

# APPENDIX 1

## Verbatim Comments from Winter 2016 Survey

March 2016



## Appendix 1 – Verbatim Comments from Survey

The following individual comments are from the Member & Permit Holder Survey as part of the Winter 2016 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 recommendation? *It is recommended the EGP Act be amended to also give the PRC the following authorities: authority to establish the qualifications that practice reviewers must have to conduct practice reviews of Members and Permit Holders authority to establish panels with decision-making authority and the authority to make orders related to practice review findings authority to establish the eligibility standards for registration as a Permit Holder.***

- The "authorities" currently exist and should remain the purview of Council
- We are a self-regulated profession, therefore we need to consistently evaluate whether its members are compliant with its own regulations and aid in fixing deficiencies.
- Strong agreement with first 2 points. Disagree with point 3, eligibility standards should be established by a separate process. This role has to be separate from the role of investigating individual members.
- It will create some complexities since one business to another is not the same in acceptable standards of competence and practice. The decision maker may qualify in certain areas of engineering practice but not in all areas. It will be difficult to select who in which area to perform practice review and make a decision.
- The above 3 items seem acceptable, though there is information missing regarding what body had the authority for these things before. It seems to be a reallocation of these authorities. Why would we do this?
- While I may see the benefits of the suggestions I do not see the ability or the willingness within the organization of APEGA to have qualified people to fill the roles and be held responsible for their decisions. Listening to the presenters at the consultations I do not get a comfortable feeling that consultations required to put representative and unbiased standards is within the corporate personality of APEGA. I believe APEGA needs to establish the ability and responsibility prior to being given the authority to do so.
- The authority granted to the PRC needs to be controlled with oversight to provide consistency between councils and PRC's. Would this occur by involving the Registrar in a review of decisions perhaps?
- Strongly agree on the first two, not sure on the last.
- I strongly agree that the above listed authorities be given to the PRC.
- I would not like any changes to make attaining a permit more difficult or time consuming.
- I agree with the first and the third. The second I do not agree with. It is unclear whether it is always the same panel and people - I do not see the ability to be consistent with each case unless the panels are always the same make up recommendations to a final panel of highly qualified overseers. Different disciplines like geology and geotechnical require different

expertise than civil engineering etc.

I am unclear with how the panels will be consistent across all engineering fields without an overseeing body.

- The first 2 recommendations are fine. Not sure why you want to have the PRC duplicate the work of the Registration Committee?
- There must be the ability to appeal to a higher authority if a panel makes a decision that a member disagrees with. Decision should NOT be final.
- I agree the PRC and review panels do need the authority to create standards of practice and make orders. However, I have concerns about the level of authority being delegated to this committee and will comment about that feedback to some of the following questions.
- As long as panel decisions and orders can be appealed either to the entire PRC or the Appeal Board. Eligibility standards for registration as a Permit Holder should not be much different from the current requirements.
- The PRC will be formed by independent engineers, which was going to be a significant cost adder to the Association resulting in increased annual fees. Also, the decision-making authority granted to panels does not address methodology for correcting deficiencies and responsibilities by Members & Permit Holders who have to remedy issues "abandoned" by engineers who have either left the Company or the Profession.
- I'm not sure if the PRC should have the authority to establish the eligibility standards for Permit Holder. Who does it right now?
- The review literature does not adequately identify and discuss how this recommendation remedies deficiencies in the existing Act.
- It is a lot for one committee to do - perhaps worthwhile to separate CPD out to a different committee...
- All practice standards or guidelines developed need to consider that not all engineering or geoscience work is performed in the context of a construction type of project. Many tasks relate to ongoing activities that do not closely resemble traditional design/build "projects". Some provinces' e.g. BC guidelines can be difficult to adhere to for many types of professional work. Clarifying a standard's scope and applicability is therefore very important.
- I would only support this if the members on the panel were full time APEGA employees. I would not want a volunteer peer from a competing firm to be doing a practice review of my business operations and also have any authority to make orders. It's a conflict of interest.
- Panels should make recommendations but the PRC as a whole should retain the authority to make orders related to practice review findings.
- What is driving this change? Does the PRC not already have this ability?
- I do not believe the PRC should have the authority to make decisions or orders, it should refer matters requiring investigation and orders to the Investigative Committee or Registrar
- The eligibility standards for Permit Holders already exist and are easy to understand. The primary job of the PRC should be to uphold the standards that are set. We would be putting them in a conflict of interest if we ask them to modify and invent the standards that they will then be responsible for upholding. We should keep the standards setting process at a higher level than the PRC committee.
- The powers appear too broad for a volunteer group that are selected. I would prefer some of these powers and/or criteria are suggested by the committee and then voted on by the members before being passed. In addition, if the committee is to have such broad powers, I believe they should be elected.
- The final bullet is a sticking point for me. This should be subject to consultation and ultimately it should be a council decision not just the PRC

- The last bullet is more a regulation and therefore should be left to the update to a regulation
- The profession is very broad in scope in that professional engineers are engaged in a wide variety of endeavours. To define standards beyond what is now in place for all aspects of professional practice is pointless and quite inappropriate. Companies all do things to achieve appropriate results in different ways and the existing rules and review practices have served the public and membership well. There is no need for drastic change such as this. We are in difficult times right now and the drastic escalation and fees that would be needed to implement this plan we mean that many engineers would simply not register. The rules and review practices now in place apply mainly to design which is quite appropriate. There is no need to encumber all those whose practice is not involved in design with the added costs that this would require.
- I think the authority to establish eligibility standards for registration as a Permit Holder has to be established in consultation with the Permit holder's practicing professionals
- I have some concerns regarding cost of program and appeal process
- Members should still be intimately involved in these additional authorities so that it is not done in isolation by a select group of individuals.
- Existing authority is sufficient
- There is no strong case made for the need for this change aside from a name change. Introduces an audit function into APEGA
- This is needed to improve and maintain quality of services by permit holders and to ensure the desired competence level
- I have issues with Permit Holders and their lack of responsibility to fill engineering positions with engineers and not specialists. There is a lack of accountability. We have competencies for engineers but need stronger oversight for permit holders!
- The people who are doing practice review has to know the regulation and be familiar with the practice standards of the environment and country where the applicant have practice engineering.
- With respect to item 2 I'm not sure why a practice review panel would be needed when there is already a practice review committee.
- I assume this is all in the context of a quasi-judiciary framework, supported through the governing Act? I would like to see a periodic review of the standards and authority (bi-annually?) to allow APEGA to fine tune the veracity of the PRC and its authority in concert with good governance and members' feedback.
- How does the membership ensure that the new "authority" is not abused or misused?
- Why do we need a full act revision to do what is right?
- I believe that the PRC should have authority on items 1 and 3, but the panels item is an issue. I believe that panels should make recommendations to the PRC and the PRC should be the body that makes orders.
- I agree with providing those powers to the PRC, but I want to know more about how the PRC members are chosen or selected? Is it by general election, is there a term limit?
- As a result of these measures, authority will be pushed down to those more closely involved in day-to-day regulation of the professions.
- Qualifications and eligibility standards must be objective in order to assure practice reviewers and panels members are not subject to nepotistic selection or any such corruption. Bulletins should be posted on APEGA PDH Web page to assure dissemination.
- Currently, all authority rests with Council and this change would place regulatory authority with a non-elected volunteer committee. I am concerned with the direction this is taking
- The essence of self-regulation is peer review; Peers must be qualified to perform a practice review. Members of the PRC must themselves be "qualified". Perhaps Council needs to

sign-off/approve the qualifications?

**2. To what extent do you agree or disagree with the following proposed recommendation? *It is recommended that the EGP Act be amended to explicitly clarify that: Members and Permit Holders must comply with practice standards and practice bulletins and failure to comply can result in the restriction, suspension, or cancellation of a licence or permit, and may also constitute unskilled practice, unprofessional conduct, or both.***

- Need more "Proper" templates and/or electronic forms needed for Members and Permit Holders to track and maintain their CPD activities. Current Excel file needs more modifications. Strongly believe that more Members and Permit Holders fail to report their CPD due to this.
- I'm trying to understand the rationale for this. I get that we prefer to have the authority ourselves to hand down punishment for noncompliance with "practice standards". BUT, I don't agree that noncompliance with practice standards (besides ethical practice in terms of the literal meaning of "unskilled practice of engineering") could constitute "unskilled practice" by itself. We are talking about things like having a deficient PPMP, or the wrong scaled size of an engineering stamp on a document - being grounds for possible cancellation of a person's licence? This is the person's livelihood. I can imagine that you are thinking "No, that's not at all what this means, or we wouldn't use the power for that", but I do not trust that this will not be the case in the future. I would call these types of things "meta-practice", not true Engineering Practice.
- I believe there should be a procedure allow to challenge standards or bulletins if a member feels that a standard or bulletin violated their rights under Canadian law or standard practice. This should be judged by an independent arbitrator outside of APEGA. If Standards and bulletins must be able to stand up to independent peer review.
- I strongly agree that the Members and Permit Holders must comply with practice standards and practice bulletins.
- Members need to comply with practice standards unless higher levels of tools are used to provide greater insight. CFEM (Canadian Foundation Engineering Manual) provides guidelines not codes. It is important reviewers do not stymie future development and technological advancement. FEM (finite element modelling and other modelling) along with other up and coming technologies can be used to override simple guidelines. Clarity around what is a guideline and what is a code is paramount especially in the geological and geotechnical environments but increasing in the other areas. Establishment of considering the standards like CFEM or CDA (Canadian Dam Association Guidelines) is expected but blind following should not. Establishing of the common standards to consider in each field should be written out for all. However, additional use of higher sources and efforts that can lead to overriding simplistic guidelines needs to be allowed by qualified people and often with a third party review necessary to ensure the practice is skilled and not an abuse.
- Timeliness is always an issue with APEGA, so I question the number of practice bulletins which will ever be repealed. Also, APEGA will have to take on the task of adequately advertising the introduction of new practice standards and bulletins and maintaining an up-to-date record of them which is easily accessible to members.
- This is entirely consistent with proper functioning of a self-regulating profession

- The proposed change does not explain how APEGA will support Members and Permit Holders. It also does not explain the costs associated with the development of practice standards, guidelines and bulletins. In addition, it neglects to inform how APEGA will inform Members & Permit Holders about official issue of the newly developed documents
- This wording is problematic: 1) it's very open-ended; 2) how do you enforce a practice bulletin? Bulletins are informative.
- I strongly agree with the need for clarity and enforcement, however there is in that agreement an implicit assumption that the practice standards will be reasonable and relevant.
- Why does this join lack of compliance with unskilled practice? I understand the function of the permit holder is governed by the practise standard but this does not reflect on the skill of the engineer? Failure to properly provide a paper trail seems to be a different level of conduct than unprofessional?
- All practice standards/guidelines developed need to consider that not all engineering or geoscience work is performed in context of a construction type project. Many important tasks relate to ongoing activities that do not closely resemble traditional design/build "projects". Some provinces' e.g. BC guidelines can be difficult to adhere to for many types of professional work. Clarifying a standard's scope and applicability is therefore very important.
- Members should have to comply with practice standards when they have been suggested in a bulletin, commented upon by affected members, reworded taking into account the comments, and published at least three times
- I agree with Members and Permit Holders must comply with practice standards but I am not sure about Practice Bulletins
- Prior to holding Members and Permit holders to a standard, Practice standards and bulletins must be provided that are applicable for all Members and Permit holders, encompassing the broad range of industries, services provided within those industries and number of employees
- Permit holders should be allowed to critically think and problem solve to develop their own solutions to the problems they are trying to solve.
- It would be imperative that the mandatory standards be the subject of extensive consultation with practicing members and reflective of best practices of the profession. It should not be strictly top down. An example is the Authentication Standard which does conform to the Act (which needs changing) but does not reflect the standard and common practice today. ( and never has)
- Please see my previous comments. One size should not be made to fit all.
- Compliance can be subjective - it will be interesting to see how this gets enforced
- I hope that information sessions will be provided for all Members to attend to review final Standards and Guidelines so that we are actually informed and not assumed to be informed by an email directing Members to a website link of the documents
- Without knowing the details of the practice standards
- I would like to see examples of a Practice standard, a Practice guideline and a Practice Bulletin to better gauge the application as well as the intent of these documents
- This is a very drastic amendment and I cannot recall where the past disciplinary actions have cancelled a licence or permit.
- The practice and guidelines must be practical and workable in all types of circumstances. This needs to be seen if such standards and guidelines can really work in the real world. All requirements cannot be put in writing as technical decisions are based on applicable codes

and standards.

- Thought this was the standards already!
- Nature of their practice in the profession MUST be taken into account. Non-stamping members need not be held to same degree of compliance as stamping members.
- I'm not sure that it should be one of APEGAs roles as a regulator of the profession to determine how engineers should practice by making any practice standards legally mandatory. I think that APEGA should be focusing on making sure that engineers are qualified prior to licensure and investigating unskilled or unprofessional practice. This change could have large implications in organizations that do not follow an existing practice standard exactly. For example in my corporation only some of the documents listed in the authentication standard are authenticated as the company has made its own judgment on what needs to be stamped as an engineering document based on the guidance in the practice standard. I really think this is outside the APEGA roles as a regulator, I suspect that the Alberta College of Physicians is not telling doctors exactly how to practice their profession.
- This should be the general public's most visible assurance that members' professional services are delivered with the highest standards in mind. This should be modestly "advertised" to the public via news and public events. I'd even include this as part of primary school level public awareness. I would expect that PRC would explicitly state that for areas of practice that are new, non-standard, or under development by individual members and firms, those entities will have extraordinary personal responsibility until that area of practice becomes well known and established (i.e. plain vanilla, not bleeding edge).
- I agree with enforcing compliance with full authority, however, the membership must also be protected from unfair rulings. An appeal process is necessary
- Have to make sure that all bulletins if new or different than current practice are adequately communicated and available.
- Strongly agree as long as the penalty is enforced through a hearing process. The Member/Permit Holder must have a chance to be heard rather than summary judgment.
- Cancellation is a step too far. Suspension until compliance is more reasonable but has the similar effect. The unacceptable practice will be discontinued, either by deliberate action by the practitioner or through the suspension. Cancellation does not allow for the practitioner to be rehabilitated into a "good" professional.
- The guidelines/standards cannot be too specific to discipline. If the standards are very broad, it will be helpful but leave a lot of room for interpretation. The issue is on what types of standards it will be rather than whether the PRC have the authority to develop them. It would be ideal if standards can be consulted with members rather than giving PRC the absolute power unless the PRC consist of personnel voted by members to represent them to decide on change in standards.
- This is missing criminal and civil accountability, depending on the severity, importance, availability and general acceptance of the practice standards. Definition of the standards, bulletins and their differences is absent.
- Currently, all Permit Holders are required to develop and have approved Quality Management Plans and are audited against these plans. I cannot see how an APEGA committee can have sufficient expertise to provide standards, guidelines, and bulletins better than these
- I think we should have a periodic membership review, for example every 5 years, for all members. It shall include ethics and technical exams and memberships be continued upon a positive result. I think this is the best way to protect public safety.

- Many of the existing standards and guidelines are quite dated and require a review and update. If the PRC is going to make these mandatory, there must be a mechanism to stay current.
- A bit of a non-brainer if the PRC doesn't do that, it can reflect badly on the rest of the professional members.

**3. To what extent do you agree or disagree with the following proposed recommendation? *It is recommended the legislation be amended to: Authorize practice reviewers to have the same authority in conducting practice reviews as investigators have in conducting investigations; practice reviewers will conduct practice reviews as prescribed in the regulations Authorize practice reviewers to use subject matter experts to assist in practice reviews, if required Require practice reviewers to provide a practice review report to the Member or Permit Holder whose practice was reviewed.***

- Also to include Members from other Provinces as reviewers so that "full fairness" can be observed.
- This needs to be more along the lines of counselling to help a Member or Permit Holder make the right adjustments to get his/her operation conforming with applicable standards. Not about the threat of cancellation of a licence for "failing an audit", which I can imagine the process is envisioned to be like if this comes into effect. It seems very unlikely to me that there are many Members or Permit Holders who are deliberately deficient regarding their conformance with current practice standards. This should be about improving the state of Engineering Practice in Alberta by promoting understanding of the standards. For me to be on side with the above recommendation, I require that this be written explicitly as at least a goal of this recommendation.
- This authority of practice reviewers should be coupled with checks and balances on that authority within APEGA. This may be a check of the recommendations by either council or the Registrar
- I would recommend that members or permit holders must be informed that they are being reviewed prior to it taking place.
- I strongly agree that the above listed authorities be given to the PRC.
- Practice reviewers should have enough knowledge of the subject on hand to make a decision
- This seems like a huge undertaking. Firms generally specialize in certain areas and this varies according to their current personnel. Changes in personnel can change the capabilities of the firm, especially of smaller firms. Part of being an ethical engineer/firm is knowing what areas you are qualified to practice in at each given time. Under investigations this is easy to check as by doing the work the firm has said they are qualified for that which then this area can be verified. APEGA should not get involved in reviewing all firms capabilities as then any problem later with a firm could be held accountable to APEGA as well who approved. This is a slippery slope. I think the professional/firm must be held

accountable to practice in the area of their qualifications and APEGA intervenes if there is reason to investigate. Firms should be licensed by APEGA not certified for all areas of practice by them.

- I question whether another committee is required to do this. Why cannot the investigation committee do this work?
- Practice Reviewers must be MANDATED to use subject matter experts to assist in practice reviews
- I strongly disagree with the first point as I believe that a practice review should be a peer to peer interaction to assess the state of the practice - not an interrogation. If the practice reviewer finds the member or permit holder to be uncooperative or hostile, then that case should be referred to the disciplinary committee for appropriate action. I agree that SMEs should be used when required and agree that the reviewers must provide a written practice review report to the member or permit holder within 2 weeks of the last scheduled interview/meeting with the respective permit holder or member.
- The authority of both practice reviewers and investigators must be reasonable. The earlier proposal to allow investigators to enter any premises without consent or judicial warrant was not reasonable; neither investigators nor practice reviewers should have that authority
- The Legislation should explain how the Subject Matter Experts (SMEs) will be selected and what qualifications they require. It should have also propose a SME Register and allow the Member or Permit Holder under review to have their say in the SME selection for their case.
- As discussed earlier, we must ensure the practice reviewer is competent to conduct a practice review of that type of business, and appropriate precautions should be taken to ensure the safety of the reviewer is maintained.
- I strongly agree with the second and third point, however I believe the first point is unnecessary as investigators already exist to serve this function.
- As long as the practise reviewers are licensed to the same level as an investigator, the outcome and authority would the same. I assume the members would follow regulations. A rental auditor/reviewer does not seem to qualify. If there are insufficient volunteers, conscript the pool of practises to review one other practise. Therefore enough licensed members.
- Oversight will be needed across review & IC.
- I agree only if the practice reviewer be a salary employee of APEGA. A volunteer peer should not have authority over a competitor. It is a conflict of interest.
- I strongly agree with the need to provide a report to the Member or Permit Holder whose practise has been reviewed. There is no description here of who a practise reviewer is (i.e. volunteer or paid professional member or paid non-professional reviewer). It concerns me that there appears to be a trend away from review by peers.
- Note that the above does not allow the investigators to initiate a complaint to the discipline committee.
- If practice reviewers use subject matter experts, it is important that how they will do that be clearly defined in order to avoid escalation of costs and to avoid that becoming the standard practice.
- What is driving this? Is there some concern that engineering practices are not meeting the legislation?
- Until there is a suitable standard or standards for the broad range of company size, services and practices it is not reasonable to give this kind of authority. Subject matter experts could be competitors and there will issues with confidentiality for many companies. I agree that providing a practice review report would be valuable in improving practices.

- It was very unclear as to when a practice review would be triggered. Although I don't disagree with the policy in principle, an in-depth full review could be a very onerous task for a small firm that does not have the administrative staff to assist with the review. Along with the PPMP, there should be standardized information that needs to be provided so that all companies are aware of requirements ahead of time to be prepared in case of a review.
- Unless the practice reviewers are independent then you are asking members to potentially open their books to competitors. This could be a sticking point given that if one is checking on an electrical consultant then another electrical consultant may be the best choice. It also depending on the nature of the review, is it business practices or is it technical. We need to see the standards that will be used to measure compliance and I don't think they exist yet.
- I agree under the condition that practice reviewers receive the required training to be investigators and comply with a code appropriate to investigators.
- I see no reason for this whatsoever.
- It would not be appropriate to create a new department and staff if with employees costing the membership for these amendments
- Practice reviewers need to be highly experienced SMEs as well as experts in practice operations?
- Having difficulty with this recommendation as it does not specify the context of the "required standards" which could be quite arbitrary, bureaucratic or whimsical. Creates an oversight that has not been supported by data that there is malpractice. Now begins to infringe on the "professional" meaning of membership
- It is not necessary to duplicate investigative and practice review functions. It is better to maintain clear distinction between these two functions.
- Similar comment as previous question response. Practice reviewers MUST take into account the nature of a member's practice of the profession in making judgements and recommendations. E.g. Stamping or non-stamping role
- I don't think that practice reviewers should have the same authority as investigators. There is a big difference between a practice review and an investigation as a result of complaint. If the permit holder or member does not wish to cooperate with the practice reviewer then an investigation can be started and the investigator can use their powers as needed. No need for a practice reviewer to have the draconian powers which will now be granted to investigators after the latest round of changes.
- My caveat: the subject matter experts need to be vetted carefully and should not be relied upon as a single individual - i.e. depending on the gravity and nature of an issue being reviewed, more than one individual should be used as a subject matter expert. Remember, there have been enough scandals in the medical/legal community when a particular medical expert witness has been used for litigation - later exposed as being biased and always testifying in favour of the legal firm's proposed side of a case, whether their opinion was technically correct or not. APEGA can never allow such a thing to occur.
- I don't agree that reviewers should have the same authority as investigators. I do agree that reviewers should provide a report to the member who was reviewed.
- REQUIRE practice reviewers to use subject matter experts when not qualified or knowledgeable in the subject matter.
- This authority exists within the current legislation, but applying it is convoluted. Clarity will be appreciated.
- I think this will simply increase the investigator count to investigate more cases. It will be a good thing if current investigators cannot keep up. However, there may be more inconsistency if the practice reviewers does not have the same experience of actual

investigators. How can training be ensured for consistency?

- The purpose of these practice reviews is ill defined as is their intended scope and implementation. Legislative powers are not to be taken lightly and the lack of specific intentions and limitations on the implementations of these reviews is jarring. I ask that the Board please mature this request for furthers power to the point it can be evaluated ethically.
- As long as the Practice Review is conducted with the Permit Quality Management Plan as the standard
- I do not agree with retaining subject matter experts for practice reviews. Practice reviews should follow an audit process that is similar to a quality management system, i.e. audit the process rather than review individual actions
- I feel that providing the practice review reports to the Member or Permit Holder is critically important given the practice reviewers will have the above mentioned authority.
- This is part of the essence of administrative justice and law.

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

- I agree with the above statement, but through each of these questions I think it clouds the discussion to lump the same principles for Members and Permit Holders. APEGA has a responsibility to make sure Members meet professional standards, and it has a separate responsibility to make sure Permit Holders operate professionally as an organization. The suggestions that a reviewer might make to a Member may be much more "action oriented" ground level, where I would expect recommendations to a Permit Holder to be more focused on standards they are not in compliance with, not how the Permit Holder achieve that compliance. I would strongly disagree with a reviewer instructing a Permit Holder on how they should address a central concern. They should only clarify what the central concern is that the Permit Holder needs to address.
- Strong agreement with first 2 bullets. Agree with third item on principle but not clear on the scope of recommendations that would be covered
- If it's a recommendation then one can't say it must be complied with otherwise it's an order.
- I agree with this.
- There should be a check mechanism on recommendations for mandatory actions by a non-compliant member or permit holder. Also there should be an appeal mechanism

- I strongly agree that the above listed authorities be given to the PRC.
- As long as the appeal process stands
- When required and especially in the process of an investigation (regardless if the investigation is negative or positive, this ability should be there), but not just random as noted in answer to #3.
- The 2nd and 3rd recommendations provide a range of flexibility to deal with the outcomes of practice reviews as appropriate. This is a good thing since one size doesn't fit all.
- This seems reasonable...
- I'm not sure if this is a "first stage" review followed by a more in-depth review if required. If so, I do not support the "compelling" of "recommendations" within a specified time period. Also, if you're "compelling" them, they are NOT recommendations. They are orders.
- Ensure compliance with ISO certification - APEGA standards should be in compliance with ISO
- The "non-binding suggestion" wording is very weak
- Again this is on the assumptions that the required standards are both reasonable and relevant.
- I have grave concerns with the approach that is being taken regarding the establishment of practice reviewers in that the model as it was explained is not sustainable and will place a huge cost burden on APEGA members (i.e., the hiring of 20 FTE (or contracting of these people) rather than using the volunteer method currently in place. The frequency and criteria for doing a review needs to be assessed and a sustainable model set up - conducting reviews on a time basis rather than on a risk assessed basis is old school thinking and does not provide adequate value to the public, organization or membership. Strong reflection should be given to understanding what about the current system is not working, what we are trying to achieve and how best to meet those requirements in a sustainable fashion that maximizes the value.
- If it is suggestion to develop a professional improvement. Why it should be non-binding then? I think they should have the authority to do the recommendation and expect the member to fulfill that.
- Again, only if reviewers are impartial, salary employees of APEGA. A volunteer peer should not have any authority over a competing firm or engineer.
- Non-binding suggestions are welcome.
- I agree with the first two proposed amendments. I would only agree with the third proposed amendment it was part of an unskilled practice investigation that allowed opportunity for the Member or Permit holder to present information and argument to refute the recommendations
- The time period must be reasonable for the industry and the company size.
- My response is based on the principle that the Member or Permit Holder under review is allowed to respond to recommendations prior to being enforced or directed to comply within a specified time.
- Cost of developing standards and keeping them current will be a challenging process
- Contradictory "authority to make recommendations, in the form of non-binding suggestions, aimed at educating and supporting the Member or Permit Holder to aid them in improving their professional practice" vs "authority to make recommendations that must be complied with within a specified time period"
- Similar comment as previous question response. Practice reviewers MUST take into account the nature of a member's practice of the profession in making judgements and recommendations. E.g. Stamping or non-stamping role.

- Making recommendations that are non-binding or mandatory to update knowledge and skills is fine, as long as there are sufficient accompanying suggestions regarding where that personal improvement can be obtained. I.e. will the suggestions be reasonably obtainable by the member? This is especially important if the recommendations are mandatory and have a defined time limit.
- The compliance aspects are troublesome. Like sport referees, there are many judgments made and there will be a lack of consistency. Compliance methods must be accompanied with an appeals or hearing process.
- A recommendation which must be complied with is not a recommendation; it is an order. All orders (mandatory recommendations) should be subject to the review of a Practice Review Panel. The process, as described, allows for the appeal of a recommendation to the Practice Review Panel. This makes the process more reasonable, but the language should be clear. The current Investigative process, which allows the IC to recommend a discipline order, but requires that order to be reviewed with a DC case manager is too onerous, however. If the practitioner and the reviewer agree on a course of corrective action, no further review should be required. The Practice Review Panels should only become involved in the case of disagreements.
- There's no point to review if they are not authorize to make recommendations for compliance. However, their recommendation cannot be absolute decision.
- Binding recommendations are orders and should be referred to as such. If Investigators have these powers why do reviewers need them?
- Again, the required standard shall be the Permit Holders Quality Management Plan
- Again, this should follow a quality management type approach, E.g., follow ISO or other QM processes
- Not much point in conducting practice reviews if these are not the potential outcomes
- "Authority" to make "recommendations" is a logical impossibility. Anyone can make a recommendation about anything. If "authority" is required, then it is not a "recommendation".

**5. To what extent do you agree or disagree with the following proposed recommendation? *It is recommended that the EGP Act be amended to: Authorize practice reviewers to refer a matter to a practice review panel if a Member or Permit Holder does not comply with a required element in a recommendation within the required time period; provide a Member or Permit Holder the right to appeal a practice reviewer's recommendation to a practice review panel; and authorize practice reviewers to refer a matter to the Investigative Committee or Registrar***

- I agree with this, but the Practice Review Panel should be a higher authority than the PRC.
- I strongly agree that the above listed authorities be given to the PRC.
- I believe the practice reviewers need a reason to be reviewing not just walk in to every firm and review. Not all firms practice in all areas even in one discipline like civil engineering

(which can include transportation, environmental, structural, tunneling, etc.).

Also if firms wish to work in one of the areas above that they initially didn't, they may first go hire the appropriate personal and third party review and then would APEGA have to re-review them for that? I clear note on the applicable standards or guidelines to be considered during work for each area is very important but only qualified personnel (generally experienced in the field) are required to interpret those guidelines. Standards and guidelines do not make the professional the professional must still appropriately interpret them. It would be better to say what professionals/firms require to practice in a field at the time they are performing that area of work (which they may not always perform if that gets slow) and so may not maintain all personnel at slow times.

- The recommendations are good tools for a professional regulator to have.
- I believe there should also be an ultimate authority beyond a practice review panel for the member to appeal to.
- Again, why do we need an additional panel when we already have investigative and discipline bodies that do much the same thing?
- All consistent with a self-regulating profession...
- As noted in the earlier question, I support this. The practice reviewer should simply make recommendations. If the permit holder decides to not implement any of them, then the practice reviewer can elevate the review to the Practice Review Panel.
- The PRC should be viewed as a help to the affected member, not as a police arm of APEGA. If efficiency and effectiveness are the aim, let us not have to do the work twice. Investigation and discipline is for the investigative and discipline committees. The Registrar is already overloaded.
- All possible recourse should be exhausted before referring a matter to the Investigative Committee or Registrar
- I strongly disagree with the first two proposed amendments and agree with the third proposed amendment.
- The appeal of a practice reviewer's recommendation should be to the Appeal Board especially if the right to practice is in jeopardy.
- I do not agree to give a panel of few people such a strong rights
- I think any disciplinary issues need to be handled by a group, not an individual
- The Practice Reviewer should be able to refer matters to the Discipline Committee, either directly or through a PRC. The Investigative Committee adds a level of complexity that is not necessary and adds no value. Under current legislation, the Registrar has no authority to cancel registration without a hearing (other than for failure to pay dues or other administrative reasons), so there is no benefit in referring a matter to the Registrar.
- Appeal process should be allowed to go all the way up to council in several appeal process similar to the justice system
- While I agree with the first two points, the third item should not be part of the auto process at this stage.
- Same as above: there's not much point in conducting practice reviews if these are not the potential outcomes.

**6. To what extent do you agree or disagree with the following proposed recommendation? *It is recommended the legislation be amended to: authorize the PRC to establish panels with decision-making authority and the authority to make orders related to practice review findings expressly state that the decision of the practice review panel is final and there is no appeal allow for submissions from all parties to be made to the practice review panel before the panel issues an order authorize practice review panels to issue orders to Members and Permit Holders requiring them to remedy deficiencies identified in practice reviews.***

- I strongly agree with all items except for the second bullet. I believe there should be an appeal process for a Permit Holder to be able to present additional information to the reviewer if the Permit Holder doesn't agree with the decision of the reviewer. After a single appeal process, the ruling may be considered final.
- Strong agreement with general objectives expressed. However, it would be better to plan for an appeal process so as to control it and also have an emergency provision for quick action in certain situations.
- I do not agree with the second point. Permit Holders should have the opportunity to appeal the practice review panel.
- There is a real problem with the idea of no appeal after the practice review panel makes a decision. It makes no sense to me. We want to be taken seriously here as a profession. You can't cancel someone's licence with no appeal. We are talking about people's livelihoods. It seems very sure to me that once this happens, it's inevitable that it will be contested in court. And the whole workings of the system will be exposed and scrutinized by lawyers, really, for no good reasons. This needs to be stopped. I suggest we take a step back, and put ourselves in the shoes of an Engineer with real-world demands placed on him or her, and being faced with a letter saying he can no longer practice engineering because his stamp size was wrong on a drawing. I don't trust that the regulation will be written such that the above nightmare scenario is only reserved for the most egregious cases of Negligent Practice (as opposed to any lesser offense).
- Strongly disagree that there is no right of appeal. The member always should have access to a meaningful appeal. Also, there should be a check mechanism to ensure consistency between cases. Perhaps that recommendations are referred to the Registrar and the Registrar may return the recommendation for further consideration
- The decision of the practice review panel should not be deemed final with no option for appeal, there still should be options for appeal.
- Would only agree if the practice review panel is made up of recognized SMEs, not volunteers who thinks they are SMEs.
- I do not agree that the review panel should have a final say without the ability to appeal.
- Agree with all recommendations except the 2nd which does not provide a vehicle to appeal the decision of the practice review panel. This recommendation is inconsistent with the principles of administrative fairness and natural justice
- I'm not comfortable with the concept that the "the decision of the practice review panel is final and there is no appeal." I believe there should be a higher authority to appeal to
- Same question as before. If existing panels already have authority to do this work, why establish another one? If they do not, can their mandate be expanded to do it?
- Somewhat agree, but care needs to be taken to avoid duplication/overlap with the discipline

committee.

- I strongly disagree that the members and Permit holders can not appeal the outcome of a Practice Review Panel. I would not provide the Practice Review Panel with the authority to suspend a member's license or Permit holder's permit - this should remain in the hands of the Discipline Committee.
- There must be an option to appeal panel decisions!
- I agree with the exception of having no appeal. If I was ever in this position, I would want the option of calling for a "second opinion" (E.g., another review panel consisting of different members) or the ability to appeal to the Committee as a whole.
- The basis is good, but the "no appeal" cannot be upheld. There needs to be the appeal process, similar to the discipline process.
- The point about there being no appeal is very concerning and should be deleted.
- If there is no appeal to a practise review panel decision, the decision and backup data should be public.
- To put a comment, you can't have an opinion! Note that this question has a radio box next to the 'comment' so that people with strong opinions will not have them registered on the histogram if they also comment.
- I strongly disagree with the "decision of the practise review panel is final and there is no appeal". Even in a court of law there is an appeal process. This appears to be outrageous.
- I strongly agree with all except the third point with which I strongly disagree
- Having no ability to appeal makes the decision one sided.
- There should be a separate appeal process maintained, similar to investigative or discipline committee process such as through the appeal board for fairness and to maintain impartial status. (E.g., prevent a conflict or perceived conflict from members of the board since they are volunteers who do work for companies/permit holders). The Practice review panel otherwise, seems reasonable.
- Problems with the practice standards should fall under unskilled practice and should be dealt with there.
- I strongly disagree but could not add comments to that answer. The appeal process should work similar to that of the Discipline Committee and there should be an Appeal Board or Court of Appeal.
- "Authorize practice review panels to issue orders to Members and Permit Holders requiring them to remedy deficiencies identified in practice reviews" - While agreeing to this statement, I would like to add that the PD's offered usually are not useful or even remotely applicable to what we Engineers do regularly. Examples of PD's that I see are: Managing change, effective business writing, improve communication skills, making conversation easier, coaching for better team member performance, financial skills for non-financial manager, emotional intelligence, conflict mitigation, etc. As an engineer who does design, analysis, R&D, detailed engineering and troubleshooting, we do not find any of these PD's helping us in improving our profession or even remotely connected to what we do.
- The "no appeal" conditions is not acceptable to me. Individuals must maintain the right to appeal to Court
- These amendments seem appropriate, Somewhat Agree, due to safety of the public and society are paramount. It appears to indicate that there is at least one level of appeal. I do wonder if that is sufficient, or will some of these decisions end up in litigation costing the membership.
- I have concerns about panel members being adequately trained to make rulings on practice reviews
- Strongly disagree. There should always be avenues for appeal.

- There should always be an avenue for appeal otherwise it's a dictatorship. No way to ensure there is no bias on a panel member's part.
- It will be better to select members of practice review panels independently. The practice review committee members need not be included in practice review panels to maintain unbiased second review by practice review panels.
- There should be an appeal process.
- The membership must be allowed to appeal any decision
- I think this is really moving into the realm of the Registrar's duties and the Registrar should be the final reviewer.
- If panels are comprised solely of PRC members, I can agree with decision-making authority. If panels are comprised of other members and report to the PRC, they should not have such authority. I do not agree with the lack of appeal, it creates a situation where an error in judgment could be final with no recourse
- The lack of a right to appeal of an outright cancellation is extreme and would open the Association to judicial reviews. Conditional rulings, such as suspension until a deficiency has been rectified, are more reasonable, but outright cancellation goes too far.
- Authority is ok but the practice review panel should not be final with no appeal. There should always be multiple levels of appeal until it goes up to the highest level similar to the justice system. This will eliminate inconsistency in ruling by practice review panels vs. investigator. Their authority should not be absolute power.
- No appeals seems a bit harsh. There must be a reasonable way to ensure fair treatment. If the issue is severe, the Discipline Committee can take the issue from there.
- The Permit Holder should have the right to have a final appeal heard by the Registrar.
- Items 1, 3 and 4 are appropriate and I would agree with. However, Item 2 is not suitable as there should also be the ability for an appeal.
- A "no appeal" clause seems very final. No one is perfect.
- The concept of a peer panel is a well- established mechanism under administrative law

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

- I strongly disagree that the second item starting with "including directly . . ." to the end of the sentence should not apply to Permit Holders. It may apply to Members (see my comment in Question 4). A Practice Review Panel should not provide such detailed direction to a Permit Holder.
- Agree to all, except the last half of the second bullet. Directing specific courses, examinations, tutorials, etc. seems over-reaching for the Act. This could be a suggestion for how to meet a standard compliance issue, but there are likely other actions that a Member/Permit Holder could take to address the same standard issue in a different way.
- I have a problem with the first point. You neglected to mention again that there would be no appeal to an order of being cancelled. Please think that through.
- Agree although there should be a check mechanism and a meaningful appeal process.
- I strongly agree that the above listed authorities be given to the Practice Review Panels.
- I would only agree if the practice review panels consists of recognized SMEs, not volunteers who thinks they are SMEs.
- Again I believe the practice review panels need a method to make them consistent across all areas of professional practice and again I am unclear on that mechanism.
- These actions need to be available, but I am not convinced that additional bureaucracy is needed.
- I do not agree that the review panels should have the right to suspend or cancel a license or permit - especially where there is no right to appeal this order to a higher authority. I would prefer the Practice Review Panels to be more collegial and a "helping hand" rather than another disciplinary entity with adversarial tendencies. Where necessary - quickly refer the difficult cases to Disciplinary proceedings or directly to the Registrar if needed to protect the public from unskilled practice.
- This seems quite onerous to manage. I recommend that member of the practice review committee be paid for their work. Otherwise enforcement will not work very well if everyone is volunteer.
- Does this recommendation confuse the competence of a business with a personal engineering competence? I understand that the practise review is a business issue.
- Agree if members conducting reviews are employed by APEGA.
- This proposal means that there would be two investigations (one by the PR panel, and one by the Investigative Committee) and panel decisions (one by the PR panel and one by the Discipline Committee) instead of one investigation and discipline decision. This would be very costly in time and money for both the affected member and APEGA.
- Again what is driving this? Has the public lost confidence in the engineering profession?

- I think as long as an appeal process is maintained the above seems reasonable. I would take issue to the fact that a Practice Review Committee could take disciplinary action which would effectively remove a permit holder's ability to do work without an appeal process.
- "Members and Permit Holders must comply with, including directing that courses, examinations, tutorials, or other forms of professional development or skills training be taken" While agreeing to this statement, I would like to add that the PD's offered usually are not useful or even remotely applicable to what we Engineers do regularly. Examples of PD's that I see are: Managing change, effective business writing, improve communication skills, making conversation easier, coaching for better team member performance, financial skills for non-financial manager, emotional intelligence, conflict mitigation, etc. As an engineer who does design, analysis, R&D, detailed engineering and troubleshooting, we do not find any of these PD's helping us in improving our profession or even remotely connected to what we do.
- The skillset required for the practice review panel to assess the technical skills and competence of an engineer in alignment with the wide and diverse breadth of engineering is virtually impossible as there would be very limited access to technical peers to assess
- Again, these amendments seem appropriate due to safety of the public and society are paramount.
- I don't agree with a review panel being empowered to make orders when the investigative committee and the registrar already have this authority, how many levels of policing are necessary and is there a concern about a mushrooming of practice compliance issues expected for some reason?
- Disagree with- authorize practice review panels to make other orders related to competence and standards of practice that Members and Permit Holders must comply with, including directing that courses, examinations, tutorials, or other forms of professional development or skills training be taken. Totally unnecessary.
- Again who is preparing the standards?
- APEGA needs to tread carefully in this endeavor so as to not create an excessively large bureaucracy that the profession simply cannot afford to economically sustain. In the face of the current provincial recession, significantly raising fees and dues will not be warmly entertained by the membership. The status quo is not all bad and fixes should be focussed only on areas that are known to be broken or non-functional and not end up in an expensive blanket overhaul of the system.
- I'm not sure that the practice review panel should be able to order the member to take a course / exam / tutorial etc. based on a practice review. It is up to the member to ensure that they are competent to perform the work they are authenticating and how the practice reviewer would determine that they are doing work they aren't competent to do I can't imagine. Therefore I don't think they should have this power only the investigative panels should have this power as a result of a complaint.
- I suggest the review of members to perform by the PRC of another city, for example the review of a permit holder in Edmonton can be done by Calgary PRC, in this way the chance of personal interest would be less.
- Any decision must be made public if the affected party agrees
- The final, non-appeal nature is a problem. I agree with panel making decisions if formed only from PRC members, but there must be a route of appeal.
- Again, outright cancellation goes too far. Suspension until the matter is rectified is more reasonable. Referral to Investigation or to the Registrar should be replaced with referral to the Discipline Committee for hearing.

- There should also be an option to appeal the order
- This power now infringes on the responsibilities of the Discipline Committee. Why?
- As I suggested previously there shall be mandatory exams (ethics and tech), periodically, for all members in order to access competency level.
- The practice review panel should have the authority to recommend that the licence or permit of a Member or Permit Holder be restricted, suspended, or cancelled if the Member or Permit Holder does not comply
- These seem like some significant powers if their decisions cannot be appealed. Must ensure that members of the Practice Review Panel are different people from those that made the recommendation.
- I thought this authority was being given to the Registrar. Is it necessary that it should rest with the PRC as well?
- Well-established mechanisms under administrative law