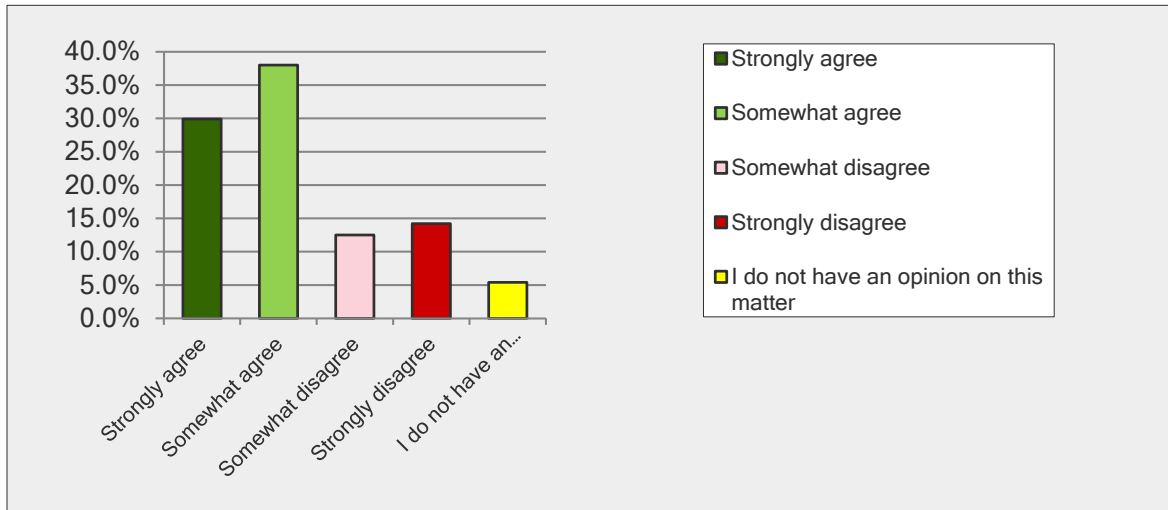
## Clarifying the Role and Authority of Investigative Panels

To better protect the public, APEGA must have the ability to quickly and properly investigate allegations of unskilled practice or unprofessional conduct by its Members and Permit Holders.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to enable investigators, rather than investigative panels, to investigate complaints and report the findings to the investigative panels.

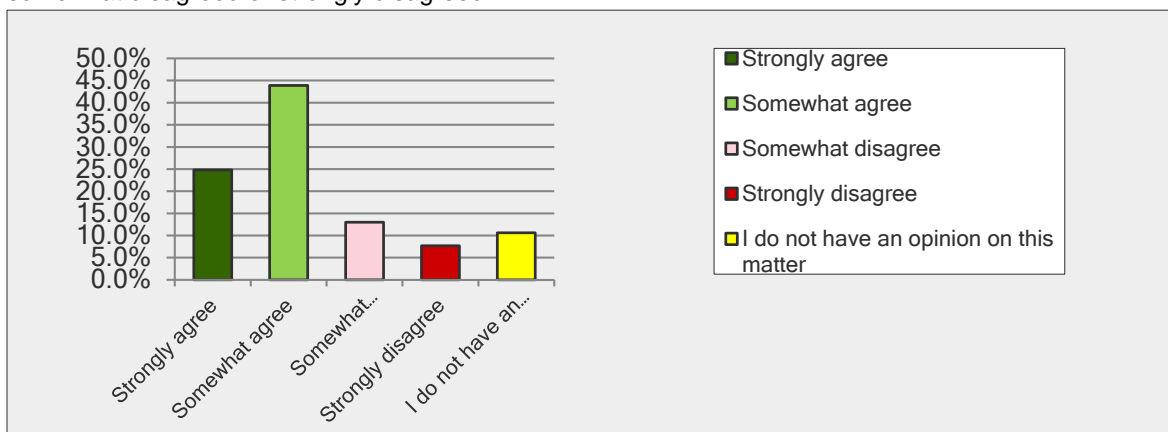
### ***Those who reviewed background information on the recommendation before completing the survey***

68% of respondents either strongly agreed or somewhat agreed with the recommendation, and 26.7% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

68.7% of respondents strongly or somewhat agreed with the recommendation, and more than 20.7% either somewhat disagreed or strongly disagreed.

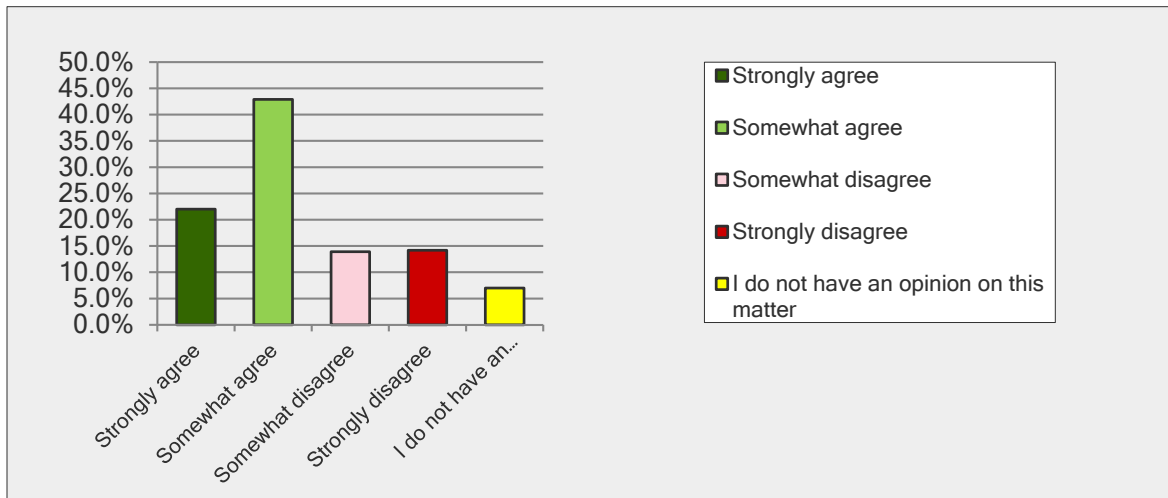




**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to enable investigative panels to become the decision makers and have the same powers and decision-making authority as the Investigative Committee currently has. The panels will review the investigation reports and decide whether to dismiss a complaint, propose a recommended order, or refer the complaint to a disciplinary hearing.

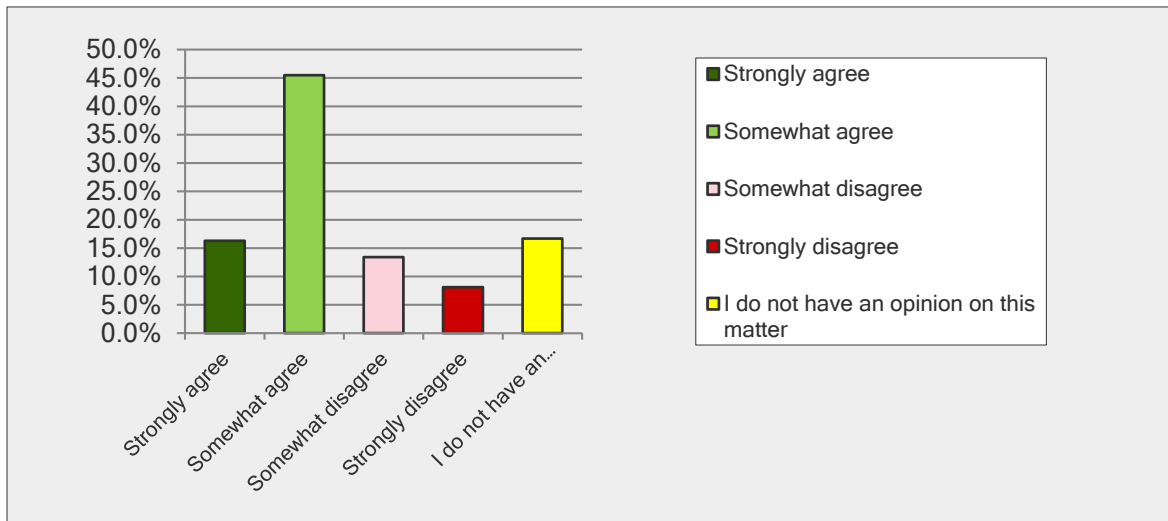
***Those who reviewed background information on the recommendation before completing the survey***

64.9% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 28% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

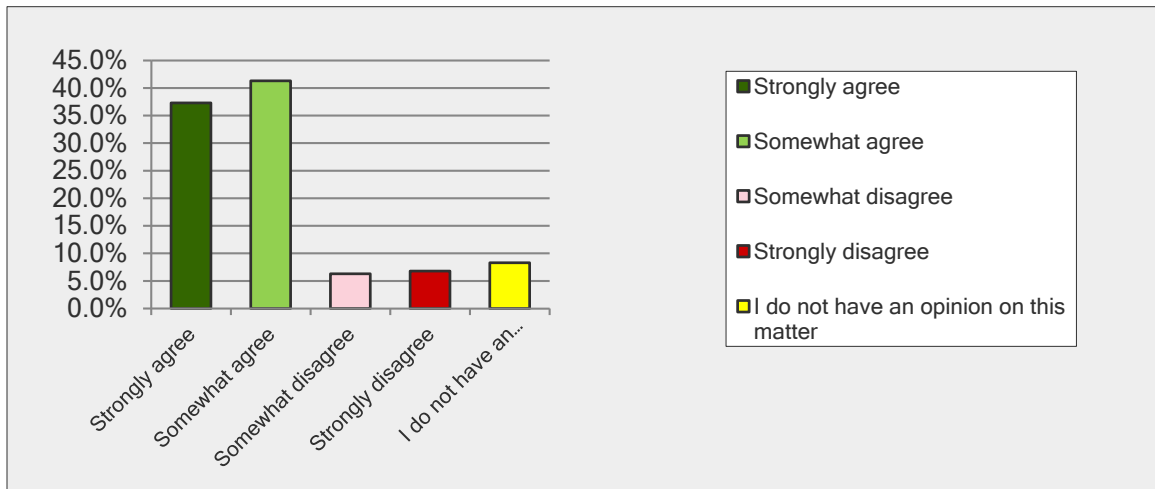
61.8% of respondents strongly or somewhat agreed with the recommendation, and more than 21.5% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to ensure that the Investigative Committee is the pool or roster from which Members of the investigative panels will be drawn. The Investigative Committee will also have an oversight function to review panel decisions to ensure there is consistency of decisions by different panels in similar circumstances.

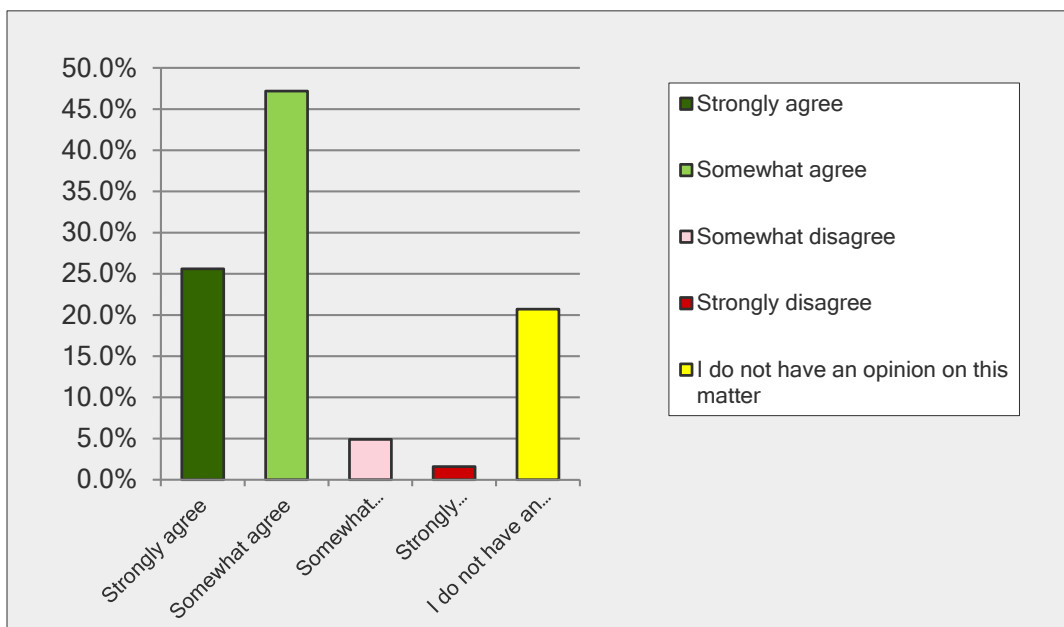
***Those who reviewed background information on the recommendation before completing the survey***

78.6% of respondents either strongly agreed or somewhat agreed with the recommendation, and 13.2% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

72.8% of respondents strongly or somewhat agreed with the recommendation, and 6.5% either somewhat disagreed or strongly disagreed.



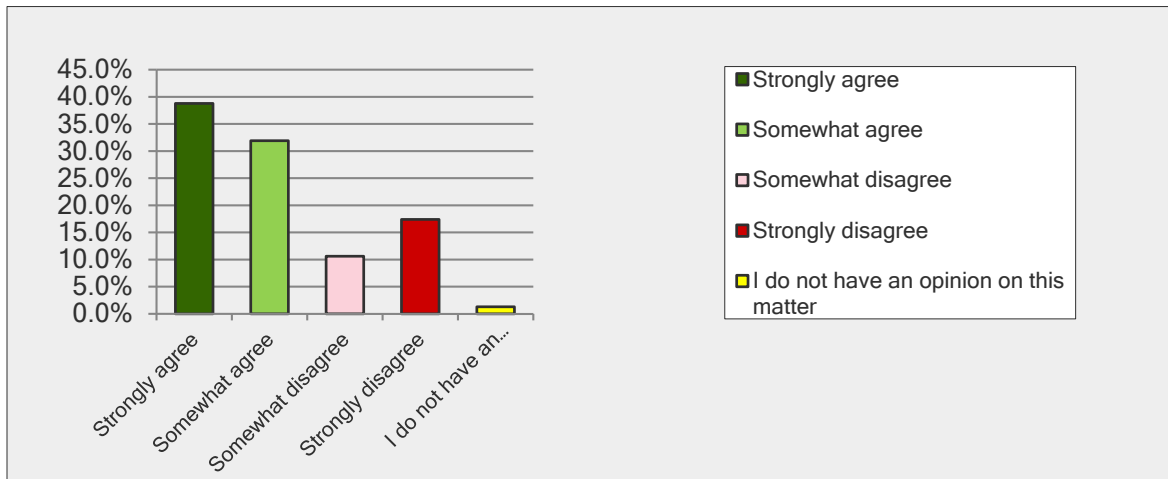
## Compelling Witnesses, Producing Documents, and Entering Premises

To better protect the public, APEGA must have the ability to conduct thorough investigations and obtain all relevant information relating to allegations of unskilled practice or unprofessional conduct by its Members and Permit Holders. Currently, only the Investigative Committee may require the investigated person or another Member of APEGA to produce documents. Also, the Investigative Committee cannot compel a non-member to produce documents related to an investigation and cannot compel a Member or non-member to submit to an interview as part of the investigation.

**RECOMMENDATION:** It is recommended that, as part of the complaint investigation process, APEGA investigators be given the authority to require any person, whether a Member or non-member, to produce documents related to the complaint.

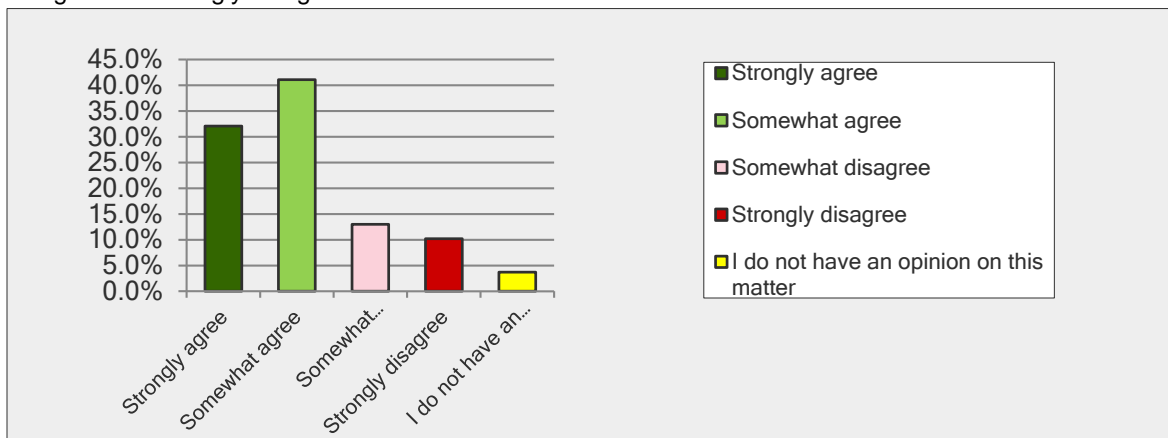
### *Those who reviewed background information on the recommendation before completing the survey*

More than 71% of respondents either strongly agreed or somewhat agreed with the recommendation, and almost 28% somewhat disagreed or strongly disagreed.



### *Those who did not review background information on the recommendation before completing the survey*

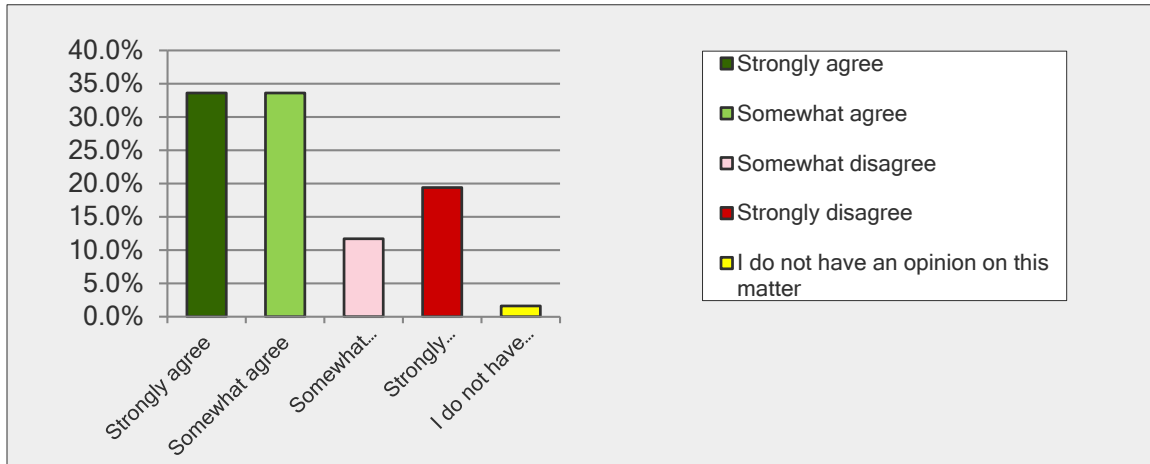
73.2% of respondents strongly or somewhat agreed with the recommendation, and 23.2% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that, as part of the complaint investigation process, APEGA investigators be given the authority to require any person, whether a Member or non-member, to submit to an interview as part of the investigation.

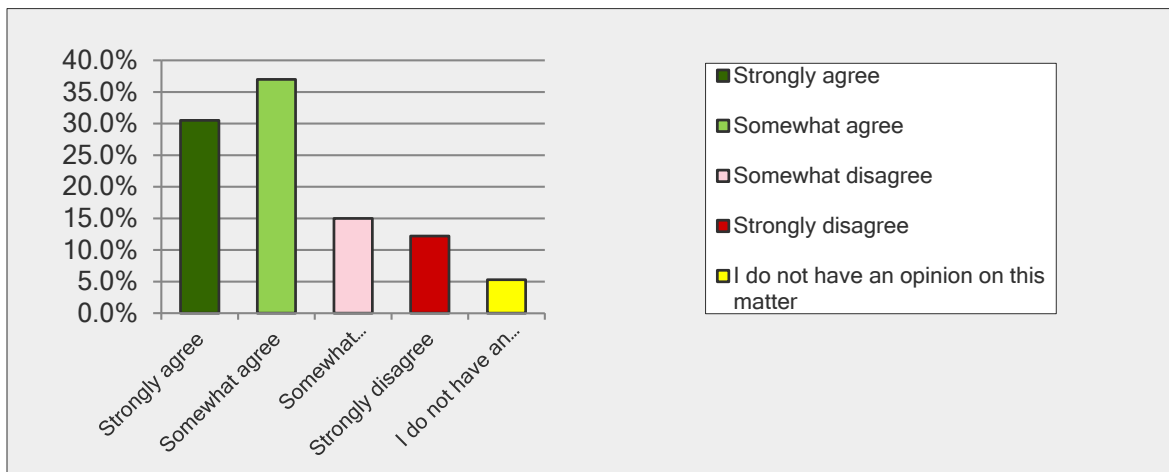
***Those who reviewed background information on the recommendation before completing the survey***

More than 67.2% of respondents either strongly agreed or somewhat agreed with the recommendation, and 31.2% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

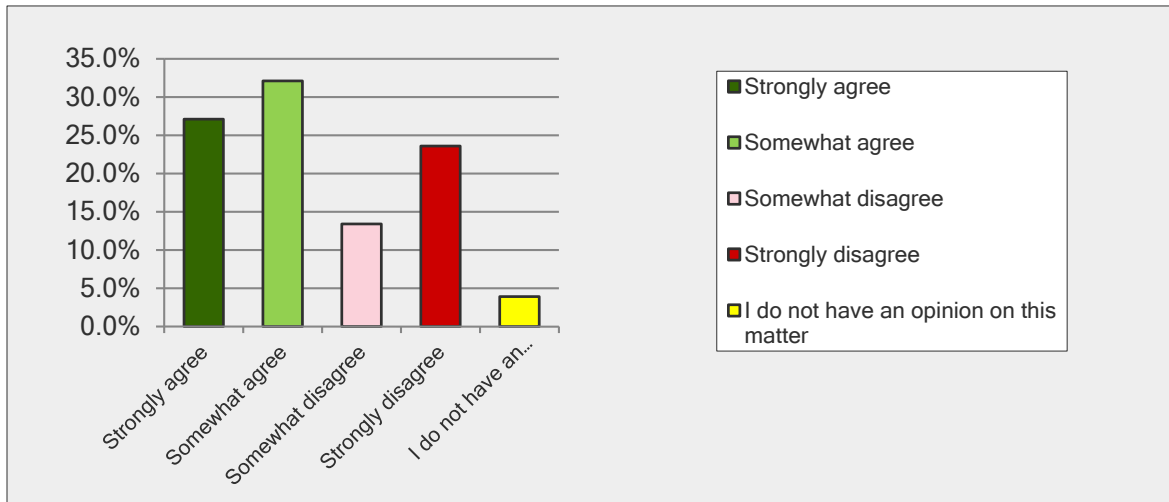
67.5% of respondents strongly or somewhat agreed with the recommendation, and more than 27.2% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that, as part of the complaint investigation process, APEGA investigators be given the authority to bring civil contempt-of-court proceedings for failing to cooperate.

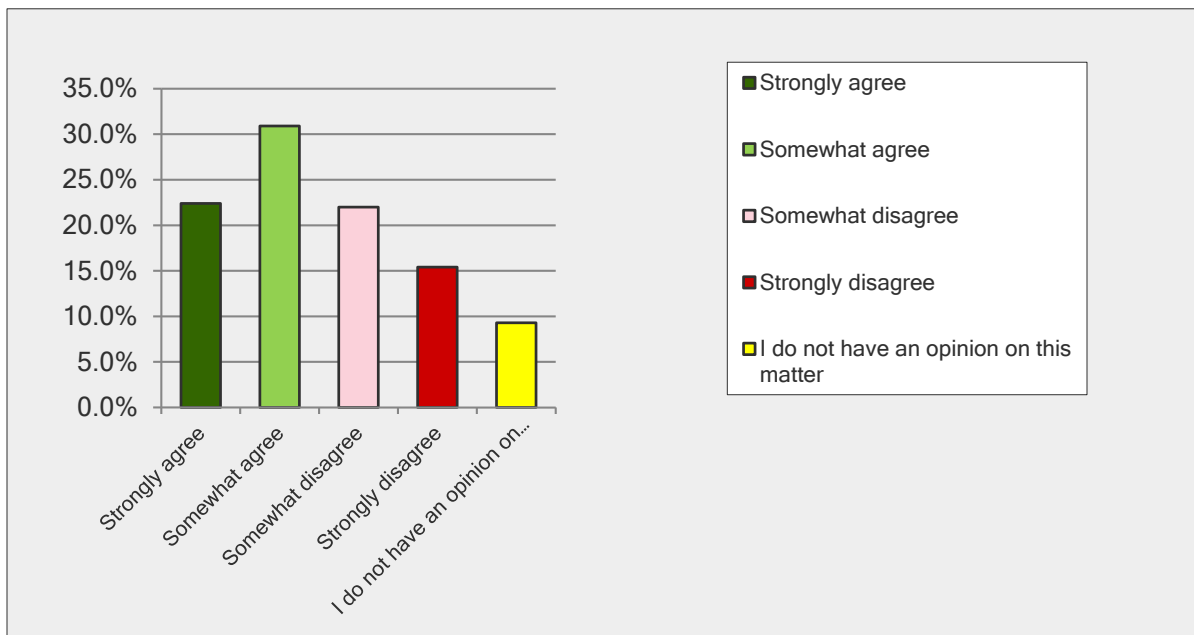
***Those who reviewed background information on the recommendation before completing the survey***

More than 59% of respondents either strongly agreed or somewhat agreed with the recommendation, and 37% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

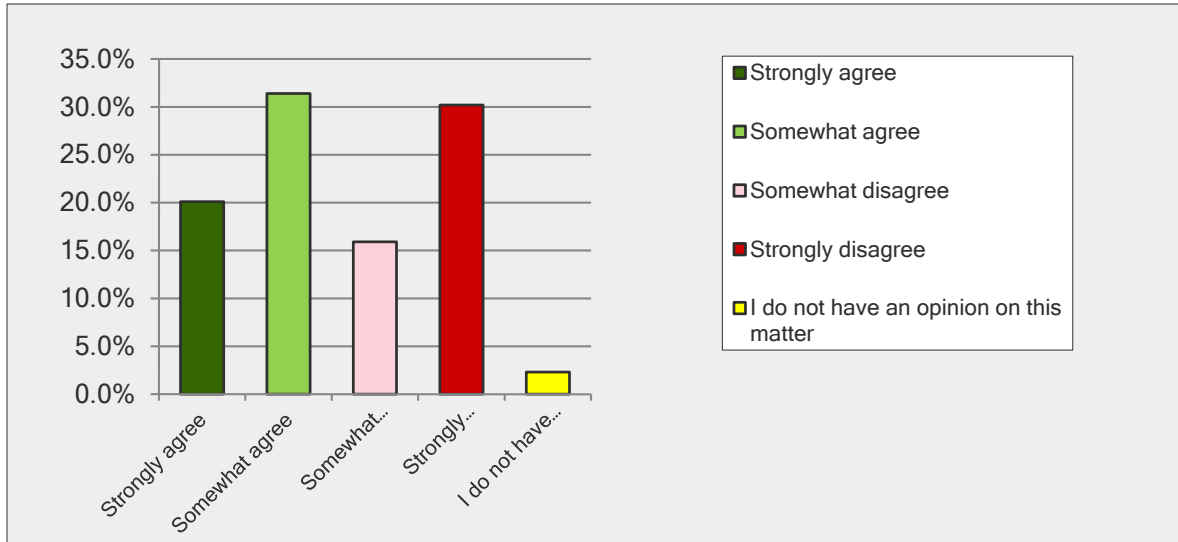
53.3% of respondents strongly or somewhat agreed with the recommendation, and 37.4% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that, as part of the complaint investigation process, APEGA investigators be given the authority to enter and inspect any place where a Member works as part of the investigation.

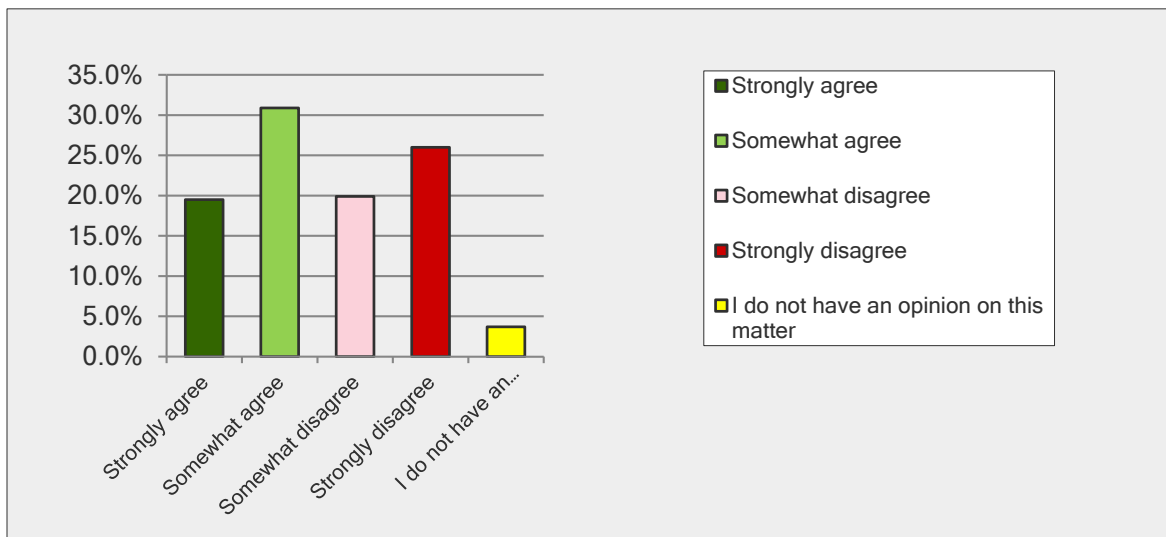
***Those who reviewed background information on the recommendation before completing the survey***

52% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 46% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

50.4% of respondents strongly or somewhat agreed with the recommendation, and 46% either somewhat disagreed or strongly disagreed.



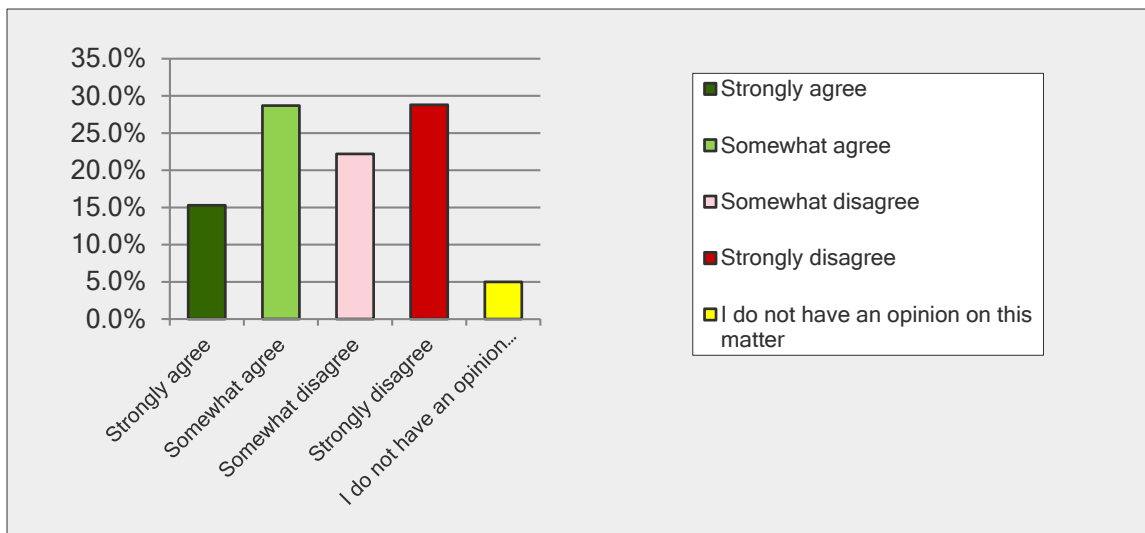
## Complaints Against Former Members and Permit Holders

To better protect the public, APEGA must be able to investigate and discipline individuals and companies for unskilled practice or unprofessional conduct that occurred while they were licensed with APEGA.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to increase the timeframe within which a complaint against a former Member or Permit Holder may be commenced to 10 years (from two years) following the date of cancellation of membership.

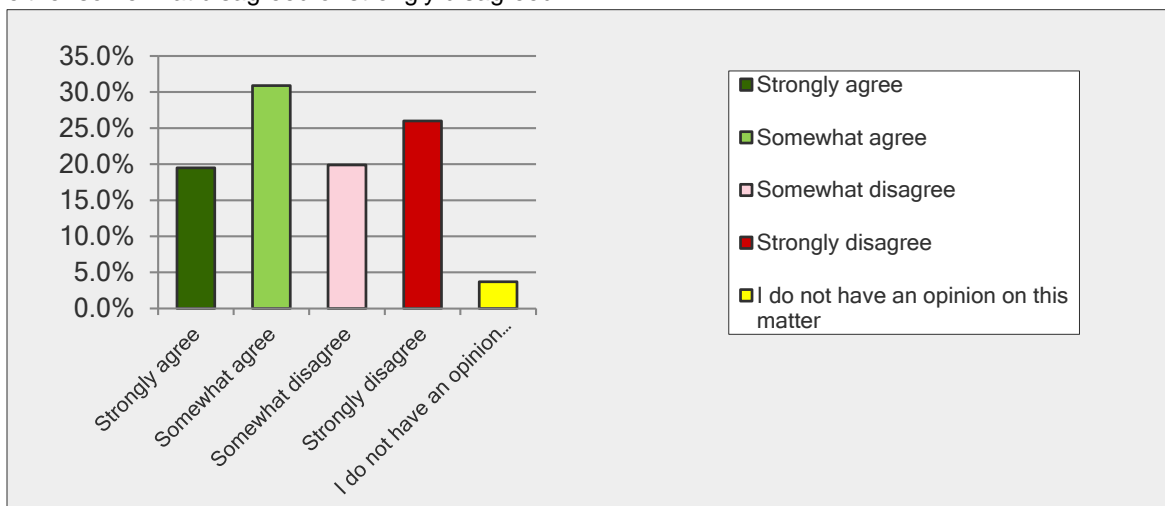
### ***Those who reviewed background information on the recommendation before completing the survey***

More than 44% of respondents either strongly agreed or somewhat agreed with the recommendation, and 51% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

More than 38.2% of respondents strongly or somewhat agreed with the recommendation, and less than 52.9% either somewhat disagreed or strongly disagreed.



# Authority of the Registrar

## Initiating an Investigation or Complaint

To better protect the public, APEGA must have the ability to investigate the conduct of a Member or Permit Holder if there are grounds to believe unskilled practice or unprofessional conduct may have occurred but a formal written complaint has not been received.

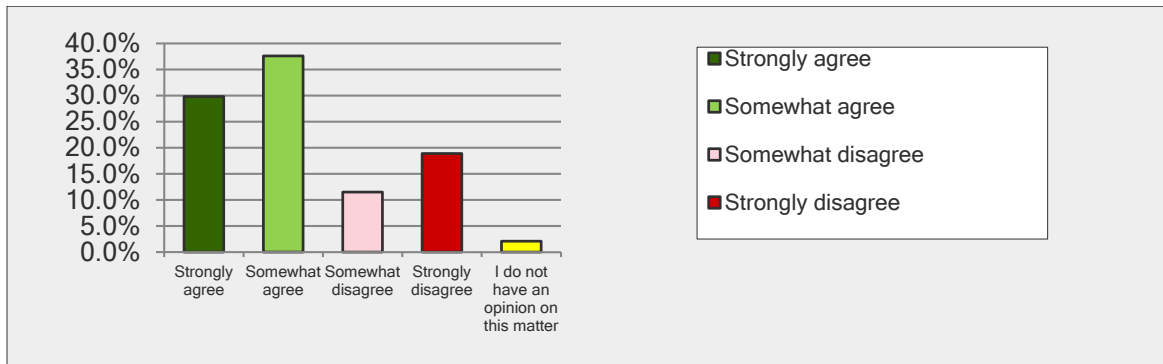
**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to give the Registrar the express authority to:

- initiate a complaint
- initiate an investigation into the activities of existing and former Members and Permit Holders
- appoint investigators to investigate the matter and report the findings to the Registrar
- report the results of the investigation to the Investigative Committee or other entity as the Registrar considers appropriate.

The Registrar will decide when and whether to initiate an investigation or complaint based on criteria established in policy.

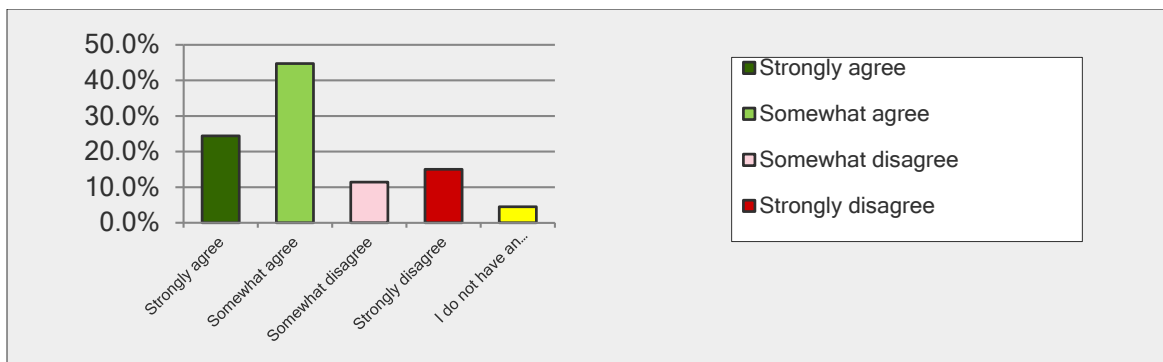
### ***Those who reviewed background information on the recommendation before completing the survey***

More than 67.4% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 30.4% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

69.1% of respondents strongly or somewhat agreed with the recommendation, and more than 26.4% either somewhat disagreed or strongly disagreed.





## Suspending or Imposing Conditions on an Interim Basis in Emergent Situations

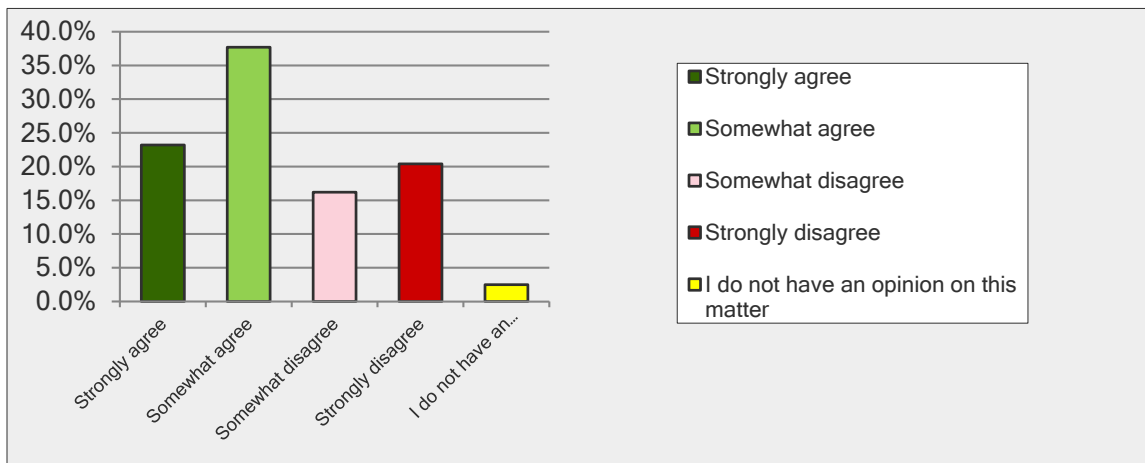
To better protect the public, APEGA must have the ability to respond quickly if a Member or Permit Holder's competency, professional judgement or ethics is questioned and public safety is at serious risk. APEGA needs to be able to immediately suspend or restrict a Member or Permit Holder's licence.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to expressly authorize the Registrar to suspend a Member or Permit Holder on an expedited basis in emergent circumstances (while retaining the authority of the Investigative Committee to suspend a Member or Permit Holder on an expedited basis in emergent circumstances).

The circumstances under which this authority could be exercised would be based on criteria clearly described and established in the General Regulation.

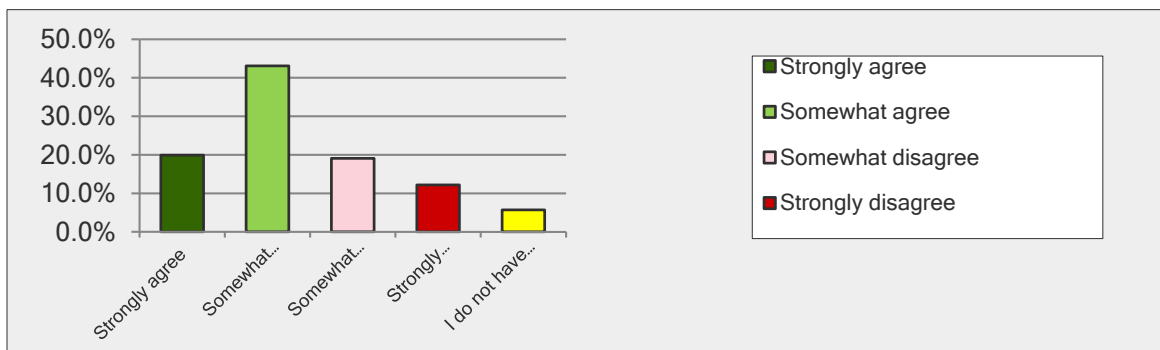
### ***Those who reviewed background information on the recommendation before completing the survey***

60.9% of respondents either strongly agreed or somewhat agreed with the recommendation, and 36.7% somewhat disagreed or strongly disagreed.



### ***Those who did not review background information on the recommendation before completing the survey***

More than 63% of respondents strongly or somewhat agreed with the recommendation, and more than 31.3% either somewhat disagreed or strongly disagreed.

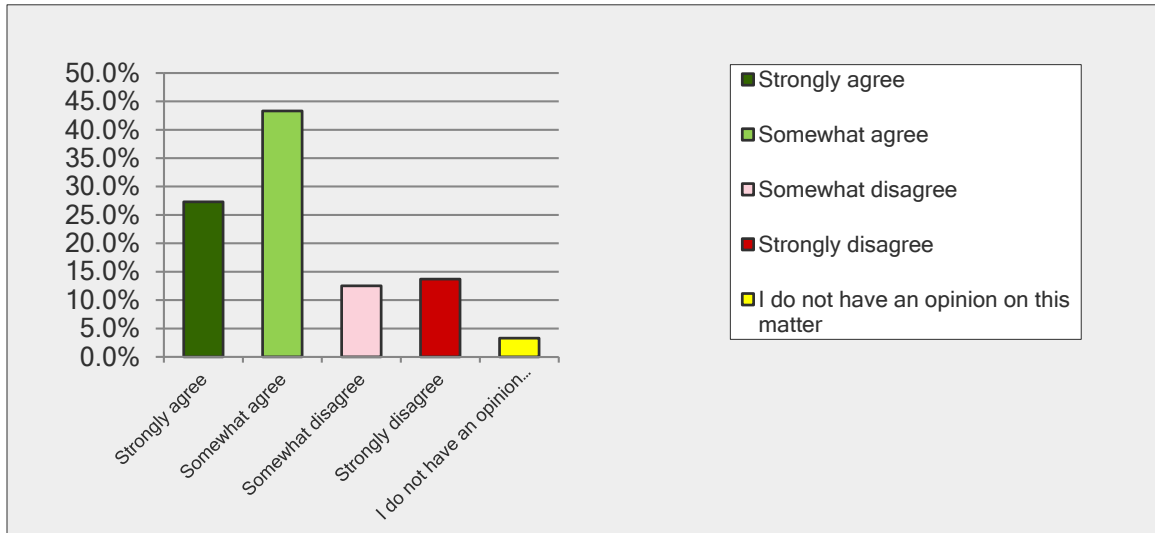


**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to authorize the Investigative Committee and the Registrar to impose interim conditions on a Member of Permit Holder on an expedited basis in emergent circumstances.

The circumstances under which this power could be exercised would be based on criteria clearly described and established in the General Regulation.

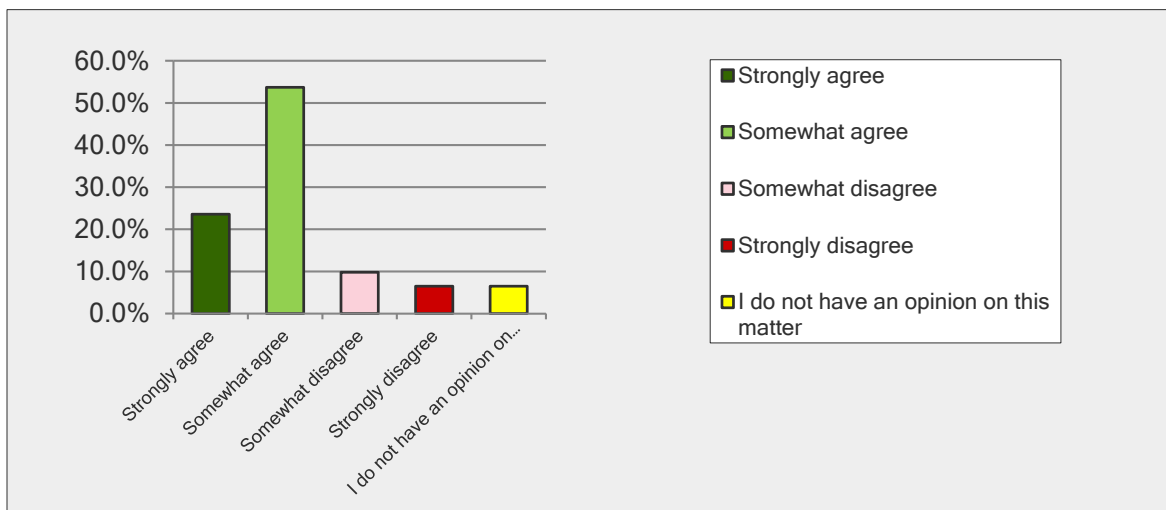
***Those who reviewed background information on the recommendation before completing the survey***

70.6% of respondents either strongly agreed or somewhat agreed with the recommendation, and less than 26.2% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

77.2% of respondents strongly or somewhat agreed with the recommendation, and less than 16.3% either somewhat disagreed or strongly disagreed.



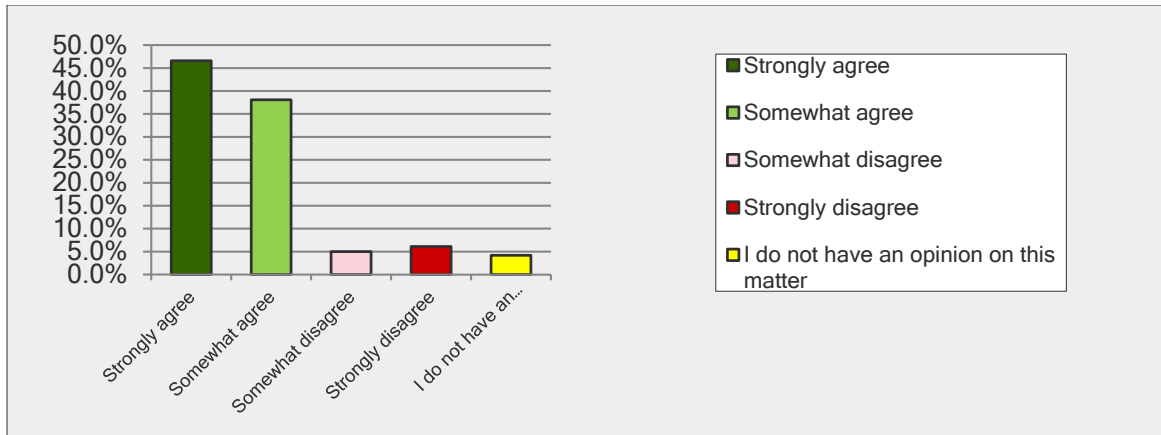
## Using Alternative Settlement and Dispute Resolution Mechanisms

To improve regulatory effectiveness and efficiency, APEGA must have the ability to resolve complaints against Members and Permit Holders using alternative settlement and dispute resolution mechanisms, instead of full investigations or disciplinary hearings, when the parties involved agree to such resolution and it is in the public interest to do so.

**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to give APEGA additional settlement and dispute resolution mechanisms to resolve complaints.

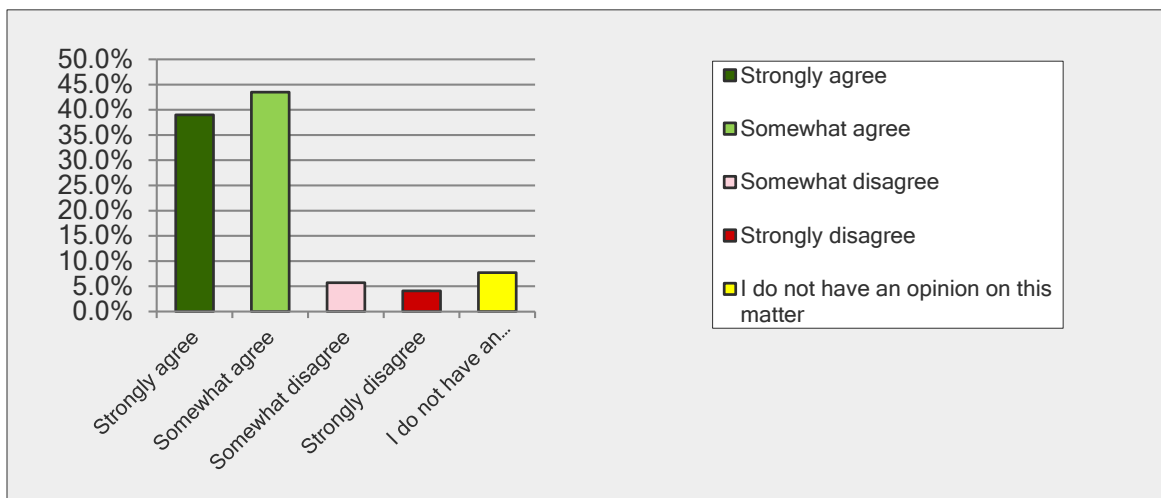
### *Those who reviewed background information on the recommendation before completing the survey*

Less than 84.7% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 11.1% somewhat disagreed or strongly disagreed.



### *Those who did not review background information on the recommendation before completing the survey*

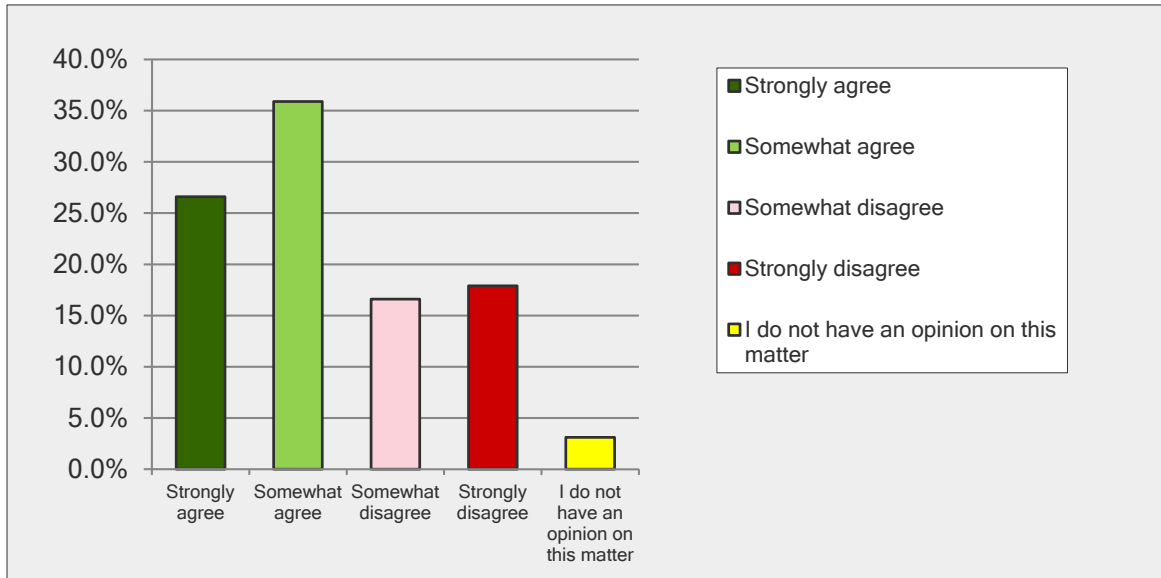
82.5% of respondents strongly or somewhat agreed with the recommendation, and less than 9.8% either somewhat disagreed or strongly disagreed.



**RECOMMENDATION:** It is recommended that the *EGP Act* be amended to expressly authorize the Registrar to directly settle complaints, with the consent of the complainant and the person who is the subject of the complaint, without needing the Investigative Committee’s approval.

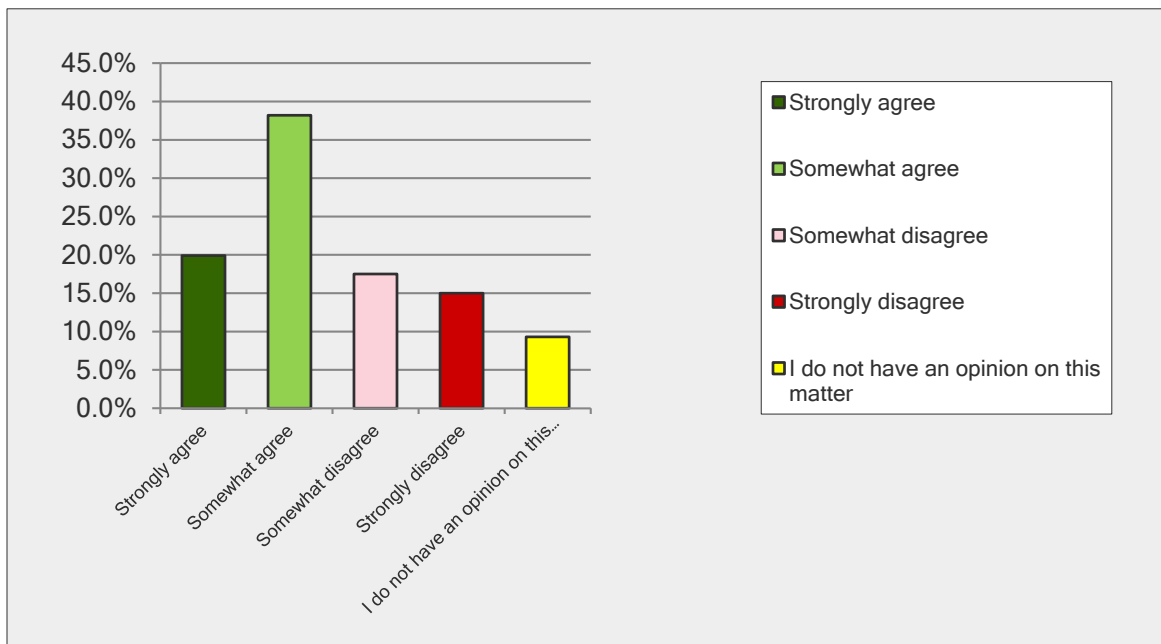
***Those who reviewed background information on the recommendation before completing the survey***

More than 62.4% of respondents either strongly agreed or somewhat agreed with the recommendation, and more than 34.5% somewhat disagreed or strongly disagreed.



***Those who did not review background information on the recommendation before completing the survey***

More than 58.1% of respondents strongly or somewhat agreed with the recommendation, and more than 32.5% either somewhat disagreed or strongly disagreed.



## 4.0 CONCLUSION

The conclusion of the fall 2015 consultation sessions brought to a close the consultation on the majority of the *Engineering and Geoscience Professions Act*. Following the spring 2015 consultation and its six main topics, an additional 15 topics were discussed as the conversation on the Act continued in the fall.

The proposed recommendations were discussed with over 2,600 Members and Permit Holders at the fall in-person consultation sessions and meetings with the legislative review team across the province. About 1,400 Members completed the survey, which opened on October 23 and closed on December 21.

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

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

The next step of the legislative review will take place in early 2016 and will finish up some recommended changes to the Act. The focus for the fall of 2016 will be proposed recommendations for the General Regulations.