

Professional Association Audit Report – Engineers and Geoscientists of BC

1. Introduction

This report is one component of the Professional Reliance Review announced by the Minister of Environment and Climate Change Strategy George Heyman in October 2017. The Province is conducting a review of the professional reliance model of the natural resource sector to ensure the highest professional, technical and ethical standards are being applied to resource development in British Columbia. The Review has several components, including assessing the enabling legislation and performance of professional associations that govern qualified professionals, including the BC Institute of Agrologists (BCIA), the Applied Science Technologists & Technicians of BC (ASTTBC), the College of Applied Biology (CAB), Engineers and Geoscientists BC (EGBC), and the Association of BC Forest Professionals (ABCFP). This report provides the results of an examination of Engineers and Geoscientists BC.

Professional reliance takes different forms across the natural resources sector, but in general terms is a regulatory model in which government sets the natural resource management objectives or results to be achieved, and professionals hired by proponents decide how those objectives or results will be met. Generally, government oversight focuses on monitoring, compliance and enforcement, rather than reviewing and approving plans or project designs. In doing so, government relies on the professionalism of the qualified professional (QP), the professional and ethical codes they are required to follow, and oversight by the professional associations to which they belong.

The Professional Reliance Review will make recommendations on:

1. Whether professional associations that oversee QPs employ best practices to protect the public interest;
2. Whether government oversight of professional associations is adequate; and
3. Conditions governing the involvement of QPs in government's resource management decisions and the appropriate level of government oversight to assure the public their interests are protected.

2. Approach and Scope

A multi-agency government team of 5 members met with representatives of EGBC to discuss how the association is meeting its obligations under the *Engineers and Geoscientists Act (the Act)*, and a number of issues relating to professional governance and professional reliance. A number of questions were provided in advance, and EGBC provided considerable information and documentation both before and during the interview, which was held on November 20, 2017.

The focus of this report is to assess whether and how EGBC is meeting its obligations under the *Act*, to help inform the Professional Reliance Review's consideration of Issue #1 above. The assessment

includes issues such as: standards of enrollment, including continuing professional development and maintaining competency; code of ethics, including conflicts of interest; standards of professional conduct; and liability and professional negligence.

The interview team considered the current legislation, bylaws, formal submissions from the EGBC, documents publically available on the EGBC website, and the information from interviews with EGBC staff. This report does not address whether the *Act*, council bylaws or EGBC policies and procedures employ best management practices to protect the public interest, but provides important information for that evaluation.

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3. EGBC Governance Context

The Engineers and Geoscientists of BC is a statutory corporation dating back to the *Engineering Profession Act* of 1920, and continued by the current *Act*, last amended in 2012. The *Act* gives EGBC the authority to regulate and govern professions covered under the *Act*. It is the duty of EGBC to uphold and protect the public interest, exercise its powers and functions under the *Act*, and enforce the *Act*. Subject to these duties, the objects of EGBC are to:

- Uphold and protect the interests of its members and licensees;
- Establish, maintain, and enforce standards for the qualifications and practice of its members and licensees, and;
- Promote the professions of professional engineering and professional geoscience.

In addition, EGBC has enacted bylaws according to the *Act*, and established Code of Ethics. Bylaw ratification requires a 2/3 majority of member vote, cast by ballot.

The association is governed by a council consisting of the president, vice presidents, the immediate past president, councillors appointed by the Lieutenant Governor in Council who are not members, and elected councillors. The council must appoint an executive director and registrar to administer the association's duties. EGBC is supported by staff and has established a strategic plan and core values to guide the association to fulfill its duties and objectives. Current EGBC membership is approximately 34 200, and members resident in the province are assigned to one of 15 regional branches. EGBC's budget for 2017 was approximately \$16.2 million. Within government, the *Act* is the responsibility of the Ministry of Advanced Education, Skills and Training.

4. Membership

Members of the Association are classified as Professional Engineers (P.Eng.), Engineers in Training (EIT), Professional Geoscientists (P.Geo.), and Geoscientists in Training (GIT). EGBC is a *right to practice* association, meaning that the professional practice of engineering and geoscience as defined in the *Act* is restricted to registered members of the association. The *Act* grants the exclusive right to title and practice to professional engineers and geoscientists, and enables the council to pass bylaws for the “classification of the different disciplines of professional engineering and professional geoscience and the designation of the different grades of membership in the association and limitation of the rights of members within the different disciplines and grades.”

The *Act* also enables the council to establish classes of membership by way of establishing bylaws. Members may also be classified as student members, non-practicing, limited licence, and provisional members. Each of these membership categories has accompanying requirements and limitations set out in the bylaws. In order to maintain membership, members must pay an annual fee to EGBC except in particular cases laid out in the bylaws, such as for members granted life membership or licensure.

There is also a limited licensee category for individuals who have academic qualifications other than a university degree or the equivalent in applied science, engineering, geoscience, science, or technology, have gained several years of experience in defined scope of engineering or geoscience work, and who wish to take professional responsibility for that work. The Limited Licensee is designed for those who are qualified to practice a limited scope of engineering or geoscience at a professional level. Members in the limited licence category must have a combination of education and experience that totals a minimum eight years; typically a science degree and a minimum of four years of qualifying experience or diploma in engineering or geoscience and at least six years of qualifying experience.

4.1. Enrollment Standards for Professional Membership and Licence

The *Act* enables council to pass bylaws for application for professional membership, and EGBC has established these bylaws in accordance with the *Act*. Requirements have been established to ensure all applicants possess the knowledge, experience and ethics necessary to be a member or licensee of EGBC. Typical applicants would progress directly from university into a professional career

The typical requirements to become a member or licensee of EGBC consist of the following:

1. Academic requirements leading to EIT or GIT
2. EIT or GIT working 4 years work to gain experience
3. Online Law and Ethics seminar
4. Professional Practice Exam

4.1.1. Academic Requirements EIT / GIT

First time applicants must hold a minimum of an undergraduate degree or equivalent from a four year, full time university level bachelor’s program in applied science, engineering, geoscience, science, or technology. Additional academic examinations may be required to fulfill the educational requirement. Upon successful review of their academic credits and qualifications, applicants are granted either EIT or GIT status. The “in training” period consists of three to four years of full time work under the direct

supervision of a similar professional engineer, professional geoscientist, limited licensee in the same scope of practice, or those with equivalent qualifications acceptable to council. This phase of application is not mandatory.

4.1.2. Work Experience

After four years of satisfactory engineering or geoscience work, the EIT or GIT can apply for full professional membership. The work experience of both engineering applicants is evaluated against 34 professional competencies within following seven categories:

1. Technical (10 technical competencies);
2. Communication (oral, writing, reading and comprehension);
3. Project and financial management;
4. Team effectiveness;
5. Professional accountability;
6. Social, economic, environmental, and sustainability; and
7. Personal continuing professional development.

At this time, EITs document their experience through the on-line Competency Experience Reporting System. GITs document their experience in a report format that addresses similar experience categories for geoscience practice. A national project is currently identifying a competency framework for geoscience experience evaluation.

Applicants may also be requested to complete discretionary interviews to clarify any application matters, and to pay fees according to the particulars of their application process. Discretionary interviews are used to clarify ambiguity in applications and assess atypical applications in greater detail.

4.1.3. Professional Engineering and Geoscience Practice in BC Online Seminar

Applicants must attend and complete the Professional Engineering and Geoscience Practice in BC Online Seminar, previously called the Law and Ethics seminar. This is a ten module Professional Practice online session that typically takes 8 hours to complete. It is intended to serve as an interactive course that discusses regulatory, ethical and practice requirements and provides insight into legislation relevant to practicing members. Participants are required to answer and pass questions at the end of each module to affirm their understanding of the subject matter.

4.1.4. Professional Practice Exam

Before being granted registration as a professional member or licensee, an applicant must pass the National Professional Practice Examination. The exam consists of 100 multiple choice questions and an essay that tests the applicant's knowledge of Canadian professional practice, law, and ethics.

4.1.5. Good Character and Repute Assessments

For each application they make, EIT, GIT, P.Eng., P.Geo., and Limited Licensee applicants answer four routine questions regarding their good character and repute. Applicants are required to provide detail of criminal convictions, disciplinary actions, and consent orders, and to update EGBC on any character issues that arise during their application or membership. Good character and repute is also assessed during the experience evaluation as comments from professional validators, references or complaints against EITs or GITs may alter or bring the applicants good character and repute into question over the

course of the application. If a character and repute concern is identified, then a more detailed review process is initiated, possibly including a committee review or a Registrar's hearing.

The *Act* places the responsibility on the applicant to prove that they are of good character and repute, and EGBC has published supporting materials for members on their website with definitions of these terms and their importance to professionals.

4.1.6. Specialist Designation

The specialist designation Struct. Eng. is granted to P.Eng. members of the association who meet the requirements to create and take responsibility for the design of a building's primary structural system. The requirement for the seal and signature of a designated structural engineer is embedded in the bylaws of several municipalities for all plans and supporting documentation prepared by or under the direct supervision of that individual, and submitted for a building permit application for a Part 3 Building as defined in the BC Building Code. Members applying for this specialist designation must have appropriate experience and must complete the Structural Engineers' Chartered Membership Examination or National Council of Examiners for Engineering and Surveying (NCEES) Structural Exam, as well as the BC Codes and Practices Examination.

4.2. Continuing Professional Development and Training

Continuing professional development (CPD) is managed as an individual responsibility for professionals within their scope of practice, and is supported by Principle 6 in the Code of Ethics which states that members and licensees shall "keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associates." Voluntary reporting of CPD is encouraged and facilitated by web-based reporting tools, but is not mandatory. CPD is further supported by CPD guidelines, training and supporting documents posted on the website, and association activities. Member CPD is reviewed within the practice review program (see section 4.3 below for more information on practice review).

The council has the authority under the *Act* to pass a bylaw requiring CPD, and such a bylaw has been proposed but not ratified on two occasions. Bylaws require a 2/3 vote to pass, and mandatory CPD was voted down in 2009 and again in 2015. Currently, only Designated Structural Engineers must report CPD to maintain membership annually. This is a voluntary designation which imposes a number of mandatory requirements including CPD.

4.3. Audits - Professional Practice Review

The Practice Review Program is part of the association's larger Quality Assurance Program. Its purpose is to promote excellence in the practice of professional engineering and geoscience, provide a proactive quality assurance check on the practice of professionals, and to serve as an educational and professional development process. EGBC manages professional audits through the Practice Review Committee and the established Practice Review Process. Practice review applies to all members and can be initiated through random selection, member request, Registrar or Investigation Committee referral, Council referral, or Disciplinary Committee referral. A practice review can include evaluation of the process by which a member's work is produced, examination of the member's adherence to the *Act*, Bylaws, and

Code of Ethics, evaluation of competence in the discipline or field of practice as determined by the general and technical reviewers, and/or examination of a sample of a member's work products to evaluate competence.

EGBC completes approximately 100 reviews annually. The association uses a risk management approach in focusing on areas of practice from which members are to be randomly selected to undergo a practice review. A practice review had been completed on a total of 2124 of the association's licensed professionals at the time of the interview. The practice review program is strictly confidential, and includes the challenge and review processes.

EGBC also indicated that audits are carried out under EGBC's Organizational Quality Management (OQM) Program. Under the OQM program, EGBC certifies engineering and geoscience organizations that have established policies and procedures for quality management that meet requirements under the *Act* and Bylaws. At the time of this report, EGBC stated that there are 269 organizations that have received OQM certification, employing over 3500 professionals who are members of EGBC. EGBC stated that the association carries out audits on each of these organizations to ensure they are meeting the relevant quality management requirements.

5. Protecting the Public Interest

Government and the public share an expectation that a key role of regulatory bodies such as EGBC is to ensure the competency and integrity of professionals, in order to protect the public interest.

The primary duty of the association under the *Act* is to uphold and protect the public interest respecting the practice of professional engineering and geoscience. Although the *Act* does not explicitly define the public interest, the Code of Ethics requires members to fulfill their duty to the public through ethical conduct. The association states that the duty of the association to uphold the public interest supersedes any other duties or objects if ever they conflict.

EGBC develops professional practice guidelines for a variety of professional activities. These guidelines provide direction on how the association's licensed professionals can carry out a particular professional activity in a manner which meets their professional obligations under the *Act* which includes protecting the public's interest.

A provision in the *Act* exempts from regulation all companies and other legal entities that provide products and/or services requiring the practice of professional engineering or geoscience. These types or organizations are regulated in all jurisdictions in Canada except BC and Quebec. EGBC stated that the association is considering whether they want the mandatory authority under the *Act* to regulate such organizations which would assist EGBC in delivering on its primary mandate to protect the public's interest. This authority would be distinct from the organizational quality management program described in Section 4.3.

6. Code of Ethics

The *Act* enables the association to pass bylaws establishing the standards of professional conduct; to this end, the council has established code of ethics for its members as part of the bylaws of the association. The association has published various materials in support of the Code of Ethics and standards of professional conduct on their website, including the Code of Ethics Guidelines intended to assist association members with their understanding and application of the Code of Ethics. The Code of Ethics is also printed on the back of all membership cards to ensure members have it close to hand.

The Code of Ethics is enforceable as a bylaw. Contravention of the Code of Ethics is therefore subject to discipline under the Complaints and Discipline procedures set out in the *Act* and Bylaws of the association. All members are required to complete a ten-module Professional Engineering and Geoscience Practice in BC online seminar and the national professional practice examination, a prerequisite to membership, to ensure that all members are aware of their ethical obligations and potential consequences for failing to meet the standards of professional conduct required by the Code of Ethics.

6.1. Conflicts of Interest

Conflicts of interest are situations in which the actions, aims, or goals of parties seem incompatible. For EGBC professionals, the potential for conflicts arises most frequently between the employer or client and the individual professional. The *Act* does not explicitly mention conflicts of interest, only that the council can make bylaws pertaining to the ethical conduct of members. Conflicts of interest are addressed in Principle 4 of the Code of Ethics, which states that members and licensees shall “act as faithful agents of their clients or employers, maintain confidentiality and avoid a conflict of interest but, where such conflict arises, fully disclose the circumstances without delay to the employer or client.” It does not include a definition or examples of what constitutes a conflict of interest. Guidance for conflicts of interest can be found on the Ethics, Law and Conduct FAQs page, under section 5, Handling Conflicts, as well as in the Code of Ethics Guidelines document available on the association website in the discussion regarding Principle 4. With regards to resolving conflicts, the guidance on the FAQ page suggests that conflicts can be resolved by using decision making strategies that assist in defining the ethical issue(s), identifying the interests or duties that appear to conflict, clarifying the implications of differing choices, assessing competing claims or interests, evaluating the consequences of each option, and determining which duties or interest take precedence.

EGBC emphasized during the interview that where there is a potential or perceived conflict of interest, it is the responsibility of the member and the expectation of the association that members act in accordance with the higher standards expressed in the Code of Ethics. Further, the Code of Ethics also obligates professionals to report unethical decisions or practices by members to the association or other appropriate agencies.

Conflicts of interest are also specifically addressed in the admissions process through required training and competency requirements, which require applicants to provide an example of a conflict of interest and have that example validated by another professional who has knowledge of the example sufficient to evaluate its validity. The professional practice examination and Module 6 of the Professional

Engineering and Geoscience Practice in BC online seminar also discuss and test applicants' understanding of conflict of interest.

6.2. Employer and Proponent Relationships

The *Act* does not mention transparency in financial and employment relationships nor do the bylaws specifically address compensation to professionals working within a regulatory regime. The Code of Ethics requires that members “uphold the principle of appropriate and adequate compensation for the performance of engineering and geoscience work,” and this is expanded upon in the Code of Ethics Guidance document, which states that “contingent fee arrangements are inappropriate.” The association provided examples of disciplinary cases where compensation was linked to an outcome or approval, but emphasized that not every case where compensation is linked to the outcome of a project necessarily constitutes a conflict of interest and subsequently violates of the Code of Ethics, provided that they are disclosed appropriately. The Code of Ethics Guidance document provides further detail on member conduct with regards to compensation.

6.3. Professional Conduct

Standards of professional conduct are defined in the Code of Ethics to include fairness, courtesy, and good faith, with fidelity to the public needs. Unprofessional conduct has been cited in numerous disciplinary cases, as it constitutes a breach of the Code of Ethics. Unprofessional conduct is also cited under the *Act*, and requires the investigation committee to recommend an inquiry through the disciplinary committee upon finding evidence of unprofessional conduct.

The *Act* was amended in 2012 to enable council to establish a conduct review committee, which was intended to be a specialty committee that would address problematic behaviour by assessing ethics, conduct, and fitness to practice. However, the association has since determined that a conduct review committee would be unable to assess “fitness to practice” as it would lack additional tools compared to the investigation committee, and would therefore be no more effective in identifying or addressing fitness to practice than the existing committee. EGBC indicated that the specific ability to assess “fitness to practice” was proposed by EGBC in its request to the provincial government in 2015 to amend the *Act*. The association has for these reasons not formed a conduct review committee.

To support members in understanding and adhering to standards of professional conduct, there are materials on the association website and in the mandatory educational requirements applicants must complete to gain membership. Practice guidelines have also been developed to support the principles of due diligence, level of effort, quality management in professional practice, and appropriate level of training and experience, including the Quality Management and Professional Practice guidelines. The association indicated that it is the member’s obligation to familiarize themselves with the contents of any guidelines pertinent to the member’s area of practice to maintain compliance.

To this end, applicants affirm a declaration that includes the following: “ I have read, understand and have met the obligations set out in the Engineers and Geoscientists Act and Engineers and Geoscientists BC Bylaws, including the Code of Ethics Principle 6 and (...) Code of Ethics principles 1 and 2 and I have read and understand the quality management guidelines that are directed at Engineers and

Geoscientists BC professionals and provide guidance on the respective requirements under the quality management related provisions in the Act and Bylaws.”

In addition, it is a registration requirement that an individual must become competent in professional practice guidelines approved by the council and relevant to the individual’s field of practice. The individual must provide a declaration confirming competence upon achieving registration as a licensed professional under the Act.

7. Complaints and Discipline

EGBC investigates complaints against members and licensees for failure to meet their professional and ethical obligations as set out in the Act, Bylaws, and Code of Ethics. The Act requires the registrar to designate a member to review any complaint received, to refer the complaint to the practice review or conduct review committee, or to close the complaint file and provide written reasons to the complainant and the member.

The Act requires council to appoint an investigation committee and a discipline committee. In accordance with the Act, the association follows a detailed three stage procedure for managing complaints and discipline (Figure 1), which is managed by EGBC’s legal counsel. There are 7 dedicated staff and approximately 100 volunteers who support the complaint and discipline process, including the investigation committee and the discipline committee. EGBC spends approximately \$1.2 million annually on the complaints and discipline process.

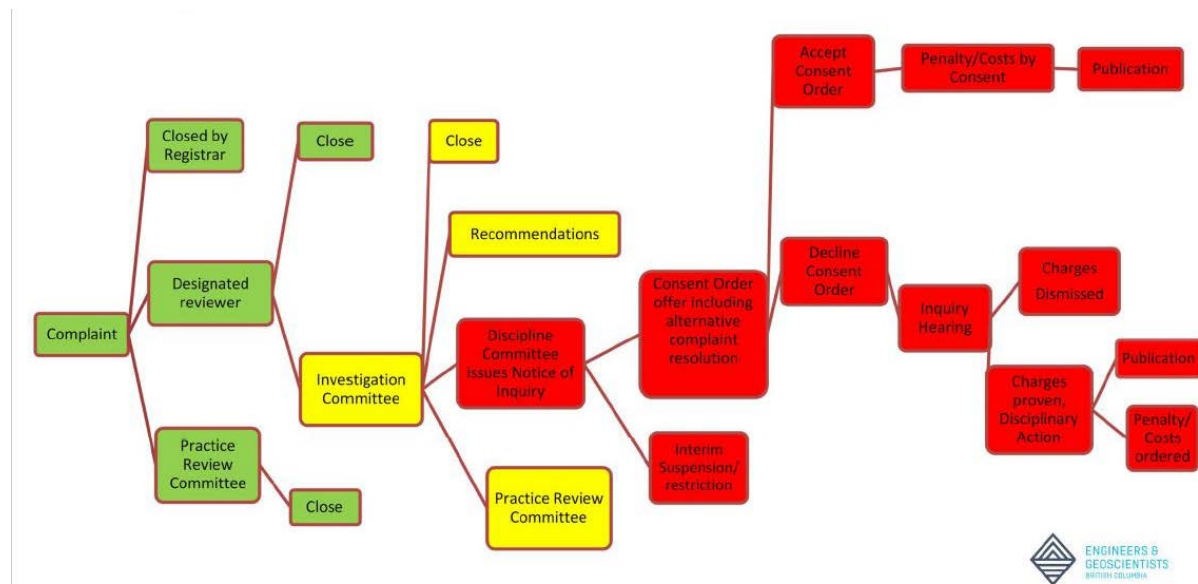


Figure 1 Complaint Procedure supplied by EGBC

An average of 75 complaints a year are received by EGBC. A complaint is not needed to launch an investigation. The investigation committee may initiate an investigation upon receipt of a complaint or whenever the committee considers it appropriate. The Act enables discipline of members, and case law further informs future disciplinary cases. Issues of marginal performance are referred to the Practice

Review Committee. There is currently no provision in the *Act* to deal with members who are unfit to practice other than through the investigation and discipline process. The association has previously advised the provincial government that implementing “fitness to practice” requirements may be beneficial in proactively addressing issues before a complaint becomes necessary.

Referral to the Practice Review Committee is similar but distinct from the random selection program or the process by which a member may volunteer for review. For all reviews in the Practice Review Program the intent is to be an educational and professional development process for the benefit of members, as well as a proactive quality assurance check on their practices. One of the outcomes for a licensed professional randomly selected or volunteering to undergo a practice review is that his/her file can be forwarded to the Investigation Committee as a complaint against the professional by the association.

Investigations are kept confidential in accordance with section 46 of the *Act*, which states that confidentiality is required “except so far as public duty requires or this *Act* or the Bylaws permit.” Once an investigation is concluded, if the outcome of the investigation includes recommendations from the Investigation Committee for the commencement of disciplinary proceedings, those proceedings are made public. If no recommendations for disciplinary proceedings are made, the reasons are only communicated to the complainant and the subject member, although with the consent of the members subject to investigation, EGBC has made public statements for matters pertaining to the public interest.

The council has an established a written policy for publishing consent orders, interim orders and disciplinary determinations. All disciplinary decisions are summarized in the association’s monthly Innovation magazine, and are published in full on its webpage with the full name of the members or licensees involved. The details on members or licensees who are cancelled, remain suspended, or have practice restrictions are available online and remain online for as long as the member is a practicing professional. Both potential employers and the public are free to know if a professional has been disciplined. Upon retirement the name and details of the matter are moved to a public archive section of the webpage and remain available to the public and the membership to teach the standards expected of a professional engineer or geoscientist.

8. Professional Misconduct and Liability

Professional liability refers to the legal responsibility of a professional to be held accountable for the outcomes of his or her professional work, specifically any errors and omissions. Professional negligence is where a professional fails to provide duty of care to their client, meaning that harm to people or property has occurred as a result of improper advice and precautions by the professional. The expected standard for professional practice is defined as what another reasonable person in that profession would do. Investigations confirming negligence are publically reported, in accordance with the complaints and discipline procedures described in section 7 above.

As set out at section 30(9) of the Act, the test that EGBC uses to assess professional misconduct and liability in the investigation process is whether the investigation committee has reasonable and probable cause to believe that a member or licensee:

- a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,
- b) has contravened this Act or the bylaws or the code of ethics of the Association, or
- c) has demonstrated incompetence, negligence or unprofessional conduct.

EGBC stated that the terms “incompetence”, “negligence” or “unprofessional conduct” found at s. 30(9)(c) of the Act were defined in a recent EGBC discipline decision as:

- “Unprofessional conduct” is conduct which does not meet the standard expected through application of the Code of Ethics...professional misconduct is established when there is a marked departure from the standard to be expected of a competent professional, and that minor or inadvertent failure to comply with professional standards does not constitute unprofessional conduct.
- “Incompetence” is ...a person who habitually fails to perform his work with the degree of skill or accuracy usually displayed by other persons regularly employed in such work is incompetent. And the same is true of one who usually performs substantially less than others regularly so employed ... The... term “incompetency” ... embraces habitual carelessness.
- “Negligence” is that degree of skill and care which is ordinarily exercised by reasonably competent members of the profession, who have the same rank and profess the same specialization (if any) as the defendant.

8.1. Liability Insurance

The Act enables council to pass bylaws on the circumstances under which members and licensees must hold liability insurance, but does not require council to do so. Currently, professional liability insurance is recommended but not mandatory for individuals. All members of EGBC hold secondary liability insurance as part of their annual dues. Bylaw 17 requires that members, licensees, or certificate holders must notify the client in writing on what professional liability insurance is held, if any, and whether the insurance held applies to the proposed services. The notice must include a provision for an acknowledgement of the advice signed by the client.

8.2. Assurance Statements and Certifications

Registered or licensed engineers, under the Act, must be provided with a seal or stamp by the association bearing the member’s name, their designation as Professional Engineer, Professional Geoscientist, or limited licensee, and other designations as required. This seal or stamp must be used, with signature and date, to seal or stamp items that have been prepared or delivered by that person acting in their professional capacity, or items that have been prepared under their direct supervision. In the case of suspension or cancellation of membership, licence or limited licence, the stamp or seal must be returned to the association.

According to the EGBC Quality Management Guidelines, the stamping, sealing or providing of certificates indicates that the opinions, judgments, or designs in the sealed documents were prepared and provided by a professional and that person has accepted professional responsibility for that work. Stamping or sealing does not provide warranty or guarantee accuracy. The association has provided guidance documents and seminars on their website to support members in the appropriate use of the seal.

9. Scope of Practice

EGBC is a *right to practice* association, meaning that except as permitted under the *Act*, no individual, corporation, partnership, or other legal entity may practice engineering or geoscience, assume or use the title of professional engineer or professional geoscientist, or act or advertise in the role of a professional engineer or geoscientist. The *Act* defines the practices of professional engineering and geoscience, and covers work specifically on those activities as defined. Holders of a limited license are prohibited from practicing outside the scope of that licence.

Other than through the Code of Ethics bylaw that requires members and licensees to, “*undertake and accept responsibility for professional assignments only when qualified by training or experience*” and “*provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction,*” the association has no authority under the *Act* or Bylaws to require information on professional practice activities with regards to education, training, or experience. They have produced a number of professional practice guidelines to describe the appropriate training, education, and experience an association professional should have before engaging in particular professional activities to support professionals, employers, and government on the recommended skill set and documentation for that activity. On a voluntary basis, the association does collect information from members or licensees on up to three areas of expertise, and makes this information public on the association website. This information is requested annually, and currently an estimated three quarters of members voluntarily provide this information.

10. Discussion and Conclusions

This audit found that EGBC is in compliance with the mandatory requirements of the *Act* that are addressed in this report. There are some areas where the association has identified difficulties with enabling sections of the *Act*, for example, where council bylaws have not been ratified due to the requirement for a 66% vote of the membership. While this is in accordance with the *Act*, it does highlight the potential for conflict between the best interests of the public and the interests of members. Specifically, a bylaw relating to mandatory CPD requirements has not been able to pass due to the 66% requirement.

Recognizing that a 66% majority is onerous, EGBC stated that the provincial government amended the *Act* in 2010 to remove the requirement that bylaws pertaining to increased fees needed to be ratified by the membership. As such, since 2010 the EGBC Council has had the ability to set fees at its discretion.

The association has developed numerous professional practice guidelines to establish standards of practice and support the Code of Ethics, and has implemented policy to identify new and existing guidelines for development and updating. As guidelines reflect the association's position on the expected standard of professional practice, failure to follow a professional practice guideline may be cited as evidence in a disciplinary hearing to provide evidence of incompetent, negligent, or unprofessional conduct.

The duties and objects of the association include protecting the public interest and upholding professional standards, as well as protecting the interests of its members and licensees and promoting the professions. The obligation to protect the public interest supersedes the object of protecting members and promoting the professions.

The Code of Ethics is supported by guidance documents and mandatory education in the application process and enforced through the investigation and discipline process. The investigation and discipline process developed by the association fulfills the requirements laid out by the Act and Bylaws. The association has identified an inability to recognize, and therefore address, fitness to practice problems in the absence of a complaint. Given the nature of the work completed by engineers and geoscientists, fitness to practice was identified by the association as an issue that can directly affect the protection of the public interest.

In cases where it is believed that misconduct of a member poses an immediate danger to the public, the association has the ability to issue an interim suspension under the authority of the discipline committee. However, this option only becomes available after the issue has been investigated by the investigation committee, legal counsel has prepared a Notice of Inquiry, and the matter has been referred to the discipline committee. Given the number of steps required before the discipline committee can exercise its suspension powers, in 2015 EGBC asked the provincial government to amend the Act to allow the the investigation committee to issue an interim suspension in order to better protect the public interest. That is, where risk exists to the public, it would be in the public interest to act rapidly especially in cases where there is potential for significant harm to the public or the environment.

This limited scope audit is one part of a broader review of professional reliance.