

February 22, 2022

**VIA EMAIL:** [Hyang@egbc.ca](mailto:Hyang@egbc.ca)

Heidi Yang  
Chief Executive Officer  
Engineers and Geoscientists of BC  
200 - 4010 Regent Street  
Burnaby, BC V5C 6N2

Reference Number: 22/02/2022-EGBC-04

Dear Heidi Yang:

By way of this letter, I am confirming that the bylaws delivered to me by the Engineers and Geoscientists of BC on February 11, 2022 were filed with minister on February 22, 2022.

I hereby order that these bylaws are in force effective February 22, 2022 as per my authority under s.38(1)(a) of the *Professional Governance Act* (PGA).

Sincerely,



Paul Craven  
Superintendent  
Office of the Superintendent of Professional Governance  
Province of British Columbia

pc: Efrem Swartz, Director, Legislation, Ethics and Compliance

# Bylaw Submission Cover Sheet

## Bylaw Information


|                          |   |        |                 |
|--------------------------|---|--------|-----------------|
| Regulatory Body:         | Engineers and Geoscientists BC  |        |                 |
| Contact Person:          | Efrem Swartz  | Email: | Eswartz@egbc.ca |
| Description of contents: | Full Set of Amended Bylaws<br>(full set of bylaws, repeal and replacement of single bylaw, etc) |        |                 |

Bylaw Approval Date: February 11, 2022

## Purpose of Delivery

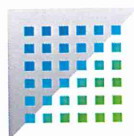


I, the below signed, affirm that the attached bylaw(s) are delivered to the Superintendent in accordance with section 37(1)(a) of the *Professional Governance Act* and have been approved the council of the [REGULATORY BODY].

|                 |  |
|-----------------|--|
| President Name: | Carol Park, P. Eng.  |
| Signature:      |  P. Eng. |
| Date:           | Feb. 11, 2022  |

## Council Members

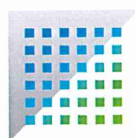
| Name:                                 | Position:                             |
|---------------------------------------|---------------------------------------|
| Mark Adams, P.Eng.                    | Vice President                        |
| Larry Spence, P.Eng.                  | Immediate Past President              |
| Michelle Mahovlich, P.Eng., P.Geo.    | Councillor                            |
| Jessica Steeves, P.Eng.               | Councillor                            |
| Kevin Turner, P.Eng., FEC, FGC (Hon.) | Councillor                            |
| Dr. Brent Ward, P.Geo.                | Councillor                            |
| Jens Weber, P.Eng.                    | Councillor                            |
| Suky Cheema, CPA, CA                  | Government Order in Council Appointee |
| Leslie Hildebrandt, ICDD, LLB         | Government Order in Council Appointee |



**OSPG**

Office of the Superintendent  
of Professional Governance

|                       |  |
|-----------------------|--|
| Emily Lewis, CPA, CMA | Government Order in Council<br>Appointee |
| David Wells, JD       | Government Order in Council<br>Appointee |



**OSPG**

Office of the Superintendent  
of Professional Governance

Pursuant to the *Professional  
Governance Act*, S.B.C. 2018, c. 47

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# BYLAWS OF ENGINEERS AND GEOSCIENTISTS BC

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AS AMENDED FEBRUARY 11, 2022



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

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# 1 Definitions and Communications

## 1.1 Definitions

(1) In these Bylaws the following definitions apply:

**“Abuse of Process”** means the complaint process is not being fairly or honestly used, or where multiple or successive complaints are made to cause vexation or oppression.

**“Accounting Records”** means true accounts of

- (a) the assets and liabilities of EGBC,
- (b) the sums of money received and expended by EGBC, and
- (c) the manner in respect of which such receipt and expenditure takes place.

**“Alternative Complaint Resolution”** means a process or processes for the full or partial resolution of one or more matters to be dealt with at a discipline hearing and includes

- (a) negotiation,
- (b) mediation, or
- (c) other processes the parties agree to.

**“Applicant”** means the same as set out in section 1(1) of the PGA [*Definitions and interpretation*].

**“Audit and Practice Review Committee”** means the audit and practice review committee established pursuant to section 63(1) of the PGA [*Audits and practice reviews*].

**“Authenticate”** means the act of a Professional Registrant Manually Authenticating or Digitally Authenticating a Document.

**“Bad Faith”** refers to a complaint that was made with untruthful, misleading, or unduly insensitive intent where the Complainant is motivated by malice or financial gain.

**“Branch”** means a geographical group of Registrants.

**“Branch Representatives’ Chair”** means an individual who is appointed by the Council to chair meetings of representatives of each Branch and to act as a liaison between those representatives and the Council.

**“Bylaws”** means the bylaws of EGBC under the PGA.

**“Certificate Authority”** means a third party approved by EGBC to issue Digital Certificates to Professional Registrants.

**“Code of Conduct”** means the document created or adopted by a Registrant Firm pursuant to section 7.7.3(1)(a) of the Bylaws.

**“Code of Ethics”** means the Code of Ethics of EGBC set out in Schedule A of the Bylaws.

**“Committee”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Communications and Leadership Learning”** means Continuing Education Activities related to advancing an individual Registrant’s non-technical knowledge and skills, including communications and leadership skills.

**“Complainant”** means a person who files a complaint against a Registrant and includes a member of the public or another Registrant.

**“Conduct of Concern”** means the same as defined in section 76(1) of the PGA [*Conduct in another jurisdiction*].

**“Conduct Unbecoming a Registrant”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Continuing Education Activity”** means an activity related to advancing an individual Registrant’s knowledge in the categories of Ethical Learning, Regulatory Learning, Communications and Leadership Learning, or Technical Learning.

**“Continuing Education Hour”** means one hour of a Continuing Education Activity that contributes to an individual Registrant’s maintenance of competency within the individual Registrant’s

- (a) current area(s) of practice, including any anticipated future area(s) of practice, if the individual Registrant is a Professional Registrant, or
- (b) former area(s) of practice, if the individual Registrant is a non-practising Registrant or a life member or life limited licensee.

**“Council”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Credentials Committee”** means the credentials committee established pursuant to section 44(1) of the PGA [*Credentials committee*].

**“Decision Maker”** means

- (a) the Registrar in the case of a credentials hearing pursuant to section 5.19 of the Bylaws, and
- (b) the Discipline Hearing Panel in the case of a discipline hearing pursuant to section 10.7 of the Bylaws.

**“Delegated”** means, in relation to Direct Supervision, a Subordinate being directed to undertake certain activities, work, or decisions related to the Regulated Practice on behalf of a Professional Registrant who takes professional responsibility for the work of the Subordinate.

**“Deputy Registrar”** means any individual appointed by the Council as deputy registrar pursuant to section 31(1) of the PGA [*Registrar and register for regulatory body*].

**“Different Governing Body”** means the same as defined in section 76(1) of the PGA [*Conduct in another jurisdiction*].

**“Digital Certificate”** means a certificate issued to a Professional Registrant by a Certificate Authority that attests to the legitimacy of information through the use of encryption.

**“Digitally Authenticating”** means a Professional Registrant applying all of the following to a Document:

- (a) the Professional Registrant's Digital Seal;
- (b) a digital image of the Professional Registrant's signature;
- (c) a digital image of the date of authentication;
- (d) the Professional Registrant's Digital Certificate.

**“Digital Seal”** means a digital image of a Professional Registrant's Manual Seal, with no material variation in format or wording.

**“Direct Supervision”** means the responsibility for the control and conduct of the activities, work, or decisions related to the Regulated Practice that have been Delegated to a Subordinate.

**“Disciplinary Order”** means any of the following:

- (a) an order made pursuant to section 9.7.2 of the bylaws;
- (b) an order made pursuant to section 67(1) of the PGA [*Extraordinary action*];
- (c) a consent or undertaking given pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*];
- (d) a consent order made pursuant to section 73(2)(a) or (b) of the PGA [*Consent orders*];
- (e) any agreement reached through the Alternative Complaint Resolution process pursuant to section 74 of the PGA [*Alternative complaint resolution*];
- (f) a determination made pursuant to sections 75(5)(b), 75(6), or 75(7) of the PGA [*Discipline hearings*], as applicable;
- (g) an assessment of costs made pursuant to section 81(1) of the PGA [*Costs*].



**“Discipline Committee”** means the discipline committee established pursuant to section 75(1) of the PGA [*Discipline hearings*].

**“Discipline Hearing Panel”** means a panel of at least 3 members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established by the chair of the Discipline Committee pursuant to section 77(1) of the PGA [*Discipline committee to conduct hearings*] for the purpose of conducting a discipline hearing pursuant to section 75 of the PGA [*Discipline hearings*], or for the purpose of taking action pursuant to section 76 of the PGA [*Conduct in another jurisdiction*].

**“Discipline Resolution Panel”** means a panel of at least 3 members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established by the chair of the Discipline Committee for the purpose of attempting to resolve one or more matters set out in a citation by means other than a discipline hearing pursuant to sections 72 to 74 of the PGA.

**“Document”** includes any physical or electronic record, including but not limited to a report, certificate, memo, specification, drawing, map, or plan, that conveys a design, direction, estimate, calculation, opinion, interpretation, observation, model, or simulation that relates to the Regulated Practice.

**“EGA”** means the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116.

**“EGBC”** means the Association of Professional Engineers and Geoscientists of the Province of British Columbia, also operating as Engineers and Geoscientists BC.

**“Electronic Means”** includes videoconference, telephone conference, and webcasting.

**“Ethical Learning”**, means Continuing Education Activities related to advancing an individual Registrant’s knowledge of how to act ethically and meet the ethical obligations of Registrants pursuant to the PGA, regulations, Bylaws, and Code of Ethics.

**“Executive Director”** means the individual appointed by the Council as the chief executive officer of EGBC pursuant to section 32(1)(a) of the PGA [*Officers and committees*], who may also be the Registrar.

**“Extraordinary Action Panel”** means a panel of at least 3 members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established by the chair of the Discipline Committee for the purpose of considering action that may be taken pursuant to section 67 of the PGA [*Extraordinary action*].

**“Firm”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Frivolous”** refers to a complaint that is obviously unsustainable in law or that displays no reasonable cause for complaint in law.

**“Government Registrant”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Incompetent”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Individual With Authority”** means an individual that is:

- (a) in respect of a Firm that is a corporation, a director or senior officer;
- (b) in respect of a Firm that is a partnership, a partner;
- (c) in respect of a Firm that is a sole proprietorship, an owner; or
- (d) any other individual that is authorized by a Firm to act in a similar capacity as a director, senior officer, or partner and to make legally binding decisions and take binding action on behalf of the Firm.

**“In Good Standing”** means a Registrant meets all of the following criteria:

- (a) the Registrant’s registration is not suspended;
- (b) the Registrant has paid any annual fee owing to EGBC; and
- (c) if the Registrant is a Registrant Firm,
  - (i) the Registrant Firm’s registration and Permit to Practice are not suspended, and
  - (ii) there are no conditions on the Registrant Firm’s registration and Permit to Practice prohibiting it from engaging in the Regulated Practice.

**“Inspector”** means the Registrar and any person appointed as an inspector pursuant to section 68 of the PGA [*Inspectors*].

**“Investigation Committee”** means the investigation committee established pursuant to section 64 of the PGA [*Investigation committee*].

**“Investigation Subcommittee”** means any number of members of the Investigation Committee authorized by the Investigation Committee to carry out an investigation or oversee and take responsibility for an investigation carried out by an Investigator, which members may be the same as those serving on a Resolution Subcommittee.

**“Investigator”** means any of the following individuals:

- (a) a member of an Investigation Subcommittee;
- (b) an officer or an employee of EGBC or a contractor retained by EGBC who is authorized by the Investigation Committee to carry out an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*];

- (c) an Inspector appointed by the Investigation Committee pursuant to section 68(1) of the PGA [*Inspectors*].

**“Lay Committee Member”** means the same as defined in section 21 of the PGA [*Definition*].

**“Lay Councillor”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Major Non-Conformance”** means a situation in which, based on the evidence provided to the assessor,

- (a) there is systemic failure by a Registrant subject to a compliance audit to meet an applicable regulatory requirement(s), or
- (b) there are reasonable and probable grounds to believe that a Registrant subject to a compliance audit may be engaged in the Regulated Practice in a manner that may pose a risk of significant harm to the environment or to the health or safety of the public or a group of people.

**“Manually Authenticating”** means a Professional Registrant applying all of the following to a Document:

- (a) the Professional Registrant’s Manual Seal;
- (b) the Professional Registrant’s handwritten signature;
- (c) the date of authentication.

**“Manual Seal”** means the ink stamp or embossing machine issued to a Professional Registrant by EGBC that can create an impression on a Document.

**“Minor Non-Conformance”** means a situation in which, based on the evidence provided to the assessor,

- (a) there has been failure by a Registrant subject to a compliance audit to meet an applicable regulatory requirement(s), but such failure is not systemic, and
- (b) there are no reasonable and probable grounds to believe that the Registrant subject to a compliance audit may be engaged in the Regulated Practice in a manner that may pose a risk of significant harm to the environment or to the health or safety of the public or a group of people.

**“Nomination Committee”** means the nomination committee established pursuant to section 26(1) of the PGA [*Election of registrant councillors*].

**“Non-Contentious Decision”** means a decision which, pursuant to a policy approved by the Council, may be made by an officer in relation to an application for enrolment, admission, or reinstatement pursuant to the Bylaws.

**"Panel"** means one or more of the following:

- (a) Extraordinary Action Panel;
- (b) Discipline Resolution Panel;
- (c) Discipline Hearing Panel.

**"Permit to Practice"** means a certificate bearing a Permit to Practice Number that is issued to a Registrant Firm by EGBC and confirms that the Registrant Firm is entitled to engage in the Reserved Practice in British Columbia, subject to any suspensions, limitations, conditions, or restrictions on the Registrant Firm's registration.

**"Permit to Practice Number"** means the unique number that is issued to a Registrant Firm by EGBC and appears on the Permit to Practice.

**"PGA"** means the *Professional Governance Act*, S.B.C. 2018, c. 47.

**"Practice Advice Program"** means a program offered by EGBC to assist Registrants in dealing with professional or ethical issues, as required by section 57(1)(d) of the PGA [*Standards of conduct and competence*].

**"Practice Advisor"** means an individual Registrant employed or retained by EGBC who receives and responds to professional or ethical inquiries of Registrants through the Practice Advice Program.

**"Private Sector Firm"** means a Registrant Firm that is designated as a Private Sector Firm pursuant to section 5.12.2(2) of the Bylaws.

**"Proceeding"** means a motion, application, pre-hearing conference or hearing.

**"Practice of Professional Engineering"** means the same as defined in Schedule 1, section 5 of the PGA [*Definitions in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia*] and prescribed by the *Engineers and Geoscientists Regulation*, B.C. Reg. 14/2021.

**"Practice of Professional Geoscience"** means the same as defined in Schedule 1, section 5 of the PGA [*Definitions in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia*] and prescribed by the *Engineers and Geoscientists Regulation*, B.C. Reg. 14/2021.

**"Professional Misconduct"** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**"Professional of Record"** means the Professional Registrant who is professionally responsible for activities, work, or Documents related to the Regulated Practice.



**“Professional Practice Management Plan”** means a document that is developed and maintained by a Registrant Firm and must meet the requirements set out in section 7.7.3 of the Bylaws.

**“Professional Registrant”** means a Registrant who is registered in one of the following categories of Registrants:

- (a) professional engineer;
- (b) professional geoscientist;
- (c) professional licensee engineering;
- (d) professional licensee geoscience;
- (e) life member prior to 1998;
- (f) honorary life member.

**“Public Sector Firm”** means a Registrant Firm that is designated as a Public Sector Firm pursuant to section 5.12.1(2) of the Bylaws.

**“Recent Historical Member”** means the same as defined in section 1.4 of the *Professional Governance General Regulation*, B.C. Reg. 107/2019 [Definitions].

**“Register”** means the register on a publicly available website maintained by or on behalf of EGBC pursuant to section 31(3) of the PGA [Registrar and register for regulatory body].

**“Registrant”** means the same as defined in Schedule 1, section 5 of the PGA [Definitions in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia].

**“Registrant Firm”** means a Firm that is registered with EGBC as a Registrant.

**“Registrar”** means the individual appointed by the Council as registrar pursuant to section 31(1) of the PGA [Registrar and register for regulatory body], who may also be the Executive Director.

**“Regulated Practice”** means the same as defined in Schedule 1 section 5 of the PGA [Definitions in respect of the Association of Professional Engineers and Geoscientists of the Province of British Columbia] and prescribed by the *Engineers and Geoscientists Regulation*, B.C. Reg. 14/2021.

**“Regulation of Firms Training Program”** means the training program designated by EGBC for providing training and information to Responsible Registrants of Registrant Firms.

**“Regulatory Authority”** means a licensing or certification body for regulating engineering or geoscience in Canada, or an institution in another country that is, in the opinion of the Council, equivalent to EGBC.



**“Regulatory Learning”**, means Continuing Education Activities related to advancing an individual Registrant’s knowledge of the relevant regulatory requirements, including the PGA, regulations, Bylaws, Code of Ethics, codes, standards, policies, and requirements in relevant legislation.

**“Reporting Year”** means the period beginning on July 1 of a calendar year and ending on June 30 of the following calendar year.

**“Reserved Practice”** means the same as prescribed by the *Engineers and Geoscientists Regulation*, B.C. Reg. 14/2021.

**“Resolution Subcommittee”** means any number of members of the Investigation Committee authorized by the Investigation Committee to attempt to resolve or oversee an attempt to resolve one or more matters subject to investigation pursuant to sections 72 to 74 of the PGA, which members may be the same as those serving on an Investigation Subcommittee.

**“Respondent”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Responsible Officer”** means an individual who has been designated by a Registrant Firm pursuant to section 5.12(13) of the Bylaws, must meet the requirements set out in sections 5.12(14), (15), (16) and (17) of the Bylaws, and has the responsibilities set out in section 5.12(18) of the Bylaws.

**“Responsible Registrant”** means a Professional Registrant who has been designated by a Registrant Firm pursuant to section 5.12(5) of the Bylaws, must meet the criteria set out in sections 5.12(7) and (8) of the Bylaws, and has the responsibilities set out in section 5.12(9) of the Bylaws.

**“Robert’s Rules of Order”** means the procedural rules set out in the guide published by the Robert’s Rules Association under the title “Robert’s Rules of Order Newly Revised”.

**“Sole Practitioner”** means a Professional Registrant who practises on their own, either in an incorporated or unincorporated manner.

**“Structural Design”** means a design of a Structure.

**“Structure”** means a series of connected, interrelated elements that form a system that provides adequate rigidity and can resist a series of external load effects applied to it, including its own weight. Examples include temporary or permanent structures such as buildings, retaining walls, large signage, support towers, bridges, dams, and tunnels.

**“Subordinate”** means any individual who engages in the Regulated Practice under the Direct Supervision of a Professional Registrant.

**“Technical Learning”** means Continuing Education Activities related to advancing an individual Registrant’s technical and professional knowledge and skills within an individual Registrant’s area(s) of practice, including any anticipated future area(s) of practice.

**“Three-Year Rolling Period”** means a period of 3 consecutive Reporting Years, with a new period starting on the first day of each Reporting Year. For greater clarity, Reporting Years 1, 2 and 3 is one period, Reporting Years 2, 3 and 4 is one period, and Reporting Years 3, 4 and 5 is one period, with the pattern continuing.

**“Trainee”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

**“Trivial”** refers to a complaint that has no merit and does not warrant further investigation.

**“Vexatious”** refers to a complaint that has the intent of annoying, harassing, embarrassing, or abusing another party, or abusing the complaint process.

## **1.2 Written Notice to Registrants**

- (1) In all instances where written notice is required to be provided to an individual Registrant pursuant to the PGA or the Bylaws, written notice to the individual Registrant may be provided by way of the individual Registrant’s personal and unique email address.
- (2) In all instances where written notice is required to be provided to a Registrant Firm pursuant to the PGA or the Bylaws, written notice to the Registrant Firm may be provided by way of the personal and unique email address of the Responsible Officer or any of the Responsible Registrants of the Registrant Firm.

## 2 Governance

### 2.1 Committees Established

- (1) The Nomination Committee is established pursuant to section 26(1) of the PGA [*Election of registrant councillors*].
- (2) The Credentials Committee is established pursuant to section 44(1) of the PGA [*Credentials committee*].
- (3) The Audit and Practice Review Committee is established pursuant to section 63(1) of the PGA [*Audits and practice reviews*].
- (4) The Investigation Committee is established pursuant to section 64 of the PGA [*Investigation committee*].
- (5) The Discipline Committee is established pursuant to section 75(1) of the PGA [*Discipline hearings*].

### 2.2 Chairs, Vice-Chairs, and Members of Committees

- (1) Except as otherwise prescribed by the Lieutenant Governor in Council or provided in the Bylaws, the Council must appoint a chair of a Committee in accordance with the process and merit-based selection principles prescribed by the Lieutenant Governor in Council pursuant to section 25(1) of the PGA [*Selection principles and criteria*].
- (2) Except as otherwise prescribed by the Lieutenant Governor in Council or provided in the Bylaws, the Council may appoint a vice-chair of a Committee in accordance with the process and merit-based selection principles prescribed by the Lieutenant Governor in Council pursuant to section 25(1) of the PGA [*Selection principles and criteria*].
- (3) Any vice-chair appointed pursuant to subsection (2) may assume the role of chair in the following situations:
  - (a) whenever the chair is unavailable to act, but not for a term that is longer than the remainder of the term of the chair;
  - (b) whenever there is no chair appointed, until a chair is appointed by the Council or the term of the vice-chair expires.
- (4) At a meeting of a Committee, if neither the chair nor any vice-chair of the Committee attends the meeting in person or by Electronic Means at its appointed time, the Committee members may choose one of their number to chair the meeting.
- (5) A Registrant without the ability to engage in Reserved Practice pursuant to the PGA and Bylaws is not eligible for appointment to any Committee.

- (6) A member, a vice-chair, or a chair of a committee who ceases to be a Registrant In Good Standing is no longer eligible to serve on the Committee and must be removed from the Committee by Council.
- (7) A Committee member serves on a Committee at the pleasure of the Council and may be removed by the Council from a Committee without prior notice to the Committee member.

### **2.3 Conduct of Committee Meetings**

- (1) A Committee may meet or adjourn as it sees fit, including meeting by any combination of Committee members attending in person or by Electronic Means.
- (2) Questions arising at a meeting of a Committee must be decided by a majority of the Committee members attending in person or by Electronic Means, who may each cast one vote on a matter put to a vote.
- (3) Despite subsection (2), the chair of a meeting of a Committee may only vote on a matter put to a vote in the case of an equality of votes, in which case the chair will have a casting vote.
- (4) A resolution that is assented to and adopted by Committee members in writing, although not passed during a meeting of the Committee, is of the same force and effect as if it had been duly passed at a meeting of the Committee.

### **2.4 Conduct of Council Meetings**

- (1) The Council may meet or adjourn as it sees fit, including meeting by any combination of councillors attending in person or by Electronic Means.
- (2) The Council may adopt or establish policies, procedures, or rules of order, consistent with the PGA, applicable regulations, and the Bylaws, for the purpose of regulating the conduct of a meeting of the Council.
- (3) The rules contained in Robert's Rules of Order must govern the conduct of Council meetings, as applicable, except where Robert's Rules of Order are inconsistent with the Bylaws or any policies, procedures, or rules of order adopted or established by Council pursuant to subsection (2).
- (4) A meeting of the Council is open to the public.
- (5) Despite subsection (4), the Council is authorized to hold any meeting or a portion of any meeting in the absence of the public or any other person who is not a councillor pursuant to section 35(2) of the PGA [*Bylaws of council*].
- (6) The Executive Director must
  - (a) call a meeting of the Council at the request of the president of the Council or any 3 councillors, and

- (b) provide reasonable written notice to the Council of the date, hour, place, and purpose of a meeting of the Council.
- (7) At a meeting of the Council, if neither the president of the Council nor the vice president of the Council attend the meeting in person or by Electronic Means at its appointed time, the Council may choose one of their number to chair the meeting, and the chair so chosen may exercise all of the functions and authority of the president of the Council for the conduct of the meeting.
- (8) Questions arising at a meeting of the Council must be decided by a majority of the voting councillors attending in person or by Electronic Means, who may each cast one vote on a matter put to a vote.
- (9) Despite subsection (8), the chair of a meeting of the Council may only vote on a matter put to a vote in the case of an equality of votes, in which case the chair will have a casting vote.
- (10) A resolution that is assented to and adopted by the councillors in writing, although not passed at a meeting of the Council, is of the same force and effect as if it had been duly passed at a meeting of the Council.
- (11) The Executive Director must ensure that minutes are taken at each meeting of the Council.

## **2.5 Deputy Registrar(s)**

- (1) Pursuant to section 31(2) of the PGA [*Registrar and register for regulatory body*] the Council authorizes any Deputy Registrar(s) appointed by the Council to exercise any of the powers and perform any of the duties of the Registrar set out in the Bylaws.

## **2.6 Accounting Records of EGBC**

- (1) Accounting Records must be maintained by EGBC and must be available for inspection by the Council.
- (2) No Registrant, other than a Registrant who is on the Council, has any right to inspect any Accounting Records of EGBC, except as authorized by the Council or as required by law.
- (3) The Council may determine whether, to what extent, at what time(s) and place(s), and under what conditions or regulations Accounting Records may be open to the inspection of Registrants that are not on the Council.

## **2.7 Financial Statements and Audit**

- (1) Financial statements must be drawn up annually, and such financial statements, together with the books of EGBC, must be audited annually by a chartered professional accountant appointed by the Council as an auditor.

- (2) A report duly signed by the auditor appointed pursuant to subsection (1) must be presented to Registrants, and the Council must cause such report, together with the financial statements of EGBC, to be made available to all Registrants at least 15 days prior to the annual general meeting.
- (3) The auditor's report and the financial statements of EGBC required pursuant to subsection (2) must be accompanied by a report of the Executive Director as to the state of the affairs of EGBC, which must be published on a public website maintained by EGBC at least 15 days prior to the annual general meeting.

## **2.8 Seal of EGBC**

- (1) EGBC must have a seal.
- (2) EGBC's seal must be affixed by the Executive Director or those persons designated by the Executive Director, to those instruments determined by the Executive Director.

## **2.9 Branches**

- (1) Pursuant to section 35(1)(g) of the PGA [*Bylaws of council*], the Council may continue or establish Branches.

### **3 General Meetings**

#### **3.1 Conduct of General Meetings**

- (1) A general meeting must be held in the manner provided in section 33 of the PGA [*General meetings of regulatory bodies*].
- (2) At the discretion of the Council, a general meeting may be held with Registrants attending
  - (a) in person,
  - (b) by Electronic Means, or
  - (c) in any combination of Registrants attending in person or by Electronic Means.
- (3) The Council may adopt or establish policies, procedures, or rules of order, consistent with the PGA, applicable regulations, and the Bylaws, for the purpose of regulating the conduct of a general meeting.
- (4) The rules contained in Robert's Rules of Order must govern the conduct of general meetings, as applicable, except where Robert's Rules of Order are inconsistent with the Bylaws or any policies, procedures, or rules of order adopted or established by Council pursuant to subsection (3).
- (5) Any policies, procedures, or rules of order adopted or established by the Council prior to the general meeting pursuant to subsection (3) must be published on a public website maintained by EGBC prior to the general meeting to which the policies, procedures, or rules of order are to apply.
- (6) The Executive Director must ensure that minutes are taken at each general meeting.

#### **3.2 Request for General Meetings**

- (1) A written request that the Council call a general meeting pursuant to section 33(4) of the PGA [*General meetings of regulatory bodies*] must be accompanied by a notice setting out specifically the business to be transacted at the general meeting.

#### **3.3 Notice of General Meetings**

- (1) Notice of the time and place of a general meeting must be
  - (a) published on a public website maintained by EGBC, and
  - (b) provided in writing to Registrants In Good Standing,at least 21 days prior to the general meeting.



- (2) If the Council has determined pursuant to section 3.1(2) of the Bylaws that a general meeting will be held by Electronic Means, or by any combination of Registrants attending in person or by Electronic Means, this determination must be included in the notice of the general meeting that is published pursuant to subsection (1).
- (3) Accidental omissions in the delivery of notice or non-receipt of a notice required pursuant to subsection (1) by any Registrant entitled to receive notice does not invalidate the proceedings at a general meeting.

### **3.4 Chair of General Meetings**

- (1) The president of the Council must act as chair of a general meeting.
- (2) Despite subsection (1), the vice president of the Council must act as chair of a general meeting if the president of the Council
  - (a) does not attend in person or by Electronic Means at the time appointed for holding the general meeting, or
  - (b) is not willing to act as chair of the general meeting.
- (3) Despite subsections (1) and (2), the Council may choose one of their number to chair the general meeting if both the president of the Council and the vice president of the Council
  - (a) do not attend the general meeting in person or by Electronic Means at its appointed time, or
  - (b) are not willing to act as chair of the general meeting.

### **3.5 Quorum for General Meetings**

- (1) The quorum requirement for a general meeting is 50 individual Registrants In Good Standing, whether attending the general meeting
  - (a) in person, or
  - (b) by Electronic Means, if the Council has determined that Registrants may attend the general meeting by Electronic Means pursuant to section 3.1(2) of the Bylaws.

### **3.6 Eligibility and Entitlement to Vote**

- (1) A Registrant is eligible to vote in a resolution, a referendum, and an election of the Council if the Registrant, at the time the Registrant casts the Registrant's vote
  - (a) is In Good Standing, and
  - (b) belongs to one of the following categories of Registrants:

- (i) Trainee;
- (ii) professional engineer;
- (iii) professional geoscientist;
- (iv) professional licensee engineering;
- (v) professional licensee geoscience;
- (vi) life member prior to 1998;
- (vii) honorary life member;
- (viii) non-practising;
- (ix) life members or life limited licensees.

### **3.7 Resolutions Proposed by Registrants**

- (1) A Registrant who has voting rights pursuant to section 3.6 of the Bylaws may deliver a written notice to the Executive Director not fewer than 30 days before the date set for a general meeting requesting the consideration of a resolution at the general meeting.
- (2) A written notice delivered by a Registrant pursuant to subsection (1) must
  - (a) identify the Registrant as the mover of the resolution,
  - (b) identify another Registrant who has voting rights pursuant to section 3.6 of the Bylaws as a seconder of the resolution, and
  - (c) contain the text of the resolution, which must not include a preamble.
- (3) A resolution delivered by a Registrant pursuant to subsections (1) and (2) must be reviewed by the Executive Director to ensure the resolution is eligible for consideration at a general meeting, in accordance with any policies, procedures, or rules of order adopted or applicable pursuant to sections 3.1(3) and (4) of the Bylaws.
- (4) If a resolution is eligible for consideration at the general meeting pursuant to subsection (3) the Executive Director must do all of the following at least 14 days before the date of the general meeting:
  - (a) deliver written notice of the resolution to Registrants who have voting rights pursuant to section 3.6 of the Bylaws;
  - (b) publish notice of the resolution, including the text of the resolution, on a public website maintained by EGBC.

- (5) The accidental omission to deliver written notice of a resolution to, or the non-receipt of written notice by, any Registrant entitled to receive notice does not invalidate the resolution.

### **3.8 Voting on Resolutions**

- (1) A vote of a general meeting may be taken in the manner determined by the Council, subject to the PGA, applicable regulations, and the Bylaws.
- (2) When a resolution is decided by a vote of a general meeting,
  - (a) the chair of the general meeting must declare that the resolution has been carried or lost, and
  - (b) minutes made that the resolution has been carried or lost are conclusive evidence of that fact, without proof of the number or proportion of the votes recorded in favour or against the resolution.
- (3) A Registrant must have one vote in a resolution put to a vote of the general meeting if the Registrant has voting rights pursuant to section 3.6 of the Bylaws and is attending the general meeting
  - (a) in person, or
  - (b) by Electronic Means, if the Council has determined that Registrants may attend the general meeting by Electronic Means pursuant to section 3.1(2) of the Bylaws.
- (4) Despite subsection (3), the chair of a general meeting may only vote on a resolution put to a vote in the case of an equality of votes, in which case the chair will have a casting vote.
- (5) Except as provided in section 34 of the PGA [*Implementing resolutions of general meetings*], a resolution approved at a general meeting does not bind the Council, any Committee, or any officer, employee, or agent of EGBC in the exercise of its or their powers or in performance of its or their duties under the PGA or any other enactment.

### **3.9 Adjourning General Meetings**

- (1) The chair of a general meeting may adjourn the general meeting from time to time and from place to place.
- (2) The only business that may be transacted at an adjourned general meeting is that business left unfinished at the meeting from which the adjournment took place.
- (3) When a general meeting is adjourned for less than 30 days, it is not necessary for EGBC to give notice of the adjourned general meeting, or of the business to be transacted at the adjourned general meeting.

- (4) When a general meeting is adjourned for 30 days or more, notice of the adjourned general meeting must be given by EGBC in the same manner as notice of the original meeting.

## 4 Nominations and Election of Council

### 4.1 Nomination Committee Composition

- (1) The Nomination Committee must be composed of between 5 and 7 members appointed by the Council.
- (2) The members of the Nomination Committee appointed by the Council pursuant to subsection (1) must include
  - (a) the immediate past president of EGBC, who will serve as chair of the Nomination Committee,
  - (b) at least one Lay Committee Member, and
  - (c) the Branch Representatives Chair.
- (3) If the immediate past president of EGBC cannot be appointed as or serve as chair of the Nomination Committee, the Council must appoint a Lay Councillor as the chair of the Nomination Committee.
- (4) If the Branch Representatives Chair cannot be appointed to or serve on the Nomination Committee, the Council must appoint a delegate.
- (5) No member of the Council may be appointed to or serve on the Nomination Committee, except
  - (a) the immediate past president of EGBC, or
  - (b) a Lay Councillor, if the immediate past president of EGBC is unable to serve as chair of the Nomination Committee.

### 4.2 Powers of the Nomination Committee

- (1) The Nomination Committee has the functions and duties assigned to it in the PGA.

### 4.3 Criteria for Nomination of Candidates

- (1) Pursuant to section 25(2)(a) of the PGA [*Selection principles and criteria*], a candidate nominated by the Nomination Committee for a position as Registrant councillor, including the position of president of the Council, must be a Registrant In Good Standing.
- (2) Pursuant to section 25(2)(a) of the PGA [*Selection principles and criteria*], a candidate nominated by the Nomination Committee for the position of president of the Council must meet at least one of the following experience requirements prior to the date of taking office, if such a candidate is available for nomination:
  - (a) one year of experience as a councillor for EGBC;

- (b) equivalent experience as determined by the Nomination Committee.
- (3) A Registrant who is not In Good Standing must not be nominated by the Nomination Committee for a position as Registrant councillor, including the position of president of the Council.

#### **4.4 List of Candidates**

- (1) The list of candidates nominated by the Nomination Committee must be
  - (a) signed by the chair of the Nomination Committee,
  - (b) accompanied by the written consent of all candidates,
  - (c) provided to the Executive Director, and
  - (d) published on a public website maintained by EGBC
 at least 90 days prior to the annual general meeting.

#### **4.5 Election Procedures**

- (1) The election of Registrant councillors, including the president of the Council, must be by paper ballot or electronic ballot, as determined by the Council.
- (2) The Executive Director must prepare a ballot containing the names of all candidates nominated by the Nomination Committee.
- (3) Voting must be closed at noon on the 15th day prior to the annual general meeting, and ballots received after that time must not be counted.
- (4) Voting for more than one president of the Council or more than the number of Registrant councillors to be elected will render the applicable part of the ballot invalid.
- (5) Voting for less than one president of the Council or less than the number of Registrant councillors to be elected will not invalidate the ballot.
- (6) Ballots cast in an election must be tabulated at least 10 days prior to the annual general meeting.
- (7) The candidate for the position of president of the Council who receives the most votes in the election is elected to that position.
- (8) The candidates for positions as Registrant councillors who receive the most votes in the election are elected to those positions.

- (9) If there are any vacancies in the Council to be filled because of an election, the candidate or candidates receiving the next highest number of votes must be elected for the unexpired term or terms to be filled.
- (10) If there is a tie vote between 2 or more candidates, the Executive Director must hold a random draw to determine the successful candidate.
- (11) The Executive Director must inform each candidate in the election of the results of the election as soon as practicable, and the results of the election must be announced at the annual general meeting.
- (12) The successful candidates for positions as Registrant councillors, including the position of president of the Council, must take office at the close of the annual general meeting.
- (13) The Executive Director must not authorize the destruction of any paper ballots or the deletion of any electronic ballots cast in an election until 3 months after the date on which the annual general meeting was held.

#### **4.6 Term Lengths**

- (1) At each election of Registrant councillors held pursuant to the Bylaws,
  - (a) the president of the Council must be elected for a one-year term, pursuant to section 24(3)(a) of the PGA [*Term limits*] and
  - (b) one-third of the other Registrant councillors must be elected for a 3-year term, pursuant to section 24(1) of the PGA [*Term limits*].
- (2) After each election held pursuant to the Bylaws, the vice president of the Council must be selected by the Council from among the Registrant councillors for a one-year term pursuant to section 24(3)(b) of the PGA [*Term limits*].

## 5 Credentials and Registrants

### 5.1 Powers of the Credentials Committee

- (1) The Credentials Committee has the functions and duties assigned to it in the PGA and delegated to it by Council in subsections (2) and (3).
- (2) The Council authorizes the Credentials Committee to exercise the Council's powers pursuant to the following sections of the PGA, other than the Council's bylaw-making authority:
  - (a) section 32(1)(b) [*Officers and committees*], in order to appoint officers for the purpose of carrying out the powers delegated pursuant to subsection (3)(b);
  - (b) section 66(2)(a)(ii) [*Investigations*] with respect to applications for registration as an individual Registrant.
- (3) The Council authorizes the Credentials Committee to act pursuant to the following sections of the PGA:
  - (a) section 45 [*Application for enrolment, admission or reinstatement as registrant*] with respect to applications for registration as an individual Registrant;
  - (b) section 32(5)(b) [*Officers and committees*], to delegate the powers pursuant to section 45(1) of the PGA [*Application for enrolment, admission or reinstatement as registrant*] to one or more officers for the sole purpose of the officer(s) making a Non-Contentious Decision with respect to applications for registration as an individual Registrant.

### 5.2 Powers of the Audit and Practice Review Committee

- (1) The Audit and Practice Review Committee has the functions and duties assigned to it in the PGA and delegated to it by the Council in this section of the Bylaws with respect to applications for registration as a Registrant Firm.
- (2) The Council authorizes the Audit and Practice Review Committee to exercise the Council's powers pursuant to the following sections of the PGA, other than the Council's bylaw-making authority:
  - (a) section 32(1)(b) [*Officers and committees*], in order to appoint officers for the purpose of carrying out the powers delegated to the Audit and Practice Review Committee pursuant to subsection (3)(b);
  - (b) section 66(2)(a)(ii) [*Investigations*] with respect to applications for registration as a Registrant Firm.
- (3) The Council authorizes the Audit and Practice Review Committee to act pursuant to the following sections of the PGA:



- (a) section 45 [*Application for enrolment, admission or reinstatement as registrant*], with respect to applications for registration as a Registrant Firm;
- (b) section 32(5)(b) [Officers and committees], to delegate to one or more officers the powers granted to the Audit and Practice Review Committee by the Council pursuant to this section of the Bylaws, with respect to applications for registration as a Registrant Firm.

### 5.3 Powers of the Registrar

- (1) The Council authorizes the Registrar to exercise the Council's powers pursuant to sections 48(1), 48(2), 48(3), and 48(4) of the PGA [*Review on the record*] for the purpose of conducting reviews on the record pursuant to section 5.22 of the Bylaws.

### 5.4 Categories of Registrants

- (1) The following categories and subcategories of Registrants are set out in sections 5.5 to 5.16 of the Bylaws:

| Category of Registrant                      | Subcategory of Registrant      | Bylaw Section |
|---|--------------------------------|---------------|
| <b>Trainee</b>                              |                                | 5.5           |
|   | Engineer-in-Training           | 5.5.1         |
|   | Geoscientist-in-Training       | 5.5.2         |
| <b>Professional Engineer</b>                |                                | 5.6           |
|   | Designated Structural Engineer | 5.6.1         |
| <b>Professional Geoscientist</b>            |                                | 5.7           |
| <b>Professional Licensee Engineering</b>    |                                | 5.8           |
| <b>Professional Licensee Geoscience</b>     |                                | 5.9           |
| <b>Life Member Prior to 1998</b>            |                                | 5.10          |
| <b>Honorary Life Member</b>                 |                                | 5.11          |
| <b>Registrant Firm</b>                      |                                | 5.12          |
|   | Public Sector Firm             | 5.12.1        |
|   | Private Sector Firm            | 5.12.2        |
| <b>Non-Practising Individual Registrant</b> |                                | 5.13          |
| <b>Non-Practising Registrant Firm</b>       |                                | 5.14          |
| <b>Life Member or Life Limited Licensee</b> |                                | 5.15          |
| <b>Honorary Member</b>                      |                                | 5.16          |

## 5.5 Trainees

- (1) The category of Registrant called “Trainee” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) A Trainee must not serve as a Registrant councillor, or as a member of any Committee.

### 5.5.1 Engineer-in-Training

- (1) The subcategory of Registrant called “engineer-in-training” is established under the category of Trainee pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Only a Registrant who is designated an engineer-in-training may hold themselves out to be an engineer-in-training and use the post-nominal “EIT”.
- (3) An engineer-in-training may only use a title containing the word “engineer”, or any form or abbreviation of the word “engineer”, if the designation “engineer-in-training” or “EIT” is used in close proximity to the title and given the same or higher degree of prominence.
- (4) An engineer-in-training must not represent themselves as a Professional Registrant.
- (5) An engineer-in-training must not engage in any area of the Reserved Practice except under the Direct Supervision of an individual who is legally entitled to independently practise in that area of the Reserved Practice, and that area of the Reserved Practice is of the type that may be provided under supervision pursuant to section 54(2) of the PGA [*Prohibitions regarding reserved practice*].
- (6) Pursuant to section 46(1) of the PGA [*Enrolment of trainees*], an Applicant for enrolment as an engineer-in-training must provide the following to the Credentials Committee:
  - (a) a completed application for enrolment as an engineer-in-training;
  - (b) any applicable application, examination, interview, or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee of the following:
    - (i) the Applicant’s identity and legal name;
    - (ii) that the Applicant is of good character and good repute;
    - (iii) that the Applicant has
      - (A) graduated in applied science, engineering, or geoscience from an institute of learning approved by the Credentials Committee in a program approved by the Credentials Committee, or

- (B) the equivalent of
  - (I) a university-level bachelor's degree in applied science or engineering, from an institution of learning not approved by the Credentials Committee, or in a program not approved by the Credentials Committee, but has passed
    - (1) examinations, assigned by the Credentials Committee from the syllabus published by the Credentials Committee, in the discipline of engineering of the Applicant's degree, that demonstrate that the Applicant's knowledge is equivalent to the knowledge of those who have graduated from an institute of learning approved by the Credentials Committee in a program in applied science or engineering approved by the Credentials Committee, or
    - (2) examinations, requiring special knowledge in branches of learning specified by the Credentials Committee, of an association or institute approved by the Credentials Committee, or
  - (II) 4 years of full-time post-secondary education in applied science, engineering, geoscience, science, or technology, and has demonstrated equivalency to graduation from an institute of learning approved by the Credentials Committee in a program in applied science, engineering, or geoscience approved by the Credentials Committee, by passing the Credentials Committee assigned
    - (1) examinations or coursework, applicable to the discipline or area of practice in which the Applicant wishes to be examined, to address deficiencies in syllabus or knowledge requirements coverage as determined by the Credentials Committee, or
    - (2) examinations, requiring special knowledge in branches of learning specified by the Credentials Committee, of an association or institute approved by the Credentials Committee.

### 5.5.2 Geoscientist-in-Training

- (1) The subcategory of Registrant called "geoscientist-in-training" is established under the category of Trainee pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].

- (2) Only a Registrant who is designated a geoscientist-in-training may hold themselves out to be a geoscientist-in-training and use the post-nominal "GIT".
- (3) A geoscientist-in-training may only use a title containing the word "geologist", "geophysicist", "geochemist", or "geoscientist", or any form or abbreviation thereof, if the designation "geoscientist-in-training" or "GIT" is used in close proximity to the title and given the same or higher degree of prominence.
- (4) A geoscientist-in-training must not represent themselves as a Professional Registrant.
- (5) A geoscientist-in-training must not engage in any area of the Reserved Practice except under the Direct Supervision of an individual who is legally entitled to independently practise in that area of the Reserved Practice, and that area of the Reserved Practice is of the type that may be provided under supervision pursuant to section 54(2) of the PGA [*Prohibitions regarding reserved practice*].
- (6) Pursuant to section 46(1) of the PGA [*Enrolment of trainees*], an Applicant for enrolment as a geoscientist-in training must provide the following to the Credentials Committee:
  - (a) a completed application for enrolment as a geoscientist-in-training;
  - (b) any applicable application, examination, interview or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee of the following:
    - (i) the Applicant's identity and legal name;
    - (ii) that the Applicant is of good character and good repute;
    - (iii) that the Applicant has
      - (A) graduated in applied science, geoscience, or science from an institute of learning approved by the Credentials Committee in a program approved by the Credentials Committee, or
      - (B) the equivalent of 4 years of full-time post-secondary education in applied science, engineering, geoscience, science, or technology, and has demonstrated equivalency to graduation from an institute of learning approved by the Credentials Committee in a program in applied science, geoscience, or science approved by the Credentials Committee, by passing the Credentials Committee assigned
      - (I) examinations or coursework, applicable to the discipline or area of practice in which the Applicant wishes to be examined, to address deficiencies in syllabus or knowledge requirements coverage as determined by the Credentials Committee, or

- (II) examinations, requiring special knowledge in branches of learning specified by the Credentials Committee, of an association or institute approved by the Credentials Committee.

## 5.6 Professional Engineer

- (1) The category of Registrant called “professional engineer” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Only a Registrant who is designated a professional engineer may hold themselves out to be a professional engineer and use the post-nominal “P.Eng.”.
- (3) A professional engineer may engage in the Reserved Practice.
- (4) Pursuant to section 47(1) of the PGA [*Admission and reinstatement of registrants*], an Applicant for registration as a professional engineer must provide the following to the Credentials Committee:
  - (a) a completed application for registration as a professional engineer;
  - (b) any applicable application, examination, interview, course, or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee of the following:
    - (i) the Applicant’s identity and legal name;
    - (ii) that the Applicant is of good character and good repute;
    - (iii) that the Applicant has obtained the necessary level of competency in English to engage in the Regulated Practice in British Columbia;
    - (iv) that the Applicant has completed the academic requirements pursuant to section 5.5.1(6)(c)(iii) of the Bylaws;
    - (v) that the Applicant has engineering experience that
      - (A) is sufficiently current to demonstrate competency with current practices,
      - (B) is supported by the Applicant’s academic subjects of study, continuing education, or examinations assigned by the Credentials Committee,
      - (C) is broad-based and at the level of complexity and responsibility that demonstrates that the Applicant
    - (I) has applied engineering principles at an appropriate level,

- (II) is ready to accept the full professional responsibility to engage in the Regulated Practice, and
  - (III) has reached the level of professional maturity needed to judge when the Applicant is out of the Applicant's area of professional competence,
- (D) is validated by
  - (I) a minimum of 4 Professional Registrants, or equivalent licensed engineering or geoscience practitioners from a Regulatory Authority, who
    - (1) practise in the same discipline of engineering as the Applicant or a related discipline, and
    - (2) have detailed knowledge of the work of the Applicant, or
  - (II) validators satisfactory to the Credentials Committee, where the Credentials Committee is satisfied that the Applicant cannot comply with the requirement in paragraph (c)(v)(D)(I),
- (E) is in conformance with general and discipline-specific experience guidelines published by the Credentials Committee,
- (F) demonstrates that the Applicant has achieved the key competencies established by the Council at the required level of competence established by the Council in a minimum of 4 years, and
- (G) demonstrates that the Applicant is competent to practise in British Columbia through achievement of Canadian environment competencies established by the Council at the required level of competence established by the Council, or by any alternative means established by the Council;
- (vi) that the Applicant has the requisite knowledge of the PGA, the Bylaws, the Code of Ethics, and professional practice issues, demonstrated by successful completion of
  - (A) a course in law and ethics approved by the Council, and
  - (B) an examination in professional practice approved by the Council.
- (5) Despite subsection (4)(c), the Credentials Committee may accept the following qualifications without further examination:
  - (a) the qualifications required by subsections (4)(c)(iii) to (4)(c)(vi) if the Applicant

- (i) holds registration or licensure as the equivalent of a professional engineer in good standing with a Regulatory Authority for engineering in another jurisdiction in Canada, and
- (ii) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia;
- (b) the qualifications required by subsections (4)(c)(iv) and (4)(c)(v) if the Applicant
  - (i) holds registration or licensure as the equivalent of a professional engineer in good standing with a Regulatory Authority in another country that is, in the opinion of the Council, equivalent to EGBC, and
  - (ii) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia.

#### 5.6.1 Designated Structural Engineer

- (1) The subcategory of Registrant called “designated structural engineer” is established as a subcategory of professional engineer pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Only a professional engineer who is a Professional Registrant and who is designated a designated structural engineer may hold themselves out to be a designated structural engineer and use the post-nominal “Struct.Eng.”.
- (3) Pursuant to section 42(2)(d) of the PGA [*Categories of registrants and bylaws for categories of registrants*], the Credentials Committee may designate a professional engineer as a designated structural engineer when the Credentials Committee is satisfied that the professional engineer demonstrates the requisite qualifications to be designated as a designated structural engineer.
- (4) Pursuant to section 42(2)(d) of the PGA [*Categories of registrants and bylaws for categories of registrants*], to be designated as a designated structural engineer, a professional engineer must provide the following:
  - (a) a completed application for designation as a designated structural engineer;
  - (b) any applicable application, examination, or other applicable fees specified in section 6.1(2) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee that the professional engineer
    - (i) is of good character and good repute,

- (ii) has at least 6 years of significant post-graduation structural engineering experience as specified by the Council, including 2 years in responsible charge of significant engineering work as specified by the Council, that includes seismic design of buildings or other Structures in significant seismic regions as specified by the Council,
  - (iii) has completed examination(s) in structural engineering knowledge, solutions, codes and practice, as specified by the Council, and
  - (iv) has demonstrated active practice and completion of continuing education, as specified by the Council.
- (5) To maintain accreditation as a designated structural engineer, a designated structural engineer must
  - (a) actively practise structural engineering for at least 750 hours each year and provide confirmation of such to EGBC by 11:59 PM (Pacific Time) on the last day of each Reporting Year,
  - (b) comply with all applicable continuing education requirements set out in section 7.6 of the Bylaws, and
  - (c) comply with any additional requirements to maintain accreditation as a designated structural engineer, as determined by the Council.

## 5.7 Professional Geoscientist

- (1) The category of Registrant called “professional geoscientist” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Only a Registrant who is designated a professional geoscientist may hold themselves out as a professional geoscientist and use the post-nominal “P.Geo.”.
- (3) A professional geoscientist may engage in the Reserved Practice.
- (4) Pursuant to section 47(1) of the PGA [*Admission and reinstatement of registrants*], an Applicant for registration as a professional geoscientist must provide the following to the Credentials Committee:
  - (a) a completed application for registration as a professional geoscientist;
  - (b) any applicable application, examination, interview, course, or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee of the following:
    - (i) of the Applicant’s identity and legal name;



- (ii) that the Applicant is of good character and good repute;
- (iii) that the Applicant has obtained the necessary level of competency in English to engage in the Regulated Practice in British Columbia;
- (iv) that the Applicant has completed the academic requirements pursuant to section 5.5.2 (6)(c)(iii) of the Bylaws;
- (v) that the Applicant has geoscience experience that
  - (A) is sufficiently current to demonstrate competency with current practices,
  - (B) is supported by the Applicant's academic subjects of study, continuing education or examinations assigned by the Credentials Committee,
  - (C) is broad-based and at the level of complexity and responsibility that demonstrates that the Applicant
    - (I) has applied geoscience principles at an appropriate level,
    - (II) is ready to accept the full professional responsibility to engage in the Regulated Practice, and
    - (III) has reached the level of professional maturity needed to judge when the Applicant is out of the Applicant's area of professional competence,
  - (D) is validated by
    - (I) a minimum of 4 Professional Registrants, or equivalent licensed engineering or geoscience practitioners from a Regulatory Authority, who
      - (1) practise in the same discipline of geoscience as the Applicant or a related discipline, and
      - (2) have detailed knowledge of the work of the Applicant, or
    - (II) validators satisfactory to the Credentials Committee, where the Credentials Committee is satisfied that the Applicant cannot comply with the requirement in paragraph (c)(v)(D)(I),
  - (E) is in conformance with general and discipline-specific experience guidelines published by the Credentials Committee,
  - (F) demonstrates that the Applicant has achieved the work experience competencies established by the Council in a minimum of 4 years, and

- (G) demonstrates that the Applicant is competent to practise in British Columbia through achievement of Canadian environment competencies established by the Council at the required level of competence established by the Council, or by any alternative means established by the Council;
- (vi) that the Applicant has the requisite knowledge of the PGA, the Bylaws, the Code of Ethics and professional practice issues, demonstrated by successful completion of
  - (1) a course in law and ethics approved by the Council, and
  - (2) an examination in professional practice approved by the Council.
- (5) Despite subsection (4)(c), the Credentials Committee may accept the following qualifications without further examination:
  - (a) the qualifications required by subsections (4)(c)(iii) to (4)(c)(vi) if the Applicant
    - (i) holds registration or licensure as the equivalent of a professional geoscientist in good standing with a Regulatory Authority for geoscience in another jurisdiction in Canada, and
    - (ii) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia;
  - (b) the qualifications required by subsections (4)(c)(iv) and (4)(c)(v) if the Applicant
    - (i) holds registration or licensure as the equivalent of a professional geoscientist in good standing with a Regulatory Authority in another country that is, in the opinion of the Council, equivalent to EGBC, and
    - (ii) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia.

## 5.8 Professional Licensee Engineering

- (1) The category of Registrant called “professional licensee engineering” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) On the coming into force of the PGA, individuals who held a limited licence to practise professional engineering pursuant to the EGA are continued as professional licensees engineering.

- (3) Only a Registrant who is designated as a professional licensee engineering may hold themselves out to be a professional licensee engineering and use the post-nominal “P.L.Eng.”.
- (3.1) A professional licensee engineering may only use a title containing the word “engineer”, or any form or abbreviation of the word “engineer”, if the designation “professional licensee engineering” or “P.L.Eng.” is used in close proximity to the title and given the same or higher degree of prominence.
- (4) A professional licensee engineering may only engage in the authorized area of the Reserved Practice that is specified on their licence.
- (5) Pursuant to section 47(1) of the PGA [*Admission and reinstatement of registrants*], an Applicant for registration as a professional licensee engineering must provide the following to the Credentials Committee:
  - (a) a completed application for registration as a professional licensee engineering;
  - (b) any applicable application, examination, interview, course, or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) a proposed authorized area of practice;
  - (d) evidence satisfactory to the Credentials Committee of the following:
    - (i) the Applicant’s identity and legal name;
    - (ii) that the Applicant is of good character and good repute;
    - (iii) that the Applicant has obtained the necessary level of competency in English to engage in the Regulated Practice in British Columbia;
    - (iv) that the Applicant understands the role and obligations of a professional licensee engineering;
    - (v) that the Applicant undertakes to practise within the authorized area of practice approved by the Credentials Committee and in accordance with other requirements related to practice that may be specified by the Credentials Committee;
    - (vi) that the Applicant has a science degree in a discipline and from a university program approved by the Council, a degree or diploma in engineering technology from an institution approved by the Council in a program approved by the Council, or other academic qualifications acceptable to the Council;
    - (vii) that the Applicant has completed any examinations assigned by the Credentials Committee;

- (viii) that the Applicant has a minimum of 8 years of experience in engineering that
  - (A) includes up to 4 of the years spent by the Applicant in obtaining the academic qualifications referred to in paragraph (d)(vi),
  - (B) concludes with at least 2 years of experience within the proposed authorized area of practice to which the licence is to apply,
  - (C) is sufficiently current to demonstrate competency with current practices,
  - (D) is supported by the Applicant's academic subjects of study, continuing education or examinations assigned by the Credentials Committee,
  - (E) is at the level of complexity and responsibility that demonstrates that the Applicant
    - (I) has applied engineering principles at an appropriate level,
    - (II) is ready to accept the full professional responsibility to engage in the Applicant's proposed authorized area of practice, and
    - (III) has reached the level of professional maturity needed to judge when the Applicant is out of the Applicant's area of professional competence,
  - (F) is validated by
    - (I) a minimum of 4 Professional Registrants, or equivalent licensed engineering or geoscience practitioners from a Regulatory Authority, who
      - (1) practise in the same discipline of engineering as the Applicant or a related discipline, and
      - (2) have detailed knowledge of the work of the Applicant, or
    - (II) validators satisfactory to the Credentials Committee, where the Credentials Committee is satisfied that the Applicant cannot comply with the requirement in paragraph (d)(viii)(F)(I),
  - (G) is in conformance with general and discipline-specific experience guidelines published by the Credentials Committee,
  - (H) demonstrates that, within the proposed authorized area of practice, the Applicant has achieved the key competencies established by the Council at the required level of competence established by the Council in a minimum of 4 years, and

- (l) demonstrates that the Applicant is competent to practise in British Columbia within the proposed authorized area of practice through achievement of Canadian environment competencies established by the Council at the required level of competence established by the Council, or by any alternative means established by the Council;
- (ix) that the Applicant has the requisite knowledge of the PGA, the Bylaws, the Code of Ethics and professional practice issues, demonstrated by successful completion of
  - (A) a course in law and ethics approved by the Council, and
  - (B) an examination in professional practice approved by the Council.
- (6) Despite subsection (5)(d), the Credentials Committee may accept the qualifications required by subsections (5)(d)(vi) to (5)(d)(ix) without further examination if the Applicant
  - (a) holds registration or licensure as the equivalent of a professional licensee engineering in good standing with a Regulatory Authority for engineering in another jurisdiction in Canada, and
  - (b) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia.

## 5.9 Professional Licensee Geoscience

- (1) The category of Registrant called “professional licensee geoscience” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) On the coming into force of the PGA, individuals who held a limited licence to practise professional geoscience pursuant to the EGA are continued as professional licensees geoscience.
- (3) Only a Registrant who is designated as a professional licensee geoscience may hold themselves out to be a professional licensee geoscience and use the post-nominal “P.L.Geo.”.
- (3.1) A professional licensee geoscience may only use a title containing the word “geologist”, “geophysicist”, “geochemist”, or “geoscientist”, or any form or abbreviation thereof, if the designation “professional licensee geoscience” or “P.L.Geo.” is used in close proximity to the title and given the same or higher degree of prominence.
- (4) A professional licensee geoscience may only engage in the authorized area of the Reserved Practice that is specified on their licence.

- (5) Pursuant to section 47(1) of the PGA [*Admission and reinstatement of registrants*], an Applicant for registration as a professional licensee geoscience must provide the following to the Credentials Committee:
- (a) a completed application for registration as a professional licensee geoscience;
  - (b) any applicable application, examination, interview, course, or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) a proposed authorized area of practice;
  - (d) evidence satisfactory to the Credentials Committee of the following:
    - (i) the Applicant's identity and legal name;
    - (ii) that the Applicant is of good character and good repute;
    - (iii) that the Applicant has obtained the necessary level of competency in English to engage in the Regulated Practice in British Columbia;
    - (iv) that the Applicant understands the role and obligations of a professional licensee geoscience;
    - (v) that the Applicant undertakes to practise within the authorized area of practice approved by the Credentials Committee and in accordance with other requirements related to practice that may be specified by the Credentials Committee;
    - (vi) that the Applicant has a science degree in a discipline and from a university program approved by the Council, a degree or diploma in geoscience technology from an institution approved by the Council in a program approved by the Council, or other academic qualifications acceptable to the Council;
    - (vii) that the Applicant has completed any examinations assigned by the Credentials Committee;
    - (viii) that the Applicant has a minimum of 8 years of experience in geoscience that
      - (A) includes up to 4 of the years spent by the Applicant in obtaining the academic qualifications referred to in paragraph (d)(vi),
      - (B) concludes with at least 2 years of experience within the proposed authorized area of practice to which the licence is to apply,
      - (C) is sufficiently current to demonstrate competency with current practices,
      - (D) is supported by the Applicant's academic subjects of study, continuing education or examinations assigned by the Credentials Committee,

- (E) is at the level of complexity and responsibility that demonstrates that the Applicant
  - (I) has applied geoscience principles at an appropriate level,
  - (II) is ready to accept the full professional responsibility to engage in the proposed authorized area of practice, and
  - (III) has reached the level of professional maturity needed to judge when the Applicant is out of the Applicant's area of professional competence,
- (F) is validated by
  - (I) a minimum of 4 Professional Registrants, or equivalent licensed engineering or geoscience practitioners from a Regulatory Authority, who
    - (1) practise in the same discipline of geoscience as the Applicant or a related discipline, and
    - (2) have detailed knowledge of the work of the Applicant, or
  - (II) validators satisfactory to the Credentials Committee, where the Credentials Committee is satisfied that the Applicant cannot comply with the requirement in paragraph (d)(viii)(F)(I),
- (G) is in conformance with general and discipline-specific experience guidelines published by the Credential Committee,
- (H) demonstrates that, within the proposed authorized area of practice, the Applicant has achieved the key competencies established by the Council at the required level of competence established by the Council in a minimum of 4 years, and
- (I) demonstrates that the Applicant is competent to practise in British Columbia within the proposed authorized area of practice through achievement of Canadian environment competencies established by the Council at the required level of competence established by the Council, or by any alternative means established by the Council;
- (ix) that the Applicant has the requisite knowledge of the PGA, the Bylaws, the Code of Ethics and professional practice issues, demonstrated by successful completion of
  - (A) a course in law and ethics approved by the Council, and

(B) an examination in professional practice approved by the Council.

- (6) Despite subsection (5)(d), the Credentials Committee may accept the qualifications required by subsections (5)(d)(vi) to (5)(d)(ix) without further examination if the Applicant
- (a) holds registration or licensure as the equivalent of a professional licensee geoscience in good standing with a Regulatory Authority for geoscience in another jurisdiction in Canada, and
  - (b) is not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia.

#### **5.10 Life Member Prior to 1998**

- (1) The category of Registrant called “life member prior to 1998” is established only for life members whose status had vested pursuant to the prior EGBC bylaws before December 31, 1997 pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) No individuals other than those described in subsection (1) may be granted registration in the category of Registrant called “life member prior to 1998”.
- (3) A life member whose status had vested pursuant to the prior EGBC bylaws before December 31, 1997 retains the rights and privileges of the category of professional engineer established pursuant to section 5.6 of the Bylaws without payment of the annual fee.
- (4) A life member whose status had vested pursuant to the prior EGBC bylaws before December 31, 1997 has the obligations of a Professional Registrant pursuant to the PGA and the Bylaws, including applicable continuing education requirements.

#### **5.11 Honorary Life Member**

- (1) The category of Registrant called “honorary life member” is established only for honorary life members whose status had vested pursuant to the prior EGBC bylaw 10(c.2) [*Honorary Life Membership or Licensure*] pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) No individuals other than those described in subsection (1) may be granted registration in the category of Registrant called “honorary life member”.
- (3) An honorary life member whose status had vested pursuant to the prior bylaw 10(c.2) [*Honorary Life Membership or Licensure*] retains the rights and privileges of the category of professional engineer established pursuant to section 5.6 of the Bylaws, or professional geoscientist established pursuant to section 5.7 of the Bylaws, as applicable, without payment of the annual fee.



- (4) An honorary life member whose status had vested pursuant to the prior bylaw 10(c.2) [*Honorary Life Membership or Licensure*] has the obligations of a Professional Registrant pursuant to the PGA and the Bylaws, including applicable continuing education requirements.

## 5.12 Registrant Firm

- (1) The category of Registrant called “Registrant Firm” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) A Registrant Firm may carry out the Reserved Practice and may have appropriately qualified individuals employed by or under contract with the Registrant Firm carry out the Reserved Practice on its behalf.
- (3) A Registrant Firm must not serve as a member of Council or any Committee.
- (4) Pursuant to section 47(1) of the PGA [*Admission and reinstatement of registrants*], an Applicant for registration as a Registrant Firm must provide the following to the Audit and Practice Review Committee:
  - (a) the names of
    - (i) the Applicant’s Responsible Officer,
    - (ii) the Applicant’s Responsible Registrant(s), and
    - (iii) all individual Registrants employed by or under contract with the Applicant;
  - (b) the number of individuals employed by or under contract with the Registrant Firm who are registrants of each regulatory body under the PGA other than EGBC;
  - (c) a completed declaration by each of the Applicant’s Responsible Registrant(s), in the form set out in Schedule D;
  - (d) a completed declaration by the Applicant’s Responsible Officer, in the form set out in Schedule E;
  - (e) all names, both registered and unregistered, under which the Applicant does or has done business over the past 10 years within Canada;
  - (f) the Applicant’s industry or industries of practice and area(s) of practice;
  - (g) if the Applicant is a corporation:
    - (i) the Applicant’s incorporation number;
    - (ii) the date of the Applicant’s incorporation;

- (iii) a copy of the Applicant's certificate of incorporation, certificate of amalgamation, certificate of continuation, or equivalent, from the home jurisdiction of the Applicant;
    - (iv) any certificate of name change or certificate of restoration, if applicable;
    - (v) a copy of the Applicant's shareholder register, unless the Applicant is a publicly traded corporation, in which case the Applicant is exempt from this paragraph;
    - (vi) a copy of the Applicant's register of directors and officers;
  - (h) if the Applicant is a partnership:
    - (i) the Applicant's registered business name, if applicable;
    - (ii) a copy of the register of partners;
  - (i) if the Applicant is a sole proprietorship:
    - (i) the Applicant's registered business name, if applicable;
    - (ii) the name of the owner of the sole proprietorship;
  - (j) a statement confirming whether EGBC or a Different Governing Body has ever cancelled, suspended, or restricted the ability to engage in the Regulated Practice of the Applicant or another person with a direct or indirect ownership interest in the Applicant as the result of a disciplinary process;
  - (k) the addresses of all of the Applicant's offices in British Columbia, or, if the Applicant does not have any offices in British Columbia, all of the business location(s) in British Columbia where Professional Registrants will be engaged in the Regulated Practice on behalf of the Applicant;
  - (l) any applicable application fees and annual fees specified in sections 6.1(1), 6.4(2), 6.4(5), and Schedule C of the Bylaws, and any outstanding amounts owing to EGBC;
  - (m) any additional information or documentation
    - (i) regarding indirect ownership of the Applicant, or
    - (ii) that may otherwise be requested by the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee.
- (5) A Registrant Firm must designate at least one individual as a Responsible Registrant for each area of practice engaged in by the Registrant Firm.

- (6) A Responsible Registrant may be designated for more than one area of practice at a Registrant Firm.
- (7) An individual designated as a Responsible Registrant of a Registrant Firm pursuant to subsection (5) must be a Professional Registrant who is employed by or under contract with the Registrant Firm and who has the ability to engage in the Reserved Practice.
- (8) An individual designated as a Responsible Registrant of a Registrant Firm pursuant to subsection (5) must submit a completed declaration to EGBC in the form set out at Schedule D.
- (9) A Responsible Registrant must ensure that, within the areas of practice to which the Responsible Registrant is designated pursuant to subsection (5), the Registrant Firm meets all of the requirements set out in the Bylaws, including ethical, quality management, and continuing education requirements.
- (10) If all Responsible Registrants designated for an area of practice at a Registrant Firm cease to meet any of the criteria set out in subsections (7) and (8), the Registrant Firm must immediately designate at least one new Responsible Registrant for that area of practice.
- (11) If a Registrant Firm fails to comply with subsections (5) or (10), the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee must place a condition on the Registrant Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice until such time as the Registrant Firm has complied with subsections (5) or (10).
- (12) An individual may act as a Responsible Registrant for more than one Registrant Firm.
- (13) A Registrant Firm must designate one individual as the Responsible Officer of the Registrant Firm, who may also be a Responsible Registrant.
- (14) An individual designated as the Responsible Officer of a Registrant Firm pursuant to subsection (13) must be an individual who is employed by or under contract with the Registrant Firm.
- (15) If an individual designated as the Responsible Officer by a Registrant Firm pursuant to subsection (13) is also a Registrant, the individual must be a Registrant In Good Standing who is employed by or under contract with the Registrant Firm.
- (16) An individual designated as the Responsible Officer of a Registrant Firm pursuant to subsection (13) must submit a completed declaration to EGBC in the form set out at Schedule E.
- (17) A Responsible Officer must be an Individual With Authority at the Registrant Firm.

- (18) A Responsible Officer must ensure that the Registrant Firm meets its obligations pursuant to the PGA and the Bylaws.
- (19) If the Responsible Officer of a Registrant Firm ceases to meet any of the criteria set out in subsections (14), (15), (16), or (17), the Registrant Firm must immediately designate a new Responsible Officer.
- (20) If a Registrant Firm fails to comply with subsections (13) or (19), the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee must place a condition on the Registrant Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice until such time as the Registrant Firm has complied with subsections (13) or (19).
- (21) Any oral submissions made on behalf of a Registrant Firm pursuant to the Bylaws may be made by an Individual With Authority at the Registrant Firm.

#### **5.12.1 Public Sector Firm**

- (1) The subcategory of Registrant called "Public Sector Firm" is established under the category of Registrant Firm pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Pursuant to section 42(2)(d) of the PGA [*Categories of registrants and bylaws for categories of registrants*], the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may designate a Registrant Firm as a Public Sector Firm where the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee is satisfied that
  - (a) the Registrant Firm is a Government Registrant, or
  - (b) the Registrant Firm is a local public body as defined in schedule 1 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.
- (3) If a decision is made pursuant to the PGA or the Bylaws to suspend or cancel the registration and Permit to Practice of a Public Sector Firm, or to put a condition on a Public Sector Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice, then
  - (a) EGBC must notify the Superintendent of Professional Governance of the decision,
  - (b) any suspension, cancellation, or condition on a Public Sector Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice must take effect no earlier than 10 days after the notice pursuant to paragraph (a) has been provided, and
  - (c) publication of the decision must be delayed until the earlier of
    - (i) 10 days after the notice pursuant to paragraph (a) has been provided, or

- (ii) the date on which a decision of the Lieutenant Governor in Council with respect to exercising the power at section 83 of the PGA becomes known to the public.
- (4) The Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may change the subcategory of a Registrant Firm from Public Sector Firm to Private Sector Firm if the Registrant Firm no longer meets the criteria set out in subsection (2).

#### **5.12.2 Private Sector Firm**

- (1) The subcategory of Registrant called “Private Sector Firm” is established under the category of Registrant Firm pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Pursuant to section 42(2)(d) of the PGA [*Categories of registrants and bylaws for categories of registrants*], any Registrant Firm that the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee has not designated as Public Sector Firm must be designated as a Private Sector Firm.
- (3) The Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may change the subcategory of a Registrant Firm from Private Sector Firm to Public Sector Firm if the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee determines that the Registrant Firm meets the criteria set out in section 5.12.1(2) of the Bylaws.

#### **5.13 Non-Practising Individual Registrant**

- (1) The category of Registrant called “non-practising individual Registrant” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Any Professional Registrant In Good Standing may apply to the Registrar to change their category of registration to non-practising.
- (3) A non-practising individual Registrant must not engage in the Reserved Practice.
- (4) A non-practising individual Registrant must annually commit to the Council not to engage in the Reserved Practice until released from the commitment by the Council in writing.
- (5) A non-practising individual Registrant must only use the following professional designation(s), as applicable:

##### ***Engineers***

- (a) Professional Engineer (Non-Practising);

- (b) P.Eng. (Non-Practising);
- (c) Professional Engineer (Retired);
- (d) P.Eng. (Retired);

***Geoscientists***

- (e) Professional Geoscientist (Non-Practising);
- (f) P.Geo. (Non-Practising);
- (g) Professional Geoscientist (Retired);
- (h) P.Geo. (Retired);

***Licensees***

- (i) Professional Licensee Engineering (Non-Practising);
  - (j) P.L.Eng. (Non-Practising);
  - (k) Professional Licensee Engineering (Retired);
  - (l) P.L.Eng. (Retired);
  - (m) Professional Licensee Geoscience (Non-Practising);
  - (n) P.L.Geo. (Non-Practising);
  - (o) Professional Licensee Geoscience (Retired);
  - (p) P.L.Geo. (Retired).
- (6) A non-practising individual Registrant who applies to reinstate status as a Professional Registrant must
- (a) pay the applicable fees as set out in section 6.1(1) and Schedule C of the Bylaws, and
  - (b) demonstrate compliance with the requirements for reinstatement of status as a Professional Registrant set out in section 5.23 of the Bylaws.

#### 5.14 Non-Practising Registrant Firm

- (1) The category of Registrant called “non-practising Registrant Firm” is established pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) Any Registrant Firm In Good Standing may apply to the Audit and Practice Review Committee to change its category of registration to non-practising.
- (3) A non-practising Registrant Firm must not engage in the Reserved Practice and must not authorize any individual Registrant to engage in the Reserved Practice on behalf of the non-practising Registrant Firm.
- (4) A non-practising Registrant Firm must annually commit to the Council not to engage in the Reserved Practice until released from the commitment by the Council in writing.
- (5) A non-practising Registrant Firm must not advertise or hold itself out as providing any services related to or requiring the application of the Reserved Practice.
- (6) A non-practising Registrant Firm must
  - (a) clearly and visibly include the designation “non-practising” after the Registrant Firm’s name or Permit to Practice Number wherever it is used in any way related to the Regulated Practice, and
  - (b) expressly advise of the Registrant Firm’s non-practising status in any oral communications on behalf of the Registrant Firm that are in any way related to the Regulated Practice.
- (7) A non-practising Registrant Firm must continue to meet all requirements set out in the PGA, regulations, and the Bylaws, except where expressly exempted from such requirements, and nothing in this section postpones or defers the deadlines or requirements set out in the PGA, regulations, and Bylaws.
- (8) A non-practising Registrant Firm that applies for reinstatement of status as a Registrant Firm must demonstrate compliance with the requirements for reinstatement of status as a Registrant Firm set out in section 5.24 of the Bylaws.
- (9) If a non-practising Registrant Firm does not have its status as a Registrant Firm reinstated within 2 years of the date on which the Registrant Firm’s status was changed to non-practising, the non-practising Registrant Firm’s registration and Permit to Practice must be cancelled.

#### 5.15 Life Member or Life Limited Licensee

- (1) The category of Registrant called “life member or life limited licensee” is established only for:

- (a) life members or life limited licensees whose status had vested pursuant to the prior bylaw 10(c.1) [*Life Membership or Licensure*], pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
  - (b) Registrants previously in the registration categories of “life member prior to 1998” or “honorary life member” who elect to change their registration category to life member or life limited licensee.
- (2) No individuals other than those described in subsection (1) may be granted registration in the category of Registrant called “life member or life limited licensee”.
  - (3) A life member or life limited licensee retains voting privileges without payment of the annual fee but does not have the right to engage in the Reserved Practice.
  - (4) A life member or life limited licensee must not engage in the Reserved Practice.
  - (5) A life member or life limited licensee must annually commit to the Council not to engage in the Reserved Practice until released from the commitment by the Council in writing.
  - (6) A life member or life limited licensee must only use the following professional designation(s), as applicable:

***Engineers***

- (a) Professional Engineer (Non-Practising);
- (b) P.Eng. (Non-Practising);
- (c) Professional Engineer (Retired);
- (d) P.Eng. (Retired);

***Geoscientists***

- (e) Professional Geoscientist (Non-Practising);
- (f) P.Geo. (Non-Practising);
- (g) Professional Geoscientist (Retired);
- (h) P.Geo. (Retired);

***Licensees***

- (i) Professional Licensee Engineering (Non-Practising);
- (j) P.L.Eng. (Non-Practising);



- (k) Professional Licensee Engineering (Retired);
  - (l) P.L.Eng. (Retired);
  - (m) Professional Licensee Geoscience (Non-Practising);
  - (n) P.L.Geo. (Non-Practising);
  - (o) Professional Licensee Geoscience (Retired);
  - (p) P.L.Geo. (Retired).
- (7) A Registrant whose life status vested pursuant to the prior EGBC bylaw 10(c.1) [*Life Membership or Licensure*] who applies to reinstate status as a Professional Registrant must
- (a) pay the applicable fees as set out in section 6.1(1) and Schedule C of the Bylaws, and
  - (b) demonstrate compliance with the requirements for reinstatement of status as a Professional Registrant set out in section 5.23 of the Bylaws.

#### **5.16 Honorary Member**

- (1) The category of Registrant called “honorary member” is established only for honorary members whose status had vested pursuant to the prior EGBC bylaw 10(d) [*Honorary Membership*], pursuant to section 42(2) of the PGA [*Categories of registrants and bylaws for categories of registrants*].
- (2) No individuals other than those described in subsection (1) may be granted registration in the category of Registrant called “honorary member”.
- (3) An honorary member whose status had vested pursuant to the prior EGBC bylaw 10(d) [*Honorary Membership*] retains honorary status with EGBC without the payment of fees.
- (4) Honorary status is a ceremonial designation and does not on its own accord confer any rights or responsibilities under the PGA or the Bylaws.
- (5) An honorary member’s status continues at the pleasure of the Council and may be revoked at the Council’s discretion without prior notice to the honorary member.

#### **5.17 Registration and Exemptions from Registration as a Registrant Firm**

- (1) Subject to the PGA, associated regulations, and subsection (3), every Firm that engages in the Regulated Practice and is owned by or employs at least one Professional Registrant must register as a Registrant Firm and obtain a Permit to Practice from EGBC.

- (2) If the Audit and Practice Review Committee learns that a Firm is registered as a Registrant Firm, but does not, or at the time of registration did not, engage in the Regulated Practice or meet any one of the other requirements for registration pursuant to section 5.12, the Audit and Practice Review Committee must cause a condition to be placed on the Registrant Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice until the necessary requirements are met.
- (3) A Firm may apply in writing to the Audit and Practice Review Committee for an exemption from the requirement to register as a Registrant Firm and obtain a Permit to Practice from EGBC if any of the following apply:
  - (a) EGBC has an agreement in place with another regulatory body that exempts the Firm from registration with EGBC;
  - (b) the Firm is solely conducting research or providing education.
- (4) An application for an exemption submitted by a Firm pursuant to subsection (3) must include:
  - (a) a clear indication of how the Firm qualifies for an exemption;
  - (b) any evidence that supports the Firm's application for an exemption; and
  - (c) a declaration confirming that if the Firm no longer qualifies for the exemption, the Firm will submit an application for registration pursuant to the Bylaws.

#### **5.18 Decisions Regarding Applications for Enrolment, Admission, and Reinstatement**

- (1) On receiving an application for enrolment, admission, or reinstatement of status in any of the categories of individual Registrants pursuant to sections 5.5 to 5.11 of the Bylaws,
  - (a) the Credentials Committee may
    - (i) grant the application,
    - (ii) grant the application subject to conditions or limitations on the registration, or
    - (iii) reject the application, with written reasons,
  - (b) the Registrar, after a credentials hearing on good character and good repute held pursuant to section 5.19 of the Bylaws, may
    - (i) grant the application,
    - (ii) grant the application subject to conditions or limitations on the registration, or
    - (iii) reject the application, with written reasons, or

- (c) an officer appointed by the Credentials Committee, in the case of a Non-Contentious Decision, may grant the application.
- (2) On receiving an application for admission or reinstatement of status as a Registrant Firm pursuant to sections 5.12 or 5.24 of the Bylaws, the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may
  - (a) grant the application,
  - (b) grant the application subject to conditions or limitations on the registration, or
  - (c) reject the application, with written reasons.

#### **5.19 Credentials Hearing on Good Character and Good Repute of an Individual Applicant**

- (1) The Credentials Committee may order a credentials hearing be conducted by the Registrar before the Registrar makes a decision pursuant to section 5.18(1)(b) of the Bylaws if the Credentials Committee determines that there is a serious concern that an individual Applicant does not meet the requirement to be of good character and good repute.
- (2) A credentials hearing must be conducted in accordance with the procedure set out in Schedule B of the Bylaws, unless otherwise directed by the Registrar.
- (3) If a decision is posted publicly following a credentials hearing held pursuant to subsection (2), the Registrar may anonymize or redact any identifying, personal or sensitive information of
  - (a) a person other than the Applicant/Respondent, if the Registrar determines the disclosure of such information is not necessary to satisfy the public interest, or
  - (b) the Applicant/Respondent if the Applicant/Respondent suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs the Applicant's/Respondent's ability to practise.

#### **5.20 Rejection of Application on the Basis of an Indictable Offence**

- (1) If the Credentials Committee is satisfied that an individual Applicant has been convicted of an indictable offence, the Credentials Committee may summarily reject the application pursuant to section 66(2)(a)(ii) of the PGA [*Investigations*].
- (2) If the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee is satisfied that an Applicant for registration as a Registrant Firm has been convicted of an indictable offence, the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may summarily reject the application pursuant to section 66(2)(a)(ii) of the PGA [*Investigations*].

- (3) Before proceeding pursuant to subsections (1) or (2), the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable, must be satisfied that the nature of the indictable offence or the circumstances under which the offence was committed give rise to concerns that the Applicant has displayed
  - (a) Professional Misconduct,
  - (b) Conduct Unbecoming a Registrant, or
  - (c) Incompetent performance of duties undertaken while engaged in the Regulated Practice.
- (4) Before proceeding pursuant to subsections (1) or (2), the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable, must provide written notice to the Applicant that
  - (a) action may be undertaken pursuant to section 66(2)(a)(ii) of the PGA [*Investigations*], and
  - (b) the Applicant may, by a specified date, make written submissions to the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable.
- (5) The Credentials Committee may order a credentials hearing by the Registrar for an individual Applicant, in the place of or in addition to the written submissions referred to in subsection (4)(b).
- (6) If an Applicant is an Applicant for registration as a Registrant Firm, the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may order that oral submissions be made in place of or in addition to the written submissions referred to in subsection (4)(b), which are to be made in accordance with the procedures set out in Schedule B of the Bylaws unless otherwise directed by the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee.
- (7) Despite subsections (4), (5), and (6), if the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable, considers it necessary to protect the public interest, the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable, may proceed pursuant to subsections (1) or (2) without
  - (a) providing notice to the Applicant,

- (b) providing the Applicant with an opportunity to make written submissions to the Credentials Committee, the Audit and Practice Review Committee, or an officer appointed by the Audit and Practice Review Committee, as applicable, or
  - (c) in the case of an individual Applicant, providing the Applicant with the opportunity to have a credentials hearing by the Registrar.
- (8) The Credentials Committee or the Audit and Practice Review Committee, as applicable, may approve policies and procedures for summarily rejecting the application of an Applicant pursuant to this section of the Bylaws.
- (9) Any policies and procedures for summarily rejecting the application of an Applicant that are approved by the Credentials Committee or the Audit and Practice Review Committee pursuant to subsection (8) must be published on a public website maintained by EGBC.

#### **5.21 Reconsideration of a Decision of the Credentials Committee**

- (1) Within 30 days of receipt of a decision of the Credentials Committee made pursuant to section 5.18(1)(a) of the Bylaws, an individual Applicant may apply in writing to the Credentials Committee for a reconsideration.
- (2) An application for a reconsideration submitted by an individual Applicant pursuant to subsection (1) must include all of the following:
- (a) a clear indication of the decision of the Credentials Committee;
  - (b) the position of the Applicant suggesting the decision of the Credentials Committee was flawed;
  - (c) any evidence that was not previously before the Credentials Committee that the Applicant wants to be considered; and
  - (d) the relief sought by the Applicant.
- (3) An application for a reconsideration submitted by an individual Applicant pursuant to subsection (1) must be accompanied by all applicable reconsideration fees as set out in section 6.3(1) and Schedule C of the Bylaws.
- (4) After considering an application for a reconsideration, the Credentials Committee must, with written reasons,
- (a) confirm the original decision of the Credentials Committee, or
  - (b) substitute the original decision of the Credentials Committee.
- (5) The Credentials Committee may approve policies and procedures for the conduct of reconsiderations pursuant to this section of the Bylaws.

- (6) Any policies and procedures for the conduct of reconsiderations that are approved by the Credentials Committee pursuant to subsection (5) must be published on a public website maintained by EGBC.
- (7) No Applicant for registration as a Registrant Firm may apply for a reconsideration pursuant to this section of the Bylaws.

## **5.22 Review on the Record**

- (1) Within 30 days of receipt of a decision of the Credentials Committee made pursuant to sections 5.18(1)(a) or 5.21(4) of the Bylaws, or a decision of the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee made pursuant to section 5.18(2) of the Bylaws, an Applicant may apply in writing to the Registrar for a review on the record.
- (2) An application for a review on the record submitted by an Applicant pursuant to subsection (1) must set out all of the following:
  - (a) a clear indication of the decision(s) of the Credentials Committee, Audit and Practice Review Committee or officer appointed by the Audit and Practice Review Committee;
  - (b) the position of the Applicant suggesting the decision of the Credentials Committee, Audit and Practice Review Committee, or officer appointed by the Audit and Practice Review Committee was flawed; and
  - (c) the relief sought by the Applicant.
- (3) An application for a review on the record submitted by an Applicant pursuant to subsection (1) must be accompanied by all applicable review on the record fees as set out in section 6.3(2) and Schedule C of the Bylaws.
- (4) A review on the record must be conducted in writing unless otherwise directed by the Registrar.
- (5) The Registrar may only consider evidence that was not previously before the Credentials Committee, the Audit and Practice Review Committee, or officer appointed by the Audit and Practice Review Committee if the Registrar determines that all of the following special circumstances exist which make it necessary to consider evidence that was not previously before the Credentials Committee, the Audit and Practice Review Committee, or officer appointed by the Audit and Practice Review Committee:
  - (a) the evidence is such that the applicant, through the exercise of reasonable due diligence, could not have discovered and submitted it before the decision was made by the Credentials Committee, the Audit and Practice Review Committee, or the officer appointed by the Audit and Practice Review Committee;

- (b) the evidence is relevant in the sense that it bears upon a decisive or potentially decisive issue in the matter;
  - (c) the evidence is credible in the sense that it is reasonably capable of belief;
  - (d) the evidence is such that, if believed, it could reasonably, when taken with the other evidence that was before the Credentials Committee, the Audit and Practice Review Committee, or officer appointed by the Audit and Practice Review Committee, be expected to have affected the decision of the Credentials Committee, the Audit and Practice Review Committee, or officer appointed by the Audit and Practice Review Committee.
- (6) To request that the Registrar consider evidence that was not before the Credentials Committee, the Audit and Practice Review Committee, or the officer appointed by the Audit and Practice Review Committee the Applicant must, in the application for a review on the record,
- (a) specify what evidence the Applicant wants to be considered, and
  - (b) set out how the criteria set out in subsections (5)(a) to (d) are met.
- (7) Following a review on the record, the Registrar must, with written reasons,
- (a) confirm the decision of the Credentials Committee, the Audit and Practice Review Committee, or the officer appointed by the Audit and Practice Review Committee, or
  - (b) substitute the decision of the Credentials Committee, the Audit and Practice Review Committee, or the officer appointed by the Audit and Practice Review Committee, including any conditions or limitations on the registration of the Applicant.
- (8) The Council may approve policies and procedures for the conduct of reviews on the record pursuant to this section of the Bylaws.
- (9) Any policies and procedures for the conduct of reviews on the record approved by the Council pursuant to subsection (8) must be published on a public website maintained by EGBC.

### **5.23 Reinstatement of Status as a Practising Professional Registrant**

- (1) An Applicant for reinstatement of status as a practising Professional Registrant must provide the following to the Credentials Committee:
- (a) an application for reinstatement of status as a practising Professional Registrant;
  - (b) any applicable application, examination, interview, course or other applicable fees specified in section 6.1(1) and Schedule C of the Bylaws, and any outstanding amounts owing to EGBC;



- (c) evidence satisfactory to the Credentials Committee
  - (i) of Applicant's identity and legal name, if not previously submitted,
  - (ii) that the Applicant is of good character and good repute, including a declaration that the Applicant is of good character and repute, and
  - (iii) that the Applicant has provided the information required by sections 5.29(1) and 5.30(1) of the Bylaws.
- (2) In addition to the requirements set out in subsection (1), an Applicant for reinstatement of status as a practising Professional Registrant must provide proof that the Applicant has complied with all applicable continuing education program requirements for practising Professional Registrants as set out in section 7.6 of the Bylaws if
  - (a) the Applicant's registration as a Professional Registrant has lapsed or been cancelled, or the Registrant has been a non-practising individual Registrant, for 6 months or less, or
  - (b) the Applicant is
    - (i) in good standing and has the right to practise with a Regulatory Authority, and
    - (ii) not subject to any practice limitations, restrictions, or conditions in the jurisdiction of the Regulatory Authority that are relevant to practice in British Columbia.
- (3) In addition to the requirements set out in subsection (1), an Applicant for reinstatement of status as a practising Professional Registrant must provide the following to the Credentials Committee, if the Applicant's registration as a practising Professional Registrant has lapsed or been cancelled, or the Registrant has been a non-practising individual Registrant, for between 6 months to 18 months:
  - (a) a letter of explanation as to why the Applicant wishes to reinstate status as a practising Professional Registrant;
  - (b) a declaration that the Applicant has read and is familiar with applicable standards, policies, plans, and practices established by the government or by EGBC, including applicable professional practice guidelines and advisories that are relevant to the intended practice of the Applicant;
  - (c) proof that the Applicant has complied with all applicable continuing education program requirements for Professional Registrants as set out in section 7.6 of the Bylaws.
- (4) In addition to the requirements pursuant to subsection (1), an Applicant for reinstatement of status as a practising Professional Registrant must provide the following to the Credentials Committee if the Applicant's registration as a Professional Registrant has



lapsed or been cancelled, or the Registrant has been a non-practising individual Registrant, for between 18 months to 3 years:

- (a) a letter of explanation as to why the Applicant wishes to reinstate status as a practising Professional Registrant;
  - (b) a declaration that the Applicant has read and is familiar with applicable standards, policies, plans, and practices established by the government or by EGBC, including applicable professional practice guidelines and advisories that are relevant to the intended practice of the Applicant;
  - (c) a letter of explanation as to how the Applicant has maintained practice competency, including through the completion of continuing education;
  - (d) professional references, in number satisfactory to the Credentials Committee and who are able to attest to the Applicant's good character, good repute, and practice competency;
  - (e) a current professional record of the Applicant's work experience;
  - (f) evidence of completion of the Professional Engineering and Geoscience Practice in BC Online Seminar, or a seminar that is deemed equivalent by the Credentials Committee;
  - (g) at the discretion of the Credentials Committee, evidence of completion of continuing education on such terms as set by the Credentials Committee.
- (5) In addition to the requirements set out in subsection (1), an Applicant for reinstatement of status as a practising Professional Registrant must provide the following to the Credentials Committee, if the Applicant's registration as a practising Professional Registrant has lapsed or been cancelled, or the Registrant has been a non-practising individual Registrant, for more than 3 years:
- (a) a letter of explanation as to why the Applicant wishes to reinstate status as a practising Professional Registrant;
  - (b) a declaration that the Applicant has read and is familiar with applicable standards, policies, plans, and practices established by the government or by EGBC, including applicable professional practice guidelines and advisories that are relevant to the intended practice of the Applicant;
  - (c) a letter of explanation as to how the Applicant has maintained practice competency, including through the completion of continuing education;
  - (d) professional references, in number satisfactory to the Credentials Committee and whose professional relationship with the Applicant covers the total number of years since the Applicant last had status as a practising Professional Registrant and who

are able to attest to the Applicant's good character, good repute, and practice competency;

- (e) a current professional record of the Applicant's work experience;
- (f) completion of the Professional Engineering and Geoscience Practice in BC Online Seminar, regardless of whether it or a seminar that is deemed equivalent by the Council has previously been completed by the Applicant;
- (g) evidence of the successful completion of an examination in professional practice approved by the Council;
- (h) at the discretion of the Credentials Committee, evidence of completion of
  - (i) assigned experience under the Direct Supervision of a Professional Registrant for a period of time and on such terms as set by the Credentials Committee, and provision of a reference from that Professional Registrant, and
  - (ii) continuing education on such terms as set by the Credentials Committee.

#### **5.24 Reinstatement of Status as a Practising Registrant Firm**

- (1) A non-practising Registrant Firm applying for reinstatement of status as a practising Registrant Firm must provide the following to the Audit and Practice Review Committee:
  - (a) an application for reinstatement of status as a practising Registrant Firm;
  - (b) any applicable fees specified in section 6.2(3) and Schedule C of the Bylaws, and any outstanding amounts owing to EGBC;
  - (c) the names of all individual Registrants employed by or under contract with the non-practising Registrant Firm;
  - (d) a completed declaration by each of the non-practising Registrant Firm's Responsible Registrant(s), as set out in Schedule D;
  - (e) a completed declaration by the non-practising Registrant Firm's Responsible Officer, as set out in Schedule E;
  - (f) if the non-practising Registrant Firm is a corporation:
    - (i) the non-practising Registrant Firm's incorporation number;
    - (ii) the date of the non-practising Registrant Firm's incorporation;
    - (iii) a copy of the non-practising Registrant Firm's certificate of incorporation, amalgamation, certificate of continuation, or equivalent from the home jurisdiction of the non-practising Registrant Firm;

- (iv) any certificate of name change or certificate of restoration, if applicable;
- (v) a copy of the non-practising Registrant Firm's shareholder register, unless the non-practising Registrant Firm is a publicly traded corporation, in which case it is exempt from this paragraph; and
- (vi) a copy of the non-practising Registrant Firm's register of directors and officers;
- (g) if the non-practising Registrant Firm is a partnership:
  - (i) the non-practising Registrant Firm's registered business name, if applicable; and
  - (ii) a copy of the register of partners; and,
- (h) if the non-practising Registrant Firm is a sole proprietorship:
  - (i) the non-practising Registrant Firm's registered business name, if applicable; and
  - (ii) the name of the owner of the sole proprietorship;
- (i) written notice of any changes to the information set out in section 5.28(3) of the Bylaws, and updated information as applicable, to be published on the Register.
- (2) In granting a non-practising Registrant Firm's application for reinstatement of status as a practising Registrant Firm, the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee may require
  - (a) the reinstated Registrant Firm to undergo a compliance audit pursuant to section 8.7 of the Bylaws, either
    - (i) immediately on being granted reinstatement of status as a practising Registrant Firm,
    - (ii) within 12 months of being granted reinstatement of status as a practising Registrant Firm,
    - (iii) at the time the reinstated Registrant Firm would have next undergone a compliance audit if it had not changed its category of registration to non-practising Registrant Firm, or
    - (iv) within any other timeframe as determined by the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee, and

- (b) any Responsible Registrant(s) of the reinstated Registrant Firm to undertake the Regulation of Firms Training Program pursuant to section 7.7.1 of the Bylaws, either
  - (i) within 12 months of being granted reinstatement of status as a practising Registrant Firm,
  - (ii) at the time the Responsible Registrant(s) of the reinstated Registrant Firm would have next been required to undertake the Regulation of Firms Training Program if the reinstated Registrant Firm had not changed its category of registration to non-practising Registrant Firm, or
  - (iii) within any other timeframe as determined by the Audit and Practice Review Committee or an officer appointed by the Audit and Practice Review Committee.
- (3) Upon being granted reinstatement of status as a practising Registrant Firm, a reinstated Registrant Firm must have an up-to-date Professional Practice Management Plan in place that meets the requirements set out in sections 7.7.3(1) and 7.7.3(2) of the Bylaws.

#### **5.25 Reinstatement as a Trainee, a Non-Practising Registrant, or a Life Member or Life Limited Licensee**

- (1) An individual whose enrolment as a Trainee has lapsed or been cancelled must provide the following to the Credentials Committee to apply for reinstatement as a Trainee:
  - (a) an application for reinstatement;
  - (b) any applicable application or other fees specified in section 6.1(1) and Schedule C of the Bylaws, and any outstanding amounts owing to EGBC;
  - (c) evidence satisfactory to the Credentials Committee
    - (i) of the Applicant's identity and legal name, if not previously submitted, and
    - (ii) that the Applicant is of good character and good repute.
- (2) An Applicant whose registration as a non-practising Registrant or a life member or life limited licensee has lapsed or been cancelled must provide the following to the Credentials Committee to apply for reinstatement as a non-practising Registrant or a life member or life limited licensee, as applicable:
  - (a) an application for reinstatement;
  - (b) any applicable application or other fees specified in section 6.1(1) and Schedule C of the Bylaws;
  - (c) evidence satisfactory to the Credentials Committee

- (i) of the Applicant's identity and legal name, if not previously submitted, and
- (ii) that Applicant is of good character and good repute.

## **5.26 Ceasing Status as a Registrant**

- (1) An individual Registrant seeking cancellation of the individual Registrant's enrolment or registration with EGBC must apply in writing to the Registrar for cancellation of enrolment or registration.
- (2) A Registrant Firm seeking cancellation of the Registrant Firm's registration and Permit to Practice with EGBC must apply in writing to the Audit and Practice Review Committee for cancellation of the Registrant Firm's registration and Permit to Practice, which must be signed by the Responsible Officer of the Registrant Firm.
- (3) A request made by a Registrant Firm pursuant to subsection (2) must state:
  - (a) the reason(s) that the Registrant Firm is seeking cancellation of the Registrant Firm's registration and Permit to Practice, and
  - (b) a list of all ongoing activities or work related to the Regulated Practice in which the Registrant Firm is involved.

## **5.27 Register of Individual Registrants**

- (1) The Registrar must maintain a Register of all current and former individual Registrants and Recent Historical Members.
- (2) A former individual Registrant or Recent Historical Member must be listed on the Register for 10 calendar years after the calendar year in which the former individual Registrant or Recent Historical Member ceased to be registered with EGBC.
- (3) Despite subsection (1), the Register must not include former Trainees.
- (4) For a currently registered individual Registrant, in addition to the information set out in section 31(3) of the PGA [*Registrar and register for regulatory body*], the Registrar must include the following information on the Register:
  - (a) the individual Registrant's professional designation;
  - (b) if an individual Registrant is a professional licensee engineering or a professional licensee geoscience, the authorized area of practice identified on the individual Registrant's licence;
  - (c) the original discipline of the individual Registrant's registration;
  - (d) for all Registrants with the right to engage in the Reserved Practice, the individual Registrant's self-declared industry or industries of practice and area(s) of practice;

- (e) the municipality, province or state, and country in which the individual Registrant is based;
  - (f) if applicable, the name of the individual Registrant's employer;
  - (g) for all Registrants with the right to engage in the Reserved Practice, as well as Trainees, business contact information for the individual Registrant, which may be provided by way of the individual Registrant's
    - (i) business email address,
    - (ii) business telephone number,
    - (iii) business mailing address, or
    - (iv) business website, if the business website contains any of the business contact information for the individual Registrant that is listed in paragraphs (g)(i) to (iii);
  - (h) the later of the date on which the individual Registrant was first granted
    - (i) enrolment as a Trainee, or
    - (ii) registration as a Registrant other than a Trainee;
  - (i) the start date of the individual Registrant's current registration as a Registrant or enrolment as a Trainee;
  - (j) the expiry date of the individual Registrant's current registration as a Registrant or enrolment as a Trainee;
  - (k) the date(s) of any:
    - (i) expiration(s) of the individual Registrant's registration;
    - (ii) cancellation(s) of the individual Registrant's registration; or,
    - (iii) suspension(s) of the individual Registrant's registration;
  - (l) any Disciplinary Order(s) respecting the individual Registrant.
- (5) For a former individual Registrant, in addition to the information set out in section 31(3) of the PGA [*Registrar and register for regulatory body*], the Registrar must include the following information on the Register:
- (a) the former individual Registrant's former professional designation(s);

- (b) if the former individual Registrant was a professional licensee engineering or a professional licensee geoscience, the authorized area of practice that was previously identified on the former individual Registrant's licence;
  - (c) the original discipline of the former individual Registrant's registration;
  - (d) the municipality, province or state, and country in which the former individual Registrant was based;
  - (e) the date on which the former individual Registrant was first granted registration;
  - (f) the date(s) of any
    - (i) expiration(s) of the former individual Registrant's registration;
    - (ii) cancellation(s) of the former individual Registrant's registration; or,
    - (iii) suspension(s) of the former individual Registrant's registration;
  - (g) any Disciplinary Order(s) respecting the former individual Registrant.
- (6) For a Recent Historical Registrant, in addition to the information set out in section 31(3) of the PGA [*Registrar and register for regulatory body*], the Registrar must include the following information on the Register:
- (a) the Recent Historical Member's former professional designation(s);
  - (b) if the Recent Historical Member held a limited licence to practise professional engineering or geoscience pursuant to the EGA, the authorized area of practice identified on the Recent Historical Member's former licence;
  - (c) the original discipline of the Recent Historical Member's registration;
  - (d) the date on which the Recent Historical Member was first granted registration with EGBC;
  - (e) the date(s) of any:
    - (i) expiration(s) of the registration or membership of the Recent Historical Member;
    - (ii) cancellation(s) of the registration or membership of the Recent Historical Member; or,
    - (iii) suspension(s) of the registration or membership of the Recent Historical Member;
  - (f) any Disciplinary Order(s) respecting the Recent Historical Member.

- (7) An individual Registrant may apply in writing to the Registrar to have the information listed in subsections (4)(e) to (g) omitted from the Register if the publication of such information would reasonably threaten the safety of the individual Registrant or another person.
- (8) The information listed in subsections (4)(k), (4)(l), (5)(e), (5)(f), (6)(e), and (6)(f) must appear on the Register for as long as a Registrant is listed on the Register pursuant to subsections (1) and (2).

## **5.28 Register of Registrant Firms**

- (1) The Registrar must maintain a Register of all current and former Registrant Firms.
- (2) A former Registrant Firm must be listed on the Register for 10 years after ceasing to be a Registrant Firm.
- (3) For a currently registered Registrant Firm, in addition to the information set out in section 31(3) of the PGA [*Registrar and register for regulatory body*], the Registrar must include the following information on the Register:
  - (a) the Registrant Firm's Permit to Practice Number;
  - (b) the Registrant Firm's self-declared industry or industries of practice and area(s) of practice;
  - (c) the municipality, province or state, and country in which the Registrant Firm's main office is located;
  - (d) the business location(s) in British Columbia where Professional Registrants will be engaged in the Regulated Practice on behalf of the Registrant Firm;
  - (e) the names of the Responsible Registrant(s) and the Responsible Officer of a Registrant Firm;
  - (f) the area(s) of practice to which each Responsible Registrant of the Registrant Firm is designated;
  - (g) the business contact information of the Responsible Registrant(s) and the Responsible Officer of the Registrant Firm, which may be provided by way of each Responsible Registrant's and the Responsible Officer's
    - (i) business email address,
    - (ii) business telephone number
    - (iii) business mailing address, or



- (iv) business website, if the business website contains any of the business contact information listed in paragraphs (i) to (iii) for the Responsible Registrant(s) or Responsible Officer.
  - (h) the date on which the Registrant Firm was first granted registration as a Registrant Firm;
  - (i) the start date of the Registrant Firm's current registration as a Registrant Firm;
  - (j) the expiry date of the Registrant Firm's current registration as a Registrant Firm;
  - (k) the date(s) of any:
    - (i) expiration(s) of the Registrant Firm's registration and Permit to Practice;
    - (ii) cancellation(s) of the Registrant Firm's registration and Permit to Practice;
    - (iii) suspension(s) of the Registrant Firm's registration and Permit to Practice;
    - (iv) condition(s) on the Registrant Firm's registration and Permit to Practice prohibiting the Registrant Firm from engaging in the Regulated Practice;
  - (l) any Disciplinary Order(s) respecting the Registrant Firm.
- (4) For a former Registrant Firm, in addition to the information set out in section 31(3) of the PGA [*Registrar and register for regulatory body*], the Registrar must include the following information on the Register:
- (a) the former Registrant Firm's Permit to Practice Number;
  - (b) the municipality, province or state, and country in which the former Registrant Firm's main office was located;
  - (c) the names of the Responsible Registrant(s) and the Responsible Officer of the former Registrant Firm;
  - (d) the area(s) of practice to which each Responsible Registrant of the former Registrant Firm was designated;
  - (e) the date on which the former Registrant Firm was first granted registration as a Registrant Firm;
  - (f) the date(s) of any:
    - (i) expiration(s) of the Registrant Firm's registration and Permit to Practice;
    - (ii) cancellation(s) of the Registrant Firm's registration and Permit to Practice;

- (iii) suspension(s) of the Registrant Firm's registration and Permit to Practice;
  - (iv) condition(s) on the Registrant Firm's registration and Permit to Practice prohibiting the former Registrant Firm from engaging in the Regulated Practice;
  - (g) any Disciplinary Order(s) respecting the former Registrant Firm.
- (5) The information listed in subsections (3)(k), (3)(l), (4)(f), and (4)(g) must appear on the Register for as long as a Registrant Firm is listed on the Register pursuant to subsections (1) and (2).

### **5.29 Information Collected Annually and Published on the Register**

- (1) By 11:59 PM (Pacific Time) on June 30, the last day of each Reporting Year, an individual Registrant must provide EGBC with the information that is required to be published on the Register pursuant to sections 5.27(4)(d), (e), (f), and (g) of the Bylaws.
- (2) An individual Registrant must provide written notice to EGBC regarding any change to the information that is required pursuant to subsection (1) within 30 days of the change taking effect.
- (3) By 11:59 PM (Pacific Time) on March 31 of each year, a Registrant Firm must provide EGBC with the information that is required to be published on the Register pursuant to sections 5.28(3)(b), (c), (d), (e), (f), and (g) of the Bylaws.
- (4) A Registrant Firm must provide written notice to EGBC regarding any change to the information that is required pursuant to subsection (3) within 30 days of the change taking effect.

### **5.30 Information Collected Annually and not Published on the Register**

- (1) By 11:59 PM (Pacific Time) on June 30, the last day of each Reporting Year, an individual Registrant must provide EGBC with
  - (a) the individual Registrant's personal and unique email address,
  - (b) a declaration confirming whether the Registrant has, within the previous 12-month period, been:
    - (i) convicted of an offence under a federal or provincial statute, or an equivalent offence in another jurisdiction,
    - (ii) the subject of an investigation, inquiry, review, or other disciplinary proceeding by a Different Governing Body, that could result in

- (A) the Registrant's entitlement to practise a profession being cancelled, suspended, restricted, or made subject to limits or conditions,
- (B) if the Registrant is a Trainee, the Trainee's entrance to a profession being denied, or
- (C) if the Registrant is a Registrant Firm, the Registrant Firm's permit, license, or authorization to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions, or
- (iii) the subject of a disciplinary action taken by a Different Governing Body, including an agreement resulting in the resolution of an investigation or disciplinary process,

which is not to be published on the Register.

- (2) An individual Registrant must provide written notice to EGBC regarding any change to the individual Registrant's personal and unique email address within 30 days of the change taking effect.
- (3) By 11:59 PM (Pacific Time) on March 31 of each year, a Registrant Firm must provide EGBC with
  - (a) the personal and unique email addresses of each Responsible Registrant and the Responsible Officer of the Registrant Firm,
  - (b) the names of all individual Registrants employed by or under contract with the Registrant Firm,
  - (c) the number of individuals employed by or under contract with the Registrant Firm who are registrants of each regulatory body under the PGA other than EGBC, and
  - (d) A declaration confirming whether the Registrant Firm has, within the previous 12-month period, been:
    - (i) convicted of an offence under a federal or provincial statute, or an equivalent offence in another jurisdiction,
    - (ii) the subject of an investigation, inquiry, review, or other disciplinary proceeding by a Different Governing Body, that could result in the Registrant Firm's permit, license, or authorization to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions, or
    - (iii) the subject of a disciplinary action taken by a Different Governing Body, including an agreement resulting in the resolution of an investigation or disciplinary process,

which is not to be published on the Register except as required pursuant to section 5.28 of the Bylaws.

- (4) A Registrant Firm must provide written notice to EGBC regarding any change to the information that is required pursuant to subsections (3)(a) or (b) within 30 days of the change taking effect.

### **5.31 Failure to Provide Required Information**

- (1) An individual Registrant who fails to provide EGBC with any of the information required pursuant to sections 5.29(1) or 5.30(1) of the Bylaws must, by 11:59 PM (Pacific Time) on September 30 in the following Reporting Year,
  - (a) provide EGBC with the required information, and
  - (b) send to EGBC the late reporting fee specified in Schedule C of the Bylaws.
- (2) A Registrant Firm who fails to provide EGBC with any information required pursuant to sections 5.29(3) or 5.30(3) of the Bylaws must, by 11:59 PM (Pacific Time) on May 31 of the same year,
  - (a) provide EGBC with the required information, and
  - (b) send to EGBC the late reporting fee specified in Schedule C of the Bylaws.
- (3) If a Registrant fails comply with the requirements set out in subsections (1) or (2), as applicable, the Registrant's registration must be suspended, and, if the Registrant is a Registrant Firm, a condition must be placed on the Registrant Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice until such requirements are complete.
- (4) If an individual Registrant fails to comply with the requirements set out in subsection (1) by 11:59 PM (Pacific Time) on December 31 of the same year,
  - (a) the Registrant's registration is cancelled, or
  - (b) if the Registrant is a Trainee, the Trainee's enrolment is cancelled.
- (5) If a Registrant Firm fails to comply with the requirements set out in subsection (2) by 11:59 PM (Pacific Time) on August 31 of the same year, the Registrant Firm's registration and Permit to Practice are cancelled.

### **5.32 Information Collected Immediately and not Published on the Register**

- (1) A Registrant who is convicted of an offence under a federal or provincial statute, or an equivalent offence in another jurisdiction, must immediately on becoming aware of the conviction provide written notice to EGBC specifying the particulars of the conviction.

- (2) A Registrant who becomes the subject of an investigation, inquiry, review, or other disciplinary proceeding by a Different Governing Body, that could result in
  - (a) the Registrant's entitlement to practise a profession being cancelled, suspended, restricted, or made subject to limits or conditions,
  - (b) if the Registrant is a Trainee, the Trainee's entrance to a profession being denied, or
  - (c) if the Registrant is a Registrant Firm, the Registrant Firm's permit, license, or authorization to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions,

must immediately on becoming aware of the investigation, inquiry, review, or proceeding provide written notice to EGBC and provide particulars of the issue.
- (3) A Registrant who becomes the subject of a disciplinary action taken by a Different Governing Body, including an agreement resulting in the resolution of an investigation or disciplinary process, must immediately upon reaching the agreement or becoming aware of the disciplinary action, provide written notice to EGBC specifying the particulars of the agreement or disciplinary action.
- (4) A Registrant Firm must provide written notice to EGBC within 15 days of the occurrence of any of the following situations:
  - (a) there is a merger, amalgamation, acquisition, closure, or dissolution involving the Registrant Firm;
  - (b) the Registrant Firm
    - (i) becomes the subject of an application for a bankruptcy order,
    - (ii) makes an assignment for the general benefit of creditors, or
    - (iii) makes or becomes the subject of a Division I or Division II proposal,

as set out in the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3.

### **5.33 Issuance of Certificate or Permit to Practice**

- (1) The Registrar must issue to an individual Registrant a certificate of registration and, on payment of the annual fee, confirmation that the Registrant is In Good Standing.
- (2) The Registrar must issue to a Registrant Firm a Permit to Practice and, on payment of the annual fee, confirmation that the Registrant Firm is In Good Standing.

## **6 Fees**

### **6.1 Application Fees**

- (1) An Applicant for enrolment, admission, or reinstatement of status as a Registrant pursuant to sections 5.5 to 5.16, 5.23, 5.24, or 5.25 of the Bylaws must send to EGBC the full amount of all applicable application, examination, interview, or course fees specified in Schedule C of the Bylaws.
- (2) In addition to any fees applicable pursuant to subsection (1), a professional engineer who applies for designation as a designated structural engineer pursuant to section 5.6.1 must send to EGBC the full amount of all applicable application and examination fees specified in Schedule C of the Bylaws.

### **6.2 Registration Fees**

- (1) Within 30 days of being granted registration as an individual Registrant other than a Trainee, an individual Registrant must send to EGBC the full amount of the applicable registration fee specified in Schedule C of the Bylaws.
- (2) Within 30 days of being designated as a designated structural engineer, a designated structural engineer must send to EGBC the full amount of the applicable designation fee specified in Schedule C of the Bylaws.

### **6.3 Reconsideration and Review on the Record Fees**

- (1) An individual Applicant who applies for a reconsideration must send to EGBC the full amount of all applicable reconsideration fees specified in Schedule C of the Bylaws.
- (2) An Applicant who applies for a review on the record must send to EGBC the full amount of all applicable review on the record fees specified in Schedule C of the Bylaws.

### **6.4 Annual Fees**

- (1) An individual Registrant must send to EGBC the full amount of the applicable annual fee specified in Schedule C of the Bylaws by 11:59 PM (Pacific Time) on December 31 of each year.
- (2) Subject to subsection (4), a Registrant Firm must send to EGBC the full amount of the applicable annual fee specified in Schedule C of the Bylaws by 11:59 PM (Pacific Time) on May 31 of each year.
- (3) A non-practising Registrant Firm that has held non-practising status for 2 years or less is exempt from paying the applicable annual fee.
- (4) In addition to the annual fee set out in subsection (2), a Registrant Firm that was engaged in the Regulated Practice on or after July 1, 2021 but is not immediately registered pursuant to these Bylaws must pay the annual fee specified in Schedule C of the Bylaws

for each year or portion of a year, up to a maximum of 3 years, that the Registrant Firm would have been required to pay the annual fee to EGBC if the Registrant Firm had been granted registration on July 1, 2021.

- (5) A Registrant that is granted enrolment, admission, or reinstatement of status at some time other than the beginning of the annual fee cycle must pay a prorated annual fee specified in Schedule C of the Bylaws within 30 days of being granted enrolment, admission, or reinstatement.

## **6.5 Special Assessments**

- (1) An individual Registrant must send to EGBC the full amount of an applicable special assessment specified in Schedule C of the Bylaws by 11:59 PM (Pacific Time) on December 31 of each year.
- (2) A Registrant Firm must send to EGBC the full amount of an applicable special assessment specified in Schedule C of the Bylaws by 11:59 PM (Pacific Time) on May 31 of each year.

## **6.6 Additional Manual Seal(s) or Certificate(s)**

- (1) A Registrant who requires additional Manual Seal(s) or certificate(s) of registration from EGBC must send to EGBC the full amount of all applicable fees specified in Schedule C of the Bylaws at the time that the Registrant requests the additional Manual Seal(s) or certificate(s) of registration.

## **6.7 Exemption, Reduction, Deferral, or Refund of Fees**

- (1) On receiving a written application by an individual Applicant or Registrant, the Registrar may exempt, reduce, defer, or refund all or part of a fee or special assessment specified in Schedule C of the Bylaws if the Registrar is satisfied that the imposition of the fee or special assessment would cause undue financial hardship for the individual Applicant or Registrant, or if there are extenuating circumstances that warrant the exemption, reduction, deferral, or refund.
- (2) On receiving a written application by a Registrant Firm, the Registrar may waive payment of all or part of a fee for the Registrant Firm specified in sections 6.1(1), 6.4(2), 6.4(4), 6.5(2), or Schedule C of the Bylaws, pursuant to section 50(1)(h) of the PGA [*Fees and special assessments*], if the Registrar is satisfied that
  - (a) the Registrant Firm was a member of EGBC's Organizational Quality Management Program as of June 30, 2021, and
  - (b) the Registrant Firm had paid all outstanding fees and any amounts owing pursuant to its membership in the Organizational Quality Management program as of June 30, 2021.
- (3) A Registrant Firm is not eligible to apply for the reduction, deferral, or refund of fees or special assessments, except in accordance with subsection (2).

## 6.8 Failure to Pay Fees

- (1) An individual Registrant who fails to pay the full amount of an applicable annual fee or special assessment pursuant to sections 6.4(1) or 6.5(1) of the Bylaws must send to EGBC the full amount of the applicable annual fee or special assessment and the applicable late fee specified in Schedule C of the Bylaws, by 11:59 PM (Pacific Time) on January 31 of the following year.
- (2) Pursuant to section 31(4)(b) of the PGA [*Registrar and register for regulatory body*], if a Registrant fails to pay a required
  - (a) registration fee pursuant to section 6.2(1) of the Bylaws,
  - (b) designation fee pursuant to section 6.2(2) of the Bylaws,
  - (c) for an individual Registrant, a prorated annual fee pursuant to section 6.4(5) of the Bylaws, or
  - (d) annual fee, special assessment, or late fee pursuant to section 6.8(1) of the Bylaws,
 the Registrar must cancel the Registrant's registration, or if the Registrant is a Trainee, the Trainee's enrolment, or if the Registrant is a Registrant Firm, the Registrant Firm's registration and Permit to Practice.
- (3) A Registrant Firm or a non-practising Registrant Firm that fails to pay the full amount of an applicable annual fee or special assessment pursuant to sections 6.4(2), 6.4(4), or 6.5(2) of the Bylaws must send to EGBC the full amount of the applicable annual fee or special assessment and late fee specified in Schedule C of the Bylaws by 11:59 PM (Pacific Time) on June 30 of the same year.
- (4) If a Registrant Firm or non-practising Registrant Firm fails to comply with the requirements set out in subsection (3), the Registrar must place a condition on the Registrant Firm's registration and Permit to Practice prohibiting it from engaging in the Regulated Practice until all fees outstanding pursuant to subsection (3) have been paid.
- (5) Pursuant to section 31(4)(b) of the PGA [*Registrar and register for regulatory body*], if a Registrant Firm or non-practising Registrant Firm that is subject to a condition prohibiting it from engaging in the Regulated Practice pursuant to subsection (4) fails to pay the full amount of all applicable outstanding fees by 11:59 PM (Pacific Time) on August 31 of the same year, the Registrar must cancel the Registrant Firm or non-practising Registrant Firm's registration and Permit to Practice.



## 7 Standards of Conduct and Competence

### 7.1 Definitions

- (1) For the purpose of this Part, “Registrant” includes a former Registrant where applicable, pursuant to section 56(1) of the PGA [*Definition and Application*].

### 7.2 Code of Ethics

- (1) A Registrant must adhere to the Code of Ethics as set out in Schedule A of the Bylaws.

### 7.3 Standards of Competence – Quality Management Requirements

- (1) The standards of competence - quality management requirements set out in sections 7.3.1 to 7.3.8 of the Bylaws are established pursuant to section 57(1)(b) of the PGA [*Standards of Conduct and Competence*].
- (2) A Registrant must comply with the standards of competence set out in sections 7.3.1 to 7.3.7 of the Bylaws at all times while engaged in the Regulated Practice.
- (3) A non-practising Registrant Firm is exempt from the requirements set out in sections 7.3.1, 7.3.3, 7.3.4(4)(a), 7.3.4(4)(b), 7.3.4(4)(c), 7.3.5, 7.3.6, and 7.3.8 of the Bylaws while maintaining its non-practising status and not engaged in the Regulated Practice.

#### 7.3.1 Standard for Use of Professional Practice Guidelines

- (1) EGBC shall publish professional practice guidelines approved by the Council on a public website maintained by EGBC and shall update professional practice guidelines as necessary.
- (2) A Professional Registrant must have regard for applicable standards, policies, plans, and practices established by the government or by EGBC, including professional practice guidelines published pursuant to subsection (1), by establishing, maintaining, and following documented procedures in order to do all of the following:
  - (a) stay informed of, knowledgeable about, and meet the intent of all applicable standards, policies, plans, and practices established by the government or by EGBC, including professional practice guidelines published pursuant to subsection (1), that are relevant to the Professional Registrant’s Regulated Practice;
  - (b) document in writing the reason(s) for a departure from any relevant portion of a professional practice guideline published pursuant to subsection (1).
- (3) A Registrant Firm must do all of the following:
  - (a) establish, maintain, and follow documented policies and procedures in order to

- (i) obtain information and details in a timely manner regarding professional practice guidelines published pursuant to subsection (1) that are relevant to the Regulated Practice carried out by the Registrant Firm and Professional Registrants employed by or under contract with the Registrant Firm, and
  - (ii) inform the Professional Registrants employed by or under contract with the Registrant Firm in a timely and effective manner of professional practice guidelines published pursuant to subsection (1) that are relevant to the Regulated Practice carried out by the Registrant Firm and Professional Registrants employed by or under contract with the Registrant Firm;
- (b) take reasonable steps to facilitate all Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsection (2).

### **7.3.2 Standard for Retention and Preservation of Complete Project Documentation**

- (1) A Professional Registrant must establish, maintain, and follow documented procedures for the retention and preservation of complete project documentation related to the Regulated Practice engaged in by the Professional Registrant, including copies of physical or electronic versions of
- (a) correspondence,
  - (b) investigations,
  - (c) surveys,
  - (d) reports,
  - (e) data,
  - (f) background information,
  - (g) assessments,
  - (h) designs,
  - (i) specifications,
  - (j) documentation related to reviews, including independent reviews and field reviews,
  - (k) testing information,
  - (l) models,
  - (m) simulations,

- (n) quality assurance documentation,
  - (o) drawings,
  - (p) calculations, and
  - (q) copies of all Authenticated Documents.
- (2) A Registrant Firm must establish, maintain, and follow documented policies and procedures for the retention and preservation of complete project documentation related to the Regulated Practice engaged in by the Registrant Firm, including copies of physical or electronic versions of
- (a) correspondence,
  - (b) investigations,
  - (c) surveys,
  - (d) reports,
  - (e) data,
  - (f) background information,
  - (g) assessments,
  - (h) designs,
  - (i) specifications,
  - (j) documentation related to reviews, including independent reviews and field reviews,
  - (k) testing information,
  - (l) models,
  - (m) simulations,
  - (n) quality assurance documentation,
  - (o) drawings,
  - (p) calculations, and
  - (q) copies of all Authenticated Documents.

- (3) Complete project documentation must be retained and preserved for at least 10 years after the later of the completion of the project or when the documentation is no longer used.
- (4) A Registrant Firm must do all of the following:
  - (a) establish and maintain documented policies, plans, and procedures
    - (i) in order to ensure that, if any of the situations set out in section 5.32(4) occur with respect to a Registrant Firm, complete project documentation is preserved in accordance with subsection (3) and such documentation is accessible in the event of a request pursuant to the PGA or Bylaws, and
    - (ii) for all individuals employed by or under contract with the Registrant Firm to follow in relation to the retention and preservation of complete project documentation and the obligations of Professional Registrants and Registrant Firms pursuant to this section of the Bylaws;
  - (b) ensure that all individuals employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);
  - (c) take reasonable steps to facilitate the Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsections (1) and (3).
- (5) A Professional Registrant who is employed by or under contract with a Registrant Firm may satisfy their obligations pursuant to this section of the Bylaws with respect to any project documentation produced during the course of their employment or contract with the Registrant Firm by
  - (a) taking reasonable steps to confirm that
    - (i) the Registrant Firm has in place documented policies and procedures for the retention and preservation of all project documentation produced by the Professional Registrant during the course of or related to their employment or contract with the Registrant Firm, and
    - (ii) that the documented policies and procedures referred to in paragraph (a)(i) are in accordance with the requirements set out in subsections (2), (3), and (4), and
  - (b) consistently adhering to the documented policies and procedures of the Registrant Firm with respect to retention and preservation of project documentation established pursuant to subsection (4)(a) during the course of the Professional Registrant's employment or contract with the Registrant Firm.

- (6) A Professional Registrant who ceases to be employed by or under contract with a Registrant Firm may continue to satisfy their obligation to retain and preserve complete project documentation pursuant to subsection (3) by ensuring that
  - (a) an agreement is in place with the Registrant Firm regarding the retention and preservation of all project documentation produced by the Professional Registrant during the course of their employment or contract with the Registrant Firm, and
  - (b) the agreement referenced in paragraph (a) requires either the Professional Registrant or the Registrant Firm, or both, to retain and preserve all project documentation in accordance with the requirements of this section of the Bylaws.

### 7.3.3 Standard for Field Reviews

- (1) Field reviews must be completed during the construction, manufacturing, fabrication, implementation, testing, or commissioning of work related to the Regulated Practice by a Professional Registrant, or a Subordinate under the Professional Registrant's Direct Supervision, in a manner that is appropriate to the level of risk that has been assessed through a documented risk assessment.
- (2) If applicable pursuant to subsection (1), a Professional Registrant must establish, maintain, and follow documented procedures for documented field reviews of work related to the Regulated Practice in British Columbia.
- (3) Through a field review, a Professional Registrant, or a Subordinate under the Professional Registrant's Direct Supervision, must determine whether the construction, manufacturing, fabrication, implementation, testing, or commissioning of work related to the Regulated Practice substantially complies with the concepts or intent reflected in the Documents prepared for the work related to the Regulated Practice.
- (4) If applicable pursuant to subsection (1), a Registrant Firm must do all of the following:
  - (a) establish and maintain documented policies and procedures for Professional Registrants employed by or under contract with the Registrant Firm to follow in relation to field reviews and the obligations of Professional Registrants pursuant to this section of the Bylaws, which may include:
    - (i) process flowcharts,
    - (ii) checklists, or
    - (iii) forms;
  - (b) ensure that the Professional Registrants employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);

- (c) take reasonable steps to facilitate the Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsections (1), (2), and (3).

#### **7.3.4 Standard for Checks**

- (1) A Professional Registrant must establish, maintain, and follow documented procedures for regular, documented checks of the Professional Registrant's work related to the Regulated Practice using a written quality control process appropriate to the level of risk that has been assessed through a documented risk assessment.
- (2) The procedures established pursuant to subsection (1) must include:
  - (a) how risk will be assessed;
  - (b) the minimum frequency for checks to be conducted, dependent on the degree of risk assessed pursuant to (a);
  - (c) the required qualifications of the checker;
  - (d) how the check will be documented, including:
    - (i) who conducted the check;
    - (ii) the date that the check was completed;
    - (iii) what was checked; and
    - (iv) issues identified by the checker, if any;
    - (v) correction(s) and corrective action(s), if any, in response to issues identified by the checker.
  - (e) what must be checked, including but not limited to:
    - (i) input requirements;
    - (ii) input data;
    - (iii) calculations;
    - (iv) drawings;
    - (v) assessments;
    - (vi) designs;

- (vii) software outputs;
  - (viii) communications that include directives, recommendations, or opinions related to the Regulated Practice;
  - (ix) reports;
  - (x) recommendations; and,
  - (xi) other activities or work related to the Regulated Practice, including activities or work related to manufacturing, high technology, computer software development, operations, and maintenance activities.
- (3) A Professional Registrant must ensure that a documented check has been conducted in accordance with the procedures established pursuant to subsection (1) on all activities or work related to the Regulated Practice that will be issued or delivered to any other party.
- (4) A Registrant Firm must do all of the following:
  - (a) establish and maintain documented policies and procedures for Professional Registrants employed by or under contract with the Registrant Firm to follow in relation to documented checks and the obligations of Professional Registrants pursuant to this section of the Bylaws, which may include
    - (i) process flowcharts,
    - (ii) checklists, or
    - (iii) forms;
  - (b) ensure that the Professional Registrants employed by or under contract with the Registrant Firm adhere to the documented policies and procedures established pursuant to paragraph (a);
  - (c) take reasonable steps to facilitate the Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsections (1), (2), and (3);
  - (d) retain complete documentation related to checks conducted by any Professional Registrant employed by or under contract with the Registrant Firm, in accordance with section 7.3.2 of the Bylaws.

### 7.3.5 Standard for Independent Review(s) of Structural Designs

- (1) All Structural Designs require documented independent review(s) prior to Documents being issued for construction or implementation.
- (2) Despite subsection (1), EGBC may identify classes of Structures that do not require documented independent review(s) of Structural Designs.
- (3) A Professional of Record must do all of the following:
  - (a) complete a documented risk assessment after conceptual design and before detailed design of a Structural Design to determine the following:
    - (i) the appropriate frequency for the required documented independent review(s) of the Structural Design;
    - (ii) whether the required documented independent review(s) of the Structural Design must be conducted by
      - (A) an appropriately qualified and experienced Professional Registrant who has not been previously involved in the Structural Design and is employed by the same Firm employing the Professional of Record, or
      - (B) an appropriately qualified and experienced Professional Registrant who has not been previously involved in the Structural Design and is employed by a Firm other than the Firm employing the Professional of Record;
  - (b) record their rationale for the determinations made pursuant to paragraphs (a)(i) and (ii);
  - (c) document actions taken or not taken, along with the rationale for that decision, as a result of the independent review(s), including any actions taken or not taken as a result of information received pursuant to subsection (7)(d);
  - (d) communicate the actions and rationale documented pursuant to paragraph (c) to the Professional Registrant tasked with completing the documented independent review in an appropriately timely manner;
  - (e) obtain a copy of the documented record of the independent review from the Professional Registrant tasked with completing the independent review;
  - (f) provide a copy of the documented record of the independent review to the authority having jurisdiction, if requested;
  - (g) retain and preserve the documentation related to the independent review for a period of 10 years in accordance with section 7.3.2(3).



- (4) Despite subsection (3)(b), EGBC may identify classes of Structures for which required documented independent reviews must be conducted by an appropriately experienced Professional Registrant who has not been previously involved in the Structural Design and is employed by a Firm other than the Firm employing the Professional of Record.
- (5) Documented independent review(s) of Structural Designs must not replace the regular, documented checks required pursuant to section 7.3.4 of the Bylaws.
- (6) If applicable pursuant to subsection (1) and not exempted pursuant to subsection (2), a Professional Registrant must establish, maintain, and follow documented procedures for documented independent review(s) of Structural Designs.
- (7) A Professional Registrant tasked with completing a documented independent review of a Structural Design must
  - (a) have appropriate experience in the type and scale of the Structural Design subject to the documented independent review,
  - (b) determine the extent of the documented independent review based on the progressive findings of the documented independent review and record the rationale for this determination,
  - (c) evaluate any related Documents to determine if they are complete, consistent, and in general compliance with applicable codes, standards, and other requirements,
  - (d) communicate any issues found during the independent review(s) to the Professional of Record in an appropriately timely manner,
  - (e) complete a documented record of the documented independent review that meets the intent of the documented independent review sign off form issued by EGBC, and
    - (i) provide this documented record to
      - (A) the Professional of Record, and
      - (B) the authority having jurisdiction, if requested, and
    - (ii) retain and preserve this documented record for a period of 10 years in accordance with section 7.3.2(3),
  - (f) examine representative samples of the structural assumptions, continuity of gravity and lateral load paths, stability, and detailing, and
  - (g) perform numerical calculations on a sample of gravity and lateral force resisting elements necessary to satisfy any concerns of the Professional Registrant tasked with completing the documented independent review, as appropriate.

- (8) While a documented risk assessment and a documented independent review of each instance of repetitive designs of individual structural components is not required,
- (a) the maintenance of design quality must be confirmed through
    - (i) an initial documented initial risk assessment and documented independent review, and
    - (ii) documented risk assessments and documented independent reviews at intervals,
  - (b) a documented process must be in place that identifies the criteria used to determine what types of designs are considered repetitive and the interval frequency for maintaining the design quality, and
  - (c) the documented record produced through
    - (i) the initial documented risk assessment and documented independent review, and
    - (ii) documented risk assessments and documented independent reviews at intervals

must be retained and preserved for a minimum of 10 years after the last use of the repetitive design and made available to any person using the Structural Design, in accordance with section 7.3.2(3).
- (9) If applicable pursuant to subsection (1), and not exempted pursuant to subsection (2), a Registrant Firm must do all of the following:
- (a) establish and maintain documented policies and procedures for Professional Registrants employed by or under contract with the Registrant Firm to follow in relation to independent review of structural designs and the obligations of Professional Registrants pursuant to this section of the Bylaws, which may include
    - (i) checklists, or
    - (ii) signoff forms;
  - (b) take reasonable steps to ensure that a Professional Registrant conducting a documented independent review pursuant to this section of the Bylaws has sufficient and acceptable knowledge, training, and experience to conduct the documented independent review;
  - (c) ensure that the Professional Registrants employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);

- (d) take reasonable steps to facilitate the Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsections (1) to (8);
- (e) establish and maintain documented policies and procedures for the Registrant Firm to follow in order to
  - (i) obtain copies of documented records of independent review from the Professional Registrant tasked with completing the independent review,
  - (ii) provide the documented record of the independent review to the authority having jurisdiction, if requested, and
  - (iii) retain and preserve the documentation related to the independent review for a period of 10 years in accordance with section 7.3.2(3).

### **7.3.6 Standard for Independent Review(s) of High-Risk Professional Activities or Work**

- (1) A professional activity or work that has been identified by a Professional of Record as high-risk through a documented risk assessment requires documented independent review(s) before the professional activity or work is submitted to those who will be relying on it.
- (2) Despite subsection (1), EGBC may establish criteria for professional activities or work, or identify specific professional activities or work, that
  - (a) do not require documented independent review(s), or
  - (b) require documented independent review(s), even if the professional activities or work are not identified by a Professional of Record as high-risk through a documented risk assessment.
- (3) A Professional of Record must do all of the following:
  - (a) complete a documented risk assessment prior to the initiation of a professional activity or work to determine the following:
    - (i) whether a professional activity or work is high-risk;
    - (ii) if documented independent review(s) of the professional activity or work is required, the appropriate frequency for the required documented independent review(s);
    - (iii) if documented independent review(s) of the professional activity or work is required, whether the required documented independent review(s) must be conducted by

- (A) an appropriately qualified and experienced Professional Registrant who has not been previously involved in the professional activity or work and is employed by the same Firm employing the Professional of Record, or
  - (B) an appropriately qualified and experienced Professional Registrant who has not been previously involved in the professional activity or work and is employed by a Firm other than the Firm employing the Professional of Record;
- (b) record their rationale for the determinations made pursuant to paragraphs (a)(i), (ii), (iii), and (iv);
- (c) document actions taken or not taken, along with the rationale for that decision, as a result of the independent review(s), including any actions taken or not taken as a result of information received pursuant to subsection (7)(d);
- (d) communicate the actions and rationale documented pursuant to paragraph (c) to the Professional Registrant tasked with completing the documented independent review in an appropriately timely manner;
- (e) obtain a copy of the documented record of the independent review from the Professional Registrant tasked with completing the independent review;
- (f) provide a copy of the documented record of the independent review to the authority having jurisdiction, if requested;
- (g) retain and preserve the documentation related to the independent review for a period of 10 years in accordance with section 7.3.2(3).
- (4) Despite subsection (3)(c), EGBC may identify specific professional activities or work for which required documented independent reviews must be conducted by an appropriately experienced Professional Registrant who has not been previously involved in the professional activity or work and is employed by a Firm other than the Firm employing the Professional of Record.
- (5) Documented independent review(s) of a professional activity or work must not replace the regular, documented checks required pursuant to section 7.3.4 of the Bylaws.
- (6) If applicable pursuant to subsection (1) and not exempted pursuant to subsection (2), a Professional Registrant must establish, maintain, and follow documented procedures for documented independent review(s) of a professional activity or work.
- (7) A Professional Registrant tasked with completing a documented independent review of a professional activity or work must
  - (a) have appropriate experience in the type and scale of the professional activity or work subject to the documented independent review,

- (b) determine the extent of the documented independent review based on the progressive findings of the documented independent review and record the rationale for this determination,
  - (c) evaluate any Documents related to the professional activity or work to determine if they are complete, consistent, and in general compliance with applicable codes, standards, and other requirements, and
  - (d) communicate any issues found during the independent review(s) to the Professional of Record in an appropriately timely manner
  - (e) complete a documented record of the documented independent review that meets the intent of the documented independent review sign off form issued by EGBC and
    - (i) provide this documented record to
      - (A) the Professional of Record, and
      - (B) the authority having jurisdiction, if requested, and
    - (ii) retain and preserve this documented record for a period of 10 years, in accordance with section 7.3.2(3).
- (8) While a documented risk assessment and a documented independent review of each instance of repetitive professional activities or work is not required,
- (a) the maintenance of activity or work quality must be confirmed through
    - (i) an initial documented risk assessment and documented independent review, and
    - (ii) documented risk assessments and documented independent reviews at intervals,
  - (b) a documented process must be in place that identifies the criteria used to determine what types of professional activities or work are considered repetitive and the interval frequency for maintaining the activity or work quality, and
  - (c) the documented record produced through
    - (i) the initial documented risk assessment and documented independent review, and
    - (ii) documented risk assessments and documented independent reviews at intervals

must be retained and preserved for a minimum of 10 years after the last use of the repetitive professional activity or work and made available to any person undertaking the professional activity or work, in accordance with section 7.3.2(3).

(9) A Registrant Firm must do all of the following:

- (a) establish and maintain documented policies and procedures for Professional Registrants employed by or under contract with the Registrant Firm to follow in relation to independent review of high-risk professional activities or work and the obligations of Professional Registrants pursuant to this section of the Bylaws, which may include
  - (i) checklists, or
  - (ii) signoff forms;
- (b) take reasonable steps to ensure that a Professional Registrant conducting a documented independent review pursuant to this section of the Bylaws has sufficient and acceptable knowledge, training, and experience to conduct the review;
- (c) ensure that Professional Registrants employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);
- (d) take reasonable steps to facilitate Professional Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants pursuant to subsections (1) to (8);
- (e) establish and maintain documented policies and procedures for the Registrant Firm to follow in order to
  - (i) obtain copies of documented records of independent review from the Professional Registrant tasked with completing the independent review,
  - (ii) provide the documented record of the independent review to the authority having jurisdiction, if requested, and
  - (iii) retain and preserve the documentation related to the independent review for a period of 10 years in accordance with section 7.3.2(3).

**7.3.7 Standard for Issuance of Manual Seal, Authenticating Documents, and Use of Permit to Practice Number**

- (1) EGBC may provide a Professional Registrant In Good Standing with a Manual Seal bearing the following information:
  - (a) the Professional Registrant's first initial(s), middle initial(s), and last name(s);

- (b) the words “professional engineer”, “professional geoscientist”, “professional licensee engineering”, or “professional licensee geoscience”, as applicable.
- (2) EGBC retains ownership of a Manual Seal issued by EGBC.
- (3) A Professional Registrant must establish, maintain, and follow documented procedures related to a Professional Registrant’s Manual Seal, a Professional Registrant’s Digital Seal, and Authenticating Documents, in accordance with the requirements set out in this section of the Bylaws.
- (4) Only a Professional Registrant may Authenticate a Document.
- (5) A Professional Registrant must Authenticate
  - (a) a Document that
    - (i) the Professional Registrant has prepared in their professional capacity or has been prepared under their Direct Supervision,
    - (ii) contains content related to the Regulated Practice, and
    - (iii) will be relied on by others, or
  - (b) a Document that is otherwise required to be Authenticated by applicable legislation, associated regulations, the Bylaws, or standards approved by the Council.
- (6) Despite subsection (5), a Professional Registrant who is a professional licensee engineering or a professional licensee geoscience must not Authenticate Documents outside the authorized area of practice identified on their licence.
- (7) If a deliverable is provided in a format that cannot be reasonably read by an individual, a Professional Registrant must adhere to an authentication process that has been prescribed by standards or guidelines approved by the Council.
- (8) A Professional Registrant must not charge a fee for only Authenticating a Document.
- (9) With respect to Manually Authenticating, a Professional Registrant must not allow another person to apply any of the following:
  - (a) the Professional Registrant’s Manual Seal, or a likeness or digital image of the Professional Registrant’s Manual Seal, except under the Professional Registrant’s express and written authorization, which authorization must be specific to each application and not an ongoing authorization;
  - (b) the Professional Registrant’s handwritten signature, or a likeness of the Professional Registrant’s handwritten signature, under any circumstances;

- (c) the date of Authentication, except under the Professional Registrant's express and written authorization, which authorization must be specific to each application and not an ongoing authorization.
- (10) With respect to Digitally Authenticating, a Professional Registrant must not allow another person to do any of the following:
  - (a) apply the Professional Registrant's Digital Certificate under any circumstances;
  - (b) gain access to the Professional Registrant's Digital Certificate or to any password, PIN, or other factor used to secure access to or control over the Professional Registrant's Digital Certificate, under any circumstances.
- (11) In the event of suspension or cancellation of a Professional Registrant's registration,
  - (a) the Professional Registrant must return their Manual Seal to EGBC upon request,
  - (b) EGBC will disable any Digital Certificate issued to the Professional Registrant for the period of the suspension or cancellation, and
  - (c) the Professional Registrant must not Authenticate any Document for the period of the suspension or cancellation.
- (12) A Registrant must ensure that any Manual Seal and any Digital Certificate issued to them remains secure and under their sole control at all times.
- (13) A Registrant Firm must do all of the following:
  - (a) establish and maintain documented policies and procedures for all individuals employed by or under contract with the Registrant Firm to follow in relation to the use of a Manual Seal, the use of a Digital Seal, the Authentication of Documents, and the obligations of Professional Registrants pursuant to subsections (1) to (12);
  - (b) ensure that all individuals employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);
  - (c) take reasonable steps to facilitate the individual Registrants employed by or under contract with the Registrant Firm in adhering to the obligations of individual Registrants pursuant to subsections (1) to (12).
- (14) If a Professional Registrant employed by or under contract with a Registrant Firm Authenticates a Document on behalf of the Registrant Firm, the Registrant Firm's Permit to Practice Number must be applied visibly to the Document.
- (15) Only the following individuals may apply a Registrant Firm's Permit to Practice Number to a Document:



- (a) a Responsible Registrant of the Registrant Firm;
  - (b) an individual employed by or under contract with the Registrant Firm who is authorized to apply the Registrant Firm's Permit to Practice Number in accordance with the Registrant Firm's Permit to Practice Management Plan.
- (16) A Registrant Firm must not allow any person to apply the Registrant Firm's Permit to Practice Number to a Document other than the individuals set out in subsection (15).
- (17) If a Registrant Firm has reasonable and probable grounds to believe that any person has applied the Registrant Firm's Permit to Practice Number to a Document other than the individuals set out in subsection (15), the Registrant Firm must report the person to EGBC and provide EGBC with any information requested by EGBC regarding the circumstances of the application of the Permit to Practice Number.
- (18) In the event that a Registrant Firm's registration and Permit to Practice are cancelled, suspended, or subject to a condition prohibiting the Registrant Firm from engaging in the Regulated Practice,
- (a) the Registrant Firm must not allow any person to apply the Registrant Firm's Permit to Practice Number to a Document,
  - (b) the Registrant Firm must not allow or cause the Registrant Firm's Permit to Practice Number to appear on any communication, website, document, or in any other manner that could suggest that the Registrant Firm's registration and Permit to Practice Number are not cancelled, suspended, or subject to a condition prohibiting the Registrant Firm from engaging in the Regulated Practice and
  - (c) a Professional Registrant must not
    - (i) apply the Registrant Firm's Permit to Practice Number to a Document, or
    - (ii) authorize another Professional Registrant to apply the Registrant Firm's Permit to Practice Number to a Document.

### **7.3.8 Standard for Delegation and Direct Supervision**

- (1) A Professional Registrant who will Delegate work or decisions related to the Regulated Practice to a Subordinate must establish, maintain, and follow documented procedures for Delegation in accordance with the requirements set out in this section of the Bylaws.
- (2) A Professional Registrant must ensure that work or decisions related to the Regulated Practice that are Delegated to a Subordinate are carried out under the Direct Supervision of the Professional Registrant.
- (3) A professional licensee engineering or professional licensee geoscience may only provide Direct Supervision of work or decisions related to the Regulated Practice that are within the authorized area of practice on their licence.

- (4) If any Professional Registrants employed by or under contract with a Registrant Firm will Delegate work or decisions related to the Regulated Practice to a Subordinate, or if the Registrant Firm employs any individuals who will act as a Subordinate, the Registrant Firm must do all of the following:
  - (a) establish and maintain documented policies and procedures for Professional Registrants and Subordinates employed by or under contract with the Registrant Firm to follow in relation to Delegation, Direct Supervision, and the obligations of Professional Registrants pursuant to subsections (1), (2), and (3);
  - (b) ensure that the Professional Registrants and Subordinates employed by or under contract with the Registrant Firm adhere to the documented policies and procedures of the Registrant Firm established pursuant to paragraph (a);
  - (c) take reasonable steps to facilitate Professional Registrants and Subordinates employed by or under contract with the Registrant Firm in adhering to the obligations of Professional Registrants and Subordinates pursuant to subsections (1), (2), and (3).

#### **7.4 Practice Advice Program**

- (1) The Practice Advice Program consists of the following components:
  - (a) Practice Advisors will receive and respond to professional or ethical inquiries of Registrants through email, telephone, or in person, with responses being
    - (i) provided either immediately or after consultation with appropriate parties, and
    - (ii) to the best of their knowledge, in compliance with current legislative requirements, regulatory requirements, and standards and guidelines issued by EGBC;
  - (b) documentation dealing with professional or ethical issues must be made available to Registrants on a public website maintained by EGBC, including professional practice guidelines, ethical guidelines, practice advisories, frequently asked questions, or magazine publications, on a basis determined by EGBC;
  - (c) training sessions dealing with professional or ethical issues must be made available to Registrants through webinars or in person workshops, on a basis determined by EGBC.
- (2) The Practice Advice Program excludes the following subjects:
  - (a) legal advice, including legal advice on commercial law, employment law, or criminal law issues;

- (b) endorsement or checking of activities or work related to the Regulated Practice;
  - (c) employment terms or conditions;
  - (d) mediation or resolution of disputes between Registrants and others, including clients, owners, and employers.
- (3) Any information exchanged in a professional or ethical inquiry received pursuant to subsection (1)(a) may be retained by EGBC.

## **7.5 Professional Liability Insurance and Secondary Professional Liability Insurance**

- (1) Before entering into an agreement to provide services related to the Regulated Practice to the public, a Professional Registrant or a Registrant Firm must provide written notice to a client regarding whether
  - (a) the Professional Registrant or the Registrant Firm holds professional liability insurance, and
  - (b) if the Professional Registrant or the Registrant Firm does hold professional liability insurance, whether the professional liability insurance is applicable to the services related to the Regulated Practice that are in question.
- (2) The written notice provided by a Professional Registrant or a Registrant Firm pursuant to subsection (1) must include a provision for an acknowledgement of the written notice to be signed by the client.
- (3) There is established a category of professional liability insurance, separate from the professional liability insurance mentioned in subsection (1), referred to as secondary professional liability insurance, that all Registrants, except Registrant Firms, must carry and maintain.
- (4) The Council may
  - (a) establish the terms, conditions, policies and procedures applicable to the secondary professional liability insurance program,
  - (b) require that the secondary professional liability insurance program, subject to the terms and conditions of the policy, provide coverage to Registrants who would otherwise have no professional liability insurance coverage for claims against them, and
  - (c) establish the fees to be paid by Registrants, for the secondary professional liability insurance program.

## **7.6 Continuing Education Program**

### **7.6.1 Commencement of the Continuing Education Program**

- (1) The first Reporting Year and Three-Year Rolling Period commence on July 1, 2021.

#### **7.6.2 Categories of Registrants Exempt from the Continuing Education Program**

- (1) The following categories of individual Registrants are not required to complete any of the continuing education program requirements set out in this section of the Bylaws:
  - (a) Trainees;
  - (b) life members or life limited licensees.

#### **7.6.3 Mandatory Continuing Education Hours and Activities for Professional Registrants**

- (1) In each Three-Year Rolling Period, a Professional Registrant must complete at least 60 Continuing Education Hours.
- (2) In each Reporting Year, a Professional Registrant must complete at least one Continuing Education Hour of Ethical Learning.
- (3) In each Reporting Year, a Professional Registrant must complete at least one Regulatory Learning module referred to in section 7.6.14(1) of the Bylaws.
- (4) The mandatory Continuing Education Hours required pursuant to subsection (1) may include Continuing Education Hours related to Technical Learning or Communications and Leadership Learning.
- (5) In order for the Continuing Education Hours required pursuant to subsection (1) to be considered complete, an individual Registrant must record in EGBC's electronic system the following information about the Continuing Education Activities associated with the Continuing Education Hours:
  - (a) the date(s) of each Continuing Education Activity;
  - (b) the provider or source of each Continuing Education Activity;
  - (c) the number of Continuing Education Hours earned from each Continuing Education Activity; and
  - (d) whether each Continuing Education Activity involved Ethical Learning, Regulatory Learning, Communications and Leadership Learning, or Technical Learning.

#### **7.6.4 Mandatory Continuing Education Plan for Professional Registrants**

- (1) In each Reporting Year, a Professional Registrant must complete a continuing education plan which sets out all of the following information:
  - (a) the Professional Registrant's area(s) of practice, including any anticipated changes;
  - (b) a declaration that the Registrant has assessed the risks of the Registrant's Regulated Practice to the public and the environment;
  - (c) a description as to how the Professional Registrant has assessed the risks identified in subsection (b);
  - (d) the Professional Registrant's learning goals and priorities; and
  - (e) the Continuing Education Activities that the Professional Registrant plans to undertake in order to advance the learning goals and priorities identified in subsection (d).
- (2) A Professional Registrant must electronically submit the continuing education plan required pursuant to subsection (1) to EGBC by 11:59 PM (Pacific Time) on the last day of each Reporting Year.

#### **7.6.5 Mandatory Continuing Education Hours and Activities for Designated Structural Engineers**

- (1) In addition to the continuing education program requirements for Professional Registrants set out in section 7.6.3 and 7.6.4 of the Bylaws, a Professional Registrant who is a designated structural engineer must complete 60 Continuing Education Hours of Technical Learning related to their structural engineering area(s) of practice in each Three-Year Rolling Period.

#### **7.6.6 Mandatory Continuing Education Hours and Activities for Non-Practising Individual Registrants**

- (1) In each Three-Year Rolling Period, a non-practising individual Registrant must complete, at a minimum,
  - (a) one Continuing Education Hour of Ethical Learning, and
  - (b) one Regulatory Learning module referred to in section 7.6.14(1) of the Bylaws.

### **7.6.7 Continuing Education Program Declaration**

- (1) All individual Registrants who are not exempted from the Continuing Education Program pursuant to section 7.6.2(1) must electronically submit a continuing education program declaration to EGBC by 11:59 PM (Pacific Time) on June 30, the last day of each Reporting Year, which must confirm
  - (a) the number of completed Continuing Education Hours the individual Registrant is reporting for that Reporting Year,
  - (b) that the individual Registrant has recorded the details of the Continuing Education Activities associated with the declared Continuing Education Hours pursuant to section 7.6.3(5) of the Bylaws,
  - (c) that the individual Registrant has uploaded a valid and up-to-date CE Plan pursuant to section 7.6.4(2) of the Bylaws, and
  - (d) that the information provided by the individual Registrant pursuant to this section is true and correct to the best of the individual Registrant's knowledge.
- (2) All individual Registrants must retain all documentation that supports their continuing education program declaration for a minimum of 5 years after the continuing education program declaration was made.

### **7.6.8 Applications for Exemptions from the Continuing Education Program**

- (1) An individual Registrant may be granted an exemption, on an annual basis, from any or all of the continuing education program requirements set out in sections 7.6.3, 7.6.4, 7.6.5, 7.6.6, or 7.6.7 of the Bylaws for a specified Reporting Year by
  - (a) an officer appointed by the Audit and Practice Review Committee, if the individual Registrant was on parental leave, medical leave, or compassionate care leave for at least 6 months during the Reporting Year, or
  - (b) the Audit and Practice Review Committee, if the individual Registrant
    - (i) was on parental leave, medical leave, or compassionate care leave for less than 6 months during the Reporting Year, or
    - (ii) has other extenuating circumstances.
- (2) An application by an individual Registrant to be granted an exemption pursuant to subsection (1) must be submitted in writing to EGBC by 11:59 PM (Pacific Time) on April 30 of the applicable Reporting Year.
- (3) If an exemption granted pursuant to subsection (1) reduces the number of Continuing Education Hours that an individual Registrant is required to complete for a Reporting Year, there must be a corresponding reduction in the number of Continuing Education Hours

that the individual Registrant is required to complete for the applicable Three-Year Rolling Period.

#### **7.6.9 Failure to Submit a Continuing Education Program Declaration**

- (1) An individual Registrant who fails to submit a continuing education program declaration pursuant to section 7.6.7(1) of the Bylaws by 11:59 PM (Pacific Time) on the last day of the Reporting Year, but has otherwise completed all applicable requirements of the continuing education program, must
  - (a) submit the continuing education program declaration, and
  - (b) send to EGBC the late reporting fee specified in Schedule C of the Bylaws,
 by 11:59 PM (Pacific Time) on September 30 in the following Reporting Year.
- (2) If an individual Registrant fails to comply with the requirements set out in subsection (1), the individual Registrant's registration must be suspended until such requirements are complete.
- (3) If an individual Registrant fails to comply with the requirements set out in subsection (1) by 11:59 PM (Pacific Time) on December 31, the individual Registrant's registration must be cancelled.

#### **7.6.10 Late Exemption from Continuing Education Plan, Hours, or Activities**

- (1) An individual Registrant who fails to comply with the obligations pursuant to sections 7.6.3, 7.6.4, 7.6.5, or 7.6.6 Bylaws, as applicable, by 11:59 PM (Pacific Time) on the last day of the Reporting Year may be granted a late exemption from any or all of these requirement(s) on an annual basis by the Audit and Practice Review Committee, if the individual Registrant
  - (a) was on parental leave, medical leave, or compassionate care leave during the Reporting Year, or
  - (b) has other extenuating circumstances.
- (2) An application by an individual Registrant to be granted an exemption pursuant to subsection (1) must be submitted in writing to EGBC by 11:59 PM (Pacific Time) on July 31 in the following Reporting Year.
- (3) If a late exemption granted pursuant to subsection (1) reduces the number of Continuing Education Hours that an individual Registrant is required to complete for a Reporting Year, there must be a corresponding reduction in the number of Continuing Education Hours that the individual Registrant is required to complete for the applicable Three-Year Rolling Period.

- (4) An individual Registrant who is granted an exemption pursuant to subsection (1) must send to EGBC the late exemption fee specified in Schedule C of the Bylaws, but is not required to pay to EGBC the late reporting fee specified in Schedule C or the late completion fee specified in Schedule C.
- (5) The Audit and Practice Review Committee may, in its discretion, refund the late exemption fee required pursuant to subsection (4) if an individual Registrant
  - (a) failed to apply for an exemption by the deadline specified in section 7.6.8(2) of the Bylaws due to extenuating circumstances,
  - (b) submitted an application to be granted an exemption in writing to EGBC by 11:59 PM (Pacific Time) on the last day of the Reporting Year, and
  - (c) was granted an exemption by the Audit and Practice Review Committee pursuant to subsection (1).

#### **7.6.11 Failure to Complete Continuing Education Plan, Hours, or Activities**

- (1) An individual Registrant who fails to comply with the obligations pursuant to section 7.6.3, 7.6.4 or 7.6.6, of the Bylaws, as applicable, by 11:59 PM (Pacific Time) on the last day of the Reporting Year and is not granted a late exemption pursuant to section 7.6.10 of the Bylaws must
  - (a) complete and submit a continuing education plan,
  - (b) complete the required Continuing Education Hours, Ethical Learning activities, or Regulatory Learning activities,
  - (c) submit a continuing education program declaration,
  - (d) send to EGBC the late completion fee specified in Schedule C of the Bylaws, and
  - (e) send to EGBC the late reporting fee specified in Schedule C of the Bylaws,
 by 11:59 PM (Pacific Time) on September 30 in the following Reporting Year.
- (2) If an individual Registrant fails to comply with the requirements set out in subsection (1), the individual Registrant's registration must be suspended until such requirements are complete and such completion is certified by the Audit and Practice Review Committee.
- (3) If an individual Registrant fails to comply with the requirements set out in subsection (1) by 11:59 PM (Pacific Time) on December 31, the individual Registrant's registration must be cancelled.
- (4) A designated structural engineer who fails to complete required Technical Learning activities pursuant to section 7.6.5(1) of the Bylaws by 11:59 PM (Pacific Time) on the last



day of the Reporting Year and is not granted a late exemption pursuant to section 7.6.10(1) of the Bylaws must

- (a) complete the required Technical Learning activities,
- (b) submit a continuing education program declaration,
- (c) send to EGBC the late completion fee specified in Schedule C of the Bylaws, and
- (d) send to EGBC the late reporting fee specified in Schedule C of the Bylaws,

by 11:59 PM (Pacific Time) on September 30 in the following Reporting Year.

- (5) If a designated structural engineer fails to comply with the requirements set out in subsection (4), the designated structural engineer's designation as a designated structural engineer must be suspended until such requirements are complete and such completion is certified by the Audit and Practice Review Committee.
- (6) If a designated structural engineer fails to comply with the requirements set out in subsection (4) by 11:59 PM (Pacific Time) on December 31, the designated structural engineer's designation as a designated structural engineer is cancelled.
- (7) If an individual Registrant is required to complete a continuing education plan, Continuing Education Hours, Ethical Learning activities, Regulatory Learning activities, or Technical Learning activities to fulfill a requirement for the previous Reporting Year, these cannot be applied to fulfill a requirement for the Reporting Year in which they are completed.

#### **7.6.12 Avoiding or Delaying a Suspension**

- (1) If an individual Registrant fails to comply with the requirements in section 7.6.9(1), 7.6.11(1), or 7.6.11(4) of the Bylaws due to extenuating circumstances, including being on parental leave, medical leave, or compassionate care leave, the Audit and Practice Review Committee may order that
  - (a) the individual Registrant's registration not be suspended pursuant to section 7.6.9(2), 7.6.11(2), or 7.6.11(5) of the Bylaws, or
  - (b) the individual Registrant's suspension pursuant to section 7.6.9(2), 7.6.11(2), or 7.6.11(5) of the Bylaws be delayed for a specified period of time.
- (2) At least 60 days before a suspension pursuant to section 7.6.9(2), 7.6.11(2), or 7.6.11(5) of the Bylaws can take effect, the Audit and Practice Review Committee must deliver to the individual Registrant written notice of
  - (a) the date on which the suspension will take effect,
  - (b) the reasons for the suspension, and

- (c) the deadline by which the individual Registrant may submit a written application to the Audit and Practice Review Committee for an order pursuant to subsection (1).

#### **7.6.13 Newly Registered Individual Registrants**

- (1) For an individual Registrant who is first granted registration with EGBC between July 1 and December 31 in a Reporting Year, the first Reporting Year and the first Three-Year Rolling Period are deemed to begin on July 1 of the same Reporting Year in which the individual Registrant is first granted registration with EGBC.
- (2) For an individual Registrant who is first granted registration with EGBC between January 1 and March 31 in a Reporting Year,
  - (a) the first Reporting Year is deemed to begin on July 1 of the same Reporting Year in which the individual Registrant is first granted registration with EGBC, and
  - (b) the first Three-Year Rolling Period is deemed to begin on July 1 of the next Reporting Year, but any Continuing Education Hours or Continuing Education Activities completed by the individual Registrant in the same Reporting Year in which the individual Registrant is first granted registration with EGBC may be applied to fulfill the individual Registrant's continuing education requirements for the first Three-Year Rolling Period.
- (3) For an individual Registrant who is first granted registration with EGBC between April 1 and June 30 in a Reporting Year,
  - (a) the first Reporting Year is deemed to begin on July 1 of the next Reporting Year, and
  - (b) the first Three-Year Rolling Period is deemed to begin on July 1 of the next Reporting Year, but any Continuing Education Hours or Continuing Education Activities completed by the individual Registrant in the same Reporting Year in which the individual Registrant is first granted registration with EGBC may be applied to fulfill the individual Registrant's continuing education requirements for the first Three-Year Rolling Period.
- (4) Despite subsection (3)(a), a Professional Registrant who is first granted registration with EGBC between April 1 and June 30 in a Reporting Year must complete and submit a continuing education plan pursuant to section 7.6.4 of the Bylaws for the same Reporting Year in which the Professional Registrant is first granted registration with EGBC.

#### **7.6.14 Mandatory Regulatory Learning Modules**

- (1) EGBC will facilitate the development, maintenance, and updating of a series of mandatory Regulatory Learning modules to enable
  - (a) a Professional Registrant to meet the requirement set out in section 7.6.3(3) of the Bylaws, and

- (b) a non-practising Registrant or a life member or life limited licensee to meet the requirement set out in section 7.6.6(1)(b) of the Bylaws.
- (2) The series of mandatory Regulatory Learning modules referred to in subsection (1) must be designed to ensure that there is at least one Regulatory Learning module in each Three-Year Rolling Period that focuses on Indigenous history, Indigenous engagement, and reconciliation as it relates to the Regulated Practice in British Columbia.

#### **7.6.15 Optional Continuing Education Opportunities**

- (1) EGBC will facilitate the offering of other continuing education opportunities related to Ethical Learning, Regulatory Learning, Communications and Leadership Learning, and Technical Learning.
- (2) The continuing education opportunities offered pursuant to subsection (1) will include education opportunities related to knowledge and guidance on Indigenous history, Indigenous engagement, and reconciliation as it relates to the Regulated Practice in British Columbia.

#### **7.6.16 Continuing Education Program by Registrant Firms**

- (1) A Registrant Firm must develop, maintain, and follow documented procedures to support individual Registrants employed by or under contract with the Registrant Firm in
  - (a) meeting the individual Registrants' continuing education program requirements pursuant to sections 7.6.3, 7.6.4, 7.6.5, 7.6.6, and 7.6.7, as applicable, and
  - (b) maintaining the individual Registrants' competency with respect to the role(s) of the individual Registrants and the activities or work engaged in by the individual Registrants on behalf of the Registrant Firm.
- (2) Each year, a Registrant Firm that has more than one Professional Registrant employed or under contract with the Registrant Firm must conduct a documented review with each Professional Registrant employed by or under contract with the Registrant Firm, in order to confirm that the Professional Registrant is maintaining the Professional Registrant's competency with respect to the Regulated Practice.
- (3) A Registrant Firm must retain all documentation that supports a documented review of a Professional Registrant conducted pursuant to subsection (2) for a minimum of 5 years after the documented review was completed.
- (4) A non-practising Registrant Firm is exempt from the requirements in this section of the Bylaws while maintaining its non-practising status.

## **7.7 Permit to Practice Requirements**

### **7.7.1 Regulation of Firms Training Program**

- (1) Each Responsible Registrant designated by a Registrant Firm upon the initial registration of the Registrant Firm who has not completed the Regulation of Firms Training Program within the last 5 years must complete the Regulation of Firms Training Program within
  - (a) 12 months of the date that the Permit to Practice is issued to the Registrant Firm, and
  - (b) every 5 years thereafter.
- (2) Each Responsible Registrant designated by a Registrant Firm after the initial registration of the Registrant Firm who has not completed the Regulation of Firms Training Program within the last 5 years must complete the Regulation of Firms Training Program within
  - (a) 3 months of the date that the written notice of the Responsible Registrant's designation is submitted to EGBC, and
  - (b) every 5 years thereafter.
- (3) An individual who is a Responsible Registrant for more than one Registrant Firm may complete the Regulation of Firms Training Program for more than one Registrant Firm at the same time.
- (4) A non-practising Registrant Firm and any individuals designated as a Responsible Registrant of the non-practising Registrant Firm are exempt from the requirements set out in this section of the Bylaws while the non-practising Registrant Firm maintains its non-practising status.

### **7.7.2 Failure to Complete Regulation of Firms Training Program**

- (1) If any Responsible Registrant of a Registrant Firm fails to complete the Regulation of Firms Training Program pursuant to sections 7.7.1(1) or 7.7.1(2) of the Bylaws,
  - (a) the Responsible Registrant identified in subsection (1) must complete the Regulation of Firms Training Program, and
  - (b) the Registrant Firm must send to EGBC the late completion fee specified in Schedule C of the Bylaws

by 11:59 PM (Pacific Time) on the date that is 2 months after the deadline specified in section 7.7.1(1) or 7.7.1(2) of the Bylaws, as applicable.
- (2) If a Registrant Firm fails to comply with the requirements set out in subsection (1), a condition must be placed on the Registrant Firm's registration and Permit to Practice

prohibiting it from engaging in the Regulated Practice until such requirements are complete.

- (3) If a Registrant Firm fails to comply with the requirements set out in subsection (1) within 2 months of having the condition placed on the Registrant Firm's registration and Permit to Practice pursuant to subsection (2), the Registrant Firm's registration and Permit to Practice must be cancelled.

### **7.7.3 Professional Practice Management Plan**

- (1) A Registrant Firm must develop and maintain a Professional Practice Management Plan that contains, at a minimum, the following elements:
  - (a) a Code of Conduct that explains how the Registrant Firm will ensure compliance with ethical standards by the Registrant Firm and by all individuals employed by or under contract with the Registrant Firm, including compliance with
    - (i) the Code of Ethics of EGBC set out in Schedule A of the Bylaws,
    - (ii) any guidelines on human rights, equity, diversity, or inclusion that have been approved by the Council, and
    - (iii) ethical business practices addressing corruption, conflict of interest, and contractual matters;
  - (b) a plan for how the Registrant Firm will ensure compliance with the standards of competence and quality management requirements pursuant to section 7.3 of the Bylaws;
  - (c) a plan for how the Registrant Firm will ensure compliance with the continuing education requirements pursuant to section 7.6 of the Bylaws; and
  - (d) a section setting out
    - (i) the organizational structure of the Registrant Firm,
    - (ii) the names of the Registrant Firm's Responsible Officer and Responsible Registrant(s),
    - (iii) the Registrant Firm's area(s) of practice, and
    - (iv) the Responsible Registrant(s) designated to each area of practice at the Registrant Firm.
  - (e) a policy regarding the use of the Permit to Practice Number by individuals employed by or under contract with the Registrant Firm.

- (2) A Registrant Firm's Professional Practice Management Plan must have documented approval by the Responsible Officer and each Responsible Registrant of the Registrant Firm.
- (3) A Registrant Firm's Professional Practice Management Plan must be in place no later than 12 months after the date that a Permit to Practice is issued to the Registrant Firm.
- (4) A Registrant Firm must adhere to the Registrant Firm's Professional Practice Management Plan.
- (5) A Registrant Firm must ensure that individuals employed by or under contract with the Registrant Firm are provided access to, understand the content of, and adhere to the Registrant Firm's Professional Practice Management Plan.
- (6) Despite subsections (4) and (5), a Registrant Firm or an individual Registrant may depart from the quality management requirements included in the Registrant Firm's Professional Practice Management Plan pursuant to subsection (1)(b) if it is appropriate to do so for an identified reason, which must be
  - (a) documented by the Registrant Firm or the individual Registrant, and
  - (b) supported by a written rationale that is consistent with the Registrant Firm's or the individual Registrant's obligations pursuant to the PGA, applicable regulations, and the Bylaws.
- (7) A Registrant Firm must
  - (a) annually review and, if necessary, revise the Registrant Firm's Professional Practice Management Plan to ensure its suitability and effectiveness,
  - (b) document the annual review conducted pursuant to paragraph (a), and the approval of the review by the Responsible Officer and each Responsible Registrant at the Registrant Firm, and
  - (c) when requested by EGBC, submit the Registrant Firm's Professional Practice Management Plan to EGBC within 5 business days.
- (8) A Registrant Firm must retain all approved versions of the Registrant Firm's Professional Practice Management Plan for a minimum of 10 years after the Professional Practice Management Plan is no longer in use by the Registrant Firm.
- (9) A non-practising Registrant Firm is exempt from the requirements set out in subsections 7(a) and (b) of the Bylaws while maintaining its non-practising status.

#### **7.7.4 Suspension or Cancellation of a Registrant Firm's Registration and Permit to Practice**

- (1) If a Registrant Firm's registration is suspended or under any limitation, condition, or restriction for any period pursuant to the PGA or the Bylaws, the Registrant Firm's Permit to Practice is also suspended or under the same limitation, condition, or restriction for that same period.
- (2) If a Registrant Firm's registration is cancelled pursuant to the PGA or the Bylaws, the Registrant Firm's Permit to Practice is also cancelled.

## **7.8 Prohibited Contracts**

- (1) A Registrant must not enter into or agree to enter into any contract that would result in or require the breach of any duty under the PGA, associated regulations, or the Bylaws, including any of the duties pursuant to this Part, except as required or authorized by law.

## 8 Audit and Practice Review

### 8.1 Definitions

- (1) For the purpose of this Part, “Registrant” includes a former Registrant where applicable pursuant to section 56(1) of the PGA [*Definition and application*].

### 8.2 Powers of the Audit and Practice Review Committee

- (1) In addition to functions and powers assigned to it under the PGA and set out elsewhere in the Bylaws, the Audit and Practice Review Committee has the functions and duties delegated to it by the Council in subsections (2) and (3).
- (2) The Council authorizes the Audit and Practice Review Committee to exercise the Council’s powers pursuant to the following sections of the PGA:
  - (a) section 32(1) of the PGA [*Officers and committees*], in order to appoint officers for the purpose of
    - (i) carrying out the powers delegated in subsection (3)(a)(ii), and
    - (ii) granting exemptions and deferrals pursuant to sections 7.6.8(1)(a), 8.6(5)(a), and 8.7(6) of the Bylaws;
  - (b) section 63(3) of the PGA [*Audits and practice reviews*] to authorize compliance audits as set out in sections 8.6 and 8.7 of the Bylaws;
  - (c) sections 63(4) and (5) of the PGA [*Audits and practice reviews*].
- (3) The Council authorizes the Audit and Practice Review Committee to act pursuant to the following sections of the PGA:
  - (a) section 32(5)(b) of the PGA [*Officers and committees*], to delegate the powers granted by the Council to the Audit and Practice Review Committee pursuant to section 63(2)(b) of the PGA [*Audits and practice reviews*] to
    - (i) the Registrar, so that the Registrar may appoint assessors for the purpose of conducting an area of practice audit, and
    - (ii) one or more other officers, so that the officer(s) may appoint assessors for the purposes of conducting a compliance audit or a practice review;
  - (b) section 63(2) of the PGA [*Audits and practice reviews*].
- (4) The Audit and Practice Review Committee, an assessor appointed by the Audit and Practice Review Committee, or a person acting on behalf of the Audit and Practice Review Committee may only disclose or provide the following to any other person, including



another Committee of EGBC, if the conditions set out in section 110(3)(a) or (b) of the PGA [*Confidentiality – committee matters*] are satisfied:

- (a) records or information provided to the Audit and Practice Review Committee, an assessor appointed by the Audit and Practice Review Committee, or a person acting on behalf of the Audit and Practice Review Committee;
  - (b) a self assessment prepared by a Registrant for a practice review.
- (5) The Audit and Practice Review Committee, an assessor appointed by the Audit and Practice Review Committee, or a person acting on behalf of the Audit and Practice Review Committee must notify the Investigation Committee if the conditions set out in section 110(4) of the PGA [*Confidentiality – committee matters*] are satisfied.

### **8.3 Powers of the Registrar**

- (1) The Council authorizes the Registrar to exercise the Council's powers pursuant to section 63(3) of the PGA [*Audits and practice reviews*], to authorize an area of practice audit as set out in section 8.8 of the Bylaws.

### **8.4 Appointment of Assessors**

- (1) An officer may appoint one or more employees of EGBC, contractors retained by EGBC, or subject matter experts as assessors to conduct a compliance audit or a practice review.
- (2) A subject matter expert cannot be appointed as an assessor to conduct a compliance audit or a practice review pursuant to subsection (1) if the subject matter expert has or had a relationship with a Registrant subject to a compliance audit or a Registrant subject to practice review that would reasonably compromise that subject matter expert's objectivity as an assessor.
- (3) The Registrar may appoint one or more employees of EGBC, contractors retained by EGBC, or subject matter experts as assessors to conduct an area of practice audit.

### **8.5 Commencement of Audit and Practice Review Programs**

- (1) The following programs will commence on a date to be determined by the Audit and Practice Review Committee:
  - (a) The compliance audit program for individual Registrants, as set out in section 8.6 of the Bylaws;
  - (b) The compliance audit program for Registrant Firms, as set out in section 8.7 of the Bylaws;
  - (c) The practice review program for Registrant Firms, as set out in section 8.10 of the Bylaws.

- (2) [Repealed 2021-12-03].
- (3) [Repealed 2021-12-03].
- (4) [Repealed 2021-12-03].
- (5) [Repealed 2021-12-03].

## **8.6 Compliance Audit Program for Individual Registrants**

- (1) The Council must annually determine the percentage of individual Registrants who will be selected for a compliance audit through a random selection process.
- (2) The Audit and Practice Review Committee must annually determine risk-based criteria to inform the random selection of individual Registrants for a compliance audit.
- (3) The following individual Registrants are exempt from a compliance audit:
  - (a) Trainees;
  - (b) individual Registrants who are Sole Practitioners;
  - (c) individual Registrants who have undergone a compliance audit in the previous 5 years;
  - (d) individual Registrants who are employed by a Registrant Firm that has undergone an audit in the previous 12 months and the Registrant Firm has been found to be in compliance;
  - (e) life members or life limited licensees.
- (4) An individual Registrant selected for a compliance audit must be provided with written notice of the compliance audit.
- (5) An individual Registrant selected for a compliance audit may be granted an exemption from a compliance audit by
  - (a) an officer appointed by the Audit and Practice Review Committee, if the individual Registrant is unemployed, on parental leave, medical leave, or compassionate care leave, or
  - (b) the Audit and Practice Review Committee, if the individual Registrant has other extenuating circumstances.
- (6) An individual Registrant subject to a compliance audit must co-operate with the compliance audit process, including
  - (a) answering questions posed to the individual Registrant,

- (b) providing all requested information, files, or records in the individual Registrant's possession or control, including information, files, or records related to the individual Registrant's continuing education, and
  - (c) undergoing an interview with an assessor, either in person or by Electronic Means, if the assessor determines that such an interview is desirable or necessary.
- (7) Through a review of the evidence provided by the individual Registrant subject to a compliance audit in subsection (6), including answers, information, files, or records, the assessor must assess whether the individual Registrant is in compliance with all applicable regulatory requirements, which may include
  - (a) applicable requirements of the continuing education program,
  - (b) applicable quality management standards and professional practice guidelines, and
  - (c) appropriately declaring the individual Registrant's industry of practice and area(s) of practice, if applicable.
- (8) Based on the assessor's assessment pursuant to subsection (7), the assessor must do one of the following:
  - (a) in the case of full compliance, close the compliance audit file, in which case the Audit and Practice Review Committee and the individual Registrant must be provided the assessor's report of the compliance audit;
  - (b) in the case of a Minor Non-Conformance, prescribe corrective action that the individual Registrant must satisfactorily complete within a specified time period;
  - (c) in the case of a Major Non-Conformance, refer the compliance audit file to the Audit and Practice Review Committee, in which case the Audit and Practice Review Committee and the individual Registrant must be provided the assessor's report of the compliance audit.
- (9) If the individual Registrant subject to a compliance audit satisfactorily completes the corrective action prescribed pursuant to subsection (8)(b) within the specified time period,
  - (a) the assessor must close the compliance audit file, and
  - (b) the Audit and Practice Review Committee and the individual Registrant must be provided the assessor's report of the compliance audit.
- (10) If the individual Registrant subject to a compliance audit fails to satisfactorily complete the corrective action prescribed pursuant to subsection (8)(b) within the specified time period, the assessor must do one of the following:

- (a) extend the time period in which the individual Registrant must satisfactorily complete the corrective action prescribed pursuant to subsection (8)(b);
  - (b) refer the compliance audit file to the Audit and Practice Review Committee, in which case the Audit and Practice Review Committee and the individual Registrant must be provided the assessor's report of the compliance audit, including particulars of the failure to satisfactorily complete the corrective action within the specified time period.
- (11) Before an assessor refers a compliance audit file to the Audit and Practice Review Committee pursuant to subsection (8)(c) or (10)(b), the individual Registrant subject to a compliance audit must be provided with
- (a) the assessor's report of the compliance audit, and
  - (b) an opportunity to provide a written response to the assessor with respect to the issues considered in the assessor's report of the compliance audit within a specified time period.
- (12) After reviewing the assessor's report of the compliance audit, any written response from the individual Registrant subject to a compliance audit, and any subsequent recommendations from the assessor, the Audit and Practice Review Committee must
- (a) prescribe corrective action that the individual Registrant must satisfactorily complete within a specified time period, which is not limited to the corrective action originally prescribed by the assessor and which may be followed by a subsequent compliance audit or compliance audits of the individual Registrant,
  - (b) authorize a practice review of the individual Registrant pursuant to section 63(4) of the PGA [*Audits and practice reviews*],
  - (c) disclose or provide records or information from the compliance audit to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable, or
  - (d) close the compliance audit file,
- and provide written notice to the individual Registrant.
- (13) If the individual Registrant subject to a compliance audit satisfactorily completes the corrective action prescribed pursuant to subsection (12)(a) within the specified time period, the Audit and Practice Review Committee must close the compliance audit file and provide written notice to the individual Registrant.
- (14) If the individual Registrant subject to a compliance audit fails to satisfactorily complete the corrective action prescribed pursuant to subsection (12)(a) within the specified time period, the Audit and Practice Review Committee must

- (a) extend the time period in which the individual Registrant must satisfactorily complete the corrective action prescribed pursuant to subsection (12)(a),
- (b) authorize a practice review pursuant to section 63(4) of the PGA [*Audits and practice reviews*], or
- (c) disclose or provide records or information from the compliance audit to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable,

and provide written notice to the individual Registrant.

- (15) In addition to any action taken by the assessor under this section of the Bylaws, the assessor may make a recommendation to the Audit and Practice Review Committee that a practice review of a Registrant be commenced on the basis of any information obtained or any assessments made in the course of the compliance audit.

## **8.7 Compliance Audit Program for Registrant Firms**

- (1) All Registrant Firms will become eligible for an initial mandatory compliance audit to commence on or after a date to be determined by the Audit and Practice Review Committee.
- (2) Following the completion of the initial mandatory compliance audit pursuant to subsection (1), a Registrant Firm will become eligible for routine compliance audits.
- (3) The Audit and Practice Review Committee must set criteria to inform the selection of routine compliance audits for Registrant Firms and may take risk-based criteria into account in this determination.
- (4) A non-practising Registrant Firm is exempt from undergoing a compliance audit pursuant to this section of the Bylaws while maintaining its non-practising status.
- (5) A Registrant Firm selected for a compliance audit must be provided with written notice of the compliance audit.
- (6) A Registrant Firm selected for a compliance audit may be granted deferral of the compliance audit by the Audit and Practice Review Committee, upon submission of
  - (a) a written request for the deferral setting out the reasons for which the deferral is being requested and the anticipated length of the deferral, and
  - (b) any documents, information, records, declarations, or other information that supports the Registrant Firm's request or that may be requested by the Audit and Practice Review Committee in assessing the Registrant Firm's request for a deferral.

- (7) A deferral of a compliance audit granted to a Registrant Firm pursuant to subsection (6) has a maximum duration of one year from the date that the deferral is granted, upon which the deferral will expire and the compliance audit may proceed, unless a further deferral is granted pursuant to subsection (6).
- (8) A Registrant Firm that has been granted a deferral of a compliance audit pursuant to subsection (6) may apply for a further deferral by the Audit and Practice Review Committee, upon submission of a further request for a deferral in accordance with the requirements set out in subsection (6).
- (9) A Registrant Firm, the Responsible Officer, and the Responsible Registrant(s) of the Registrant Firm must co-operate with the compliance audit process, including
  - (a) if the Registrant Firm has more than one Responsible Registrant, designating one Responsible Registrant to co-ordinate
    - (i) the Registrant Firm's co-operation with the compliance audit and
    - (ii) communications on behalf of the Registrant Firm,
  - (b) answering all questions posed to the Registrant Firm,
  - (c) providing all requested information, files, or records in the Registrant Firm's possession or control, including information, files, or records related to the Registrant Firm's quality management program, continuing education program, Professional Practice Management Plan, and Code of Conduct,
  - (d) facilitating site visits by the assessor, or any person designated by the assessor, to any requested work locations, including taking reasonable steps to arrange for and provide site access, any necessary personnel, and any information required to comply with applicable health and safety legislation during the site visit, and
  - (e) ensuring compliance with any requests by an assessor to conduct interviews of individuals employed by or under contract with the Registrant Firm.
- (10) A Responsible Registrant designated pursuant to subsection (9)(a) must have sufficient knowledge of the subject matter of the audit, the ability and sufficient authority to facilitate the audit as required, and the authority to make binding decisions on behalf of the Registrant Firm with respect to the audit.
- (11) If an assessor determines that the Responsible Registrant designated by a Registrant Firm pursuant to subsection (9)(a) does not meet the requirements set out in subsection (10), then the assessor may direct the Responsible Officer, an Individual With Authority, or any other individual employed by or under contract with the Registrant Firm to be designated for the purpose of coordinating the audit pursuant to subsection (9).
- (12) Through a review of the evidence provided by the Registrant Firm pursuant to subsection (9), including answers, information, files, or records, the assessor

must assess whether the Registrant Firm is in compliance with all applicable regulatory requirements, including the Bylaws, guidelines, practice advisories, and policies of EGBC, as well as the quality management, continuing education, and ethics standards.

- (13) Based on the assessor's assessment pursuant to subsection (12), the assessor must do one of the following:
  - (a) in the case of full compliance, close the compliance audit file, in which case the Audit and Practice Review Committee and the Registrant Firm must be provided the assessor's report of the compliance audit;
  - (b) in the case of a Minor Non-Conformance, prescribe corrective action that the Registrant Firm must satisfactorily complete within a specified time period; or,
  - (c) in the case of a Major Non-Conformance, refer the compliance audit file to the Audit and Practice Review Committee, in which case the Audit and Practice Review Committee and the Registrant Firm must be provided the assessor's report of the compliance audit.
- (14) If the Registrant Firm subject to a compliance audit satisfactorily completes the corrective action prescribed pursuant to subsection (13)(b) within the specified time period,
  - (a) the assessor must close the compliance audit file, and
  - (b) the Audit and Practice Review Committee and the Registrant Firm must be provided the assessor's report of the compliance audit.
- (15) If the Registrant Firm subject to a compliance audit fails to satisfactorily complete the corrective action prescribed pursuant to subsection (13)(b) within the specified time period, the assessor must do one of the following:
  - (a) extend the time period in which the Registrant Firm must satisfactorily complete the corrective action prescribed pursuant to subsection (13)(b); or,
  - (b) refer the compliance audit file to the Audit and Practice Review Committee, in which case the Audit and Practice Review Committee and the Registrant Firm must be provided the assessor's report of the compliance audit, including particulars of the failure to satisfactorily complete the corrective action within the specified time period.
- (16) Before an assessor refers a compliance audit file to the Audit and Practice Review Committee pursuant to subsections (13)(c) or (15)(b), the Registrant Firm subject to a compliance audit must be provided with
  - (a) the assessor's report of the compliance audit, and



- (b) an opportunity to provide a written response to the assessor with respect to the issues considered in the assessor's report of the compliance audit within a specified time period.
- (17) After reviewing the assessor's report of the compliance audit, any written response from the Registrant Firm subject to a compliance audit, and any subsequent recommendations from the assessor, the Audit and Practice Review Committee must do one of the following:
- (a) prescribe corrective action that the Registrant Firm must satisfactorily complete within a specified time period, which is not limited to the corrective action originally prescribed by the assessor and which may be followed by a subsequent compliance audit or audits of the Registrant Firm,
  - (b) authorize a practice review of the Registrant Firm pursuant to section 63(4) of the PGA [*Audits and practice reviews*],
  - (c) disclose or provide records or information from the compliance audit to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable, or
  - (d) close the compliance audit file,
- and provide written notice to the Registrant Firm.
- (18) If the Registrant Firm subject to a compliance audit satisfactorily completes the corrective action prescribed pursuant to subsection (17)(a) within the specified time period, the Audit and Practice Review Committee must close the compliance audit file and provide written notice to the Registrant Firm.
- (19) If the Registrant Firm subject to a compliance audit fails to satisfactorily complete the corrective action prescribed pursuant to subsection (17)(a) within the specified time period, the Audit and Practice Review Committee must do one of the following:
- (a) extend the time period in which the Registrant Firm must satisfactorily complete the corrective action prescribed pursuant to subsection (17)(a);
  - (b) authorize a practice review pursuant to section 63(4) of the PGA [*Audits and practice reviews*]; or
  - (c) disclose or provide records or information from the compliance audit to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable;
- and provide written notice to the Registrant Firm.



- (20) In addition to any action taken by the assessor pursuant to this section of the Bylaws, the assessor may make a recommendation to the Audit and Practice Review Committee that a practice review of a Registrant be commenced on the basis of any information obtained or any assessments made in the course of the compliance audit.

## **8.8 Audit Program for an Area of Practice**

- (1) The Registrar may authorize an area of practice audit of an identified area of practice to be completed by an assessor appointed by the Registrar for that purpose pursuant to section 8.4(3) of the Bylaws.
- (2) If the Registrar authorizes an area of practice audit pursuant to subsection (1), the Registrar must
  - (a) set out the purpose of the area of practice audit, and
  - (b) determine the percentage of Registrants practising in that area of practice who will be selected for the area of practice audit through a random selection process.
- (3) A Registrant selected for an area of practice audit must be provided with written notice of the area of practice audit.
- (4) A Registrant selected for an area of practice audit may be granted an exemption from the area of practice audit by the Registrar.
- (5) A non-practising Registrant Firm is exempt from undergoing an area of practice audit pursuant to this section of the Bylaws while maintaining its non-practising status.
- (6) A Registrant subject to an area of practice audit must co-operate with the area of practice audit process, including
  - (a) if the Registrant is a Registrant Firm with more than one Responsible Registrant, designating one Responsible Registrant to co-ordinate
    - (i) the Registrant Firm's co-operation with the area of practice audit, and
    - (ii) communications on behalf of the Registrant Firm,
  - (b) answering questions posed to the Registrant,
  - (c) providing all requested information, files, or records in the Registrant's possession or control, and
  - (d) undergoing an interview with the assessor, either in person or by Electronic Means, if the assessor determines that such an interview is desirable or necessary.

- (7) The evidence provided by all Registrants subject to an area of practice audit pursuant to subsection (6), including answers, information, files, or records, must be compiled to produce a report on the findings of the area of practice audit and subsequent recommendations.
- (8) The report on the findings of the area of practice audit and subsequent recommendations produced pursuant to subsection (7) must be provided to the Registrar, and the Registrar may determine what action to take based on the findings of the area of practice audit and subsequent recommendations.

## 8.9 Practice Review of Individual Registrants

- (1) The following categories of individual Registrants are exempt from practice reviews:
  - (a) Trainees;
  - (b) life members or life limited licensees.
- (2) A practice review of an individual Registrant, other than a Registrant exempted pursuant to subsection (1), may be authorized by the Audit and Practice Review Committee pursuant to section 63(4) of the PGA [*Audits and practice reviews*], or by the Registrar or the Investigation Committee pursuant to section 65(4) of the PGA [*Complaints*], if
  - (a) the individual Registrant consents, or
  - (b) information obtained through an audit, a complaint, a practice review, or an investigation indicates that the individual Registrant might have
    - (i) contravened the PGA, the regulations or the Bylaws,
    - (ii) failed to comply with a standard, limit or condition imposed under the PGA,
    - (iii) acted in a manner that constitutes Professional Misconduct or Conduct Unbecoming a Registrant, or
    - (iv) acted in a manner that constitutes Incompetent performance of duties undertaken while engaged in the Regulated Practice.
- (3) An individual Registrant subject to practice review must be provided with written notice of the practice review.
- (4) Pursuant to section 63(5)(a) of the PGA [*Audits and practice reviews*], an individual Registrant subject to practice review must co-operate with the practice review process, including
  - (a) answering questions posed to the individual Registrant,

- (b) providing access to all requested information, files, or records in the individual Registrant's possession or control, and
  - (c) undergoing an interview with an assessor, either in person or by Electronic Means.
- (5) Before an assessor provides the assessor's report of the practice review to the Audit and Practice Review Committee, the individual Registrant subject to practice review must be provided with
  - (a) the assessor's report of the practice review, and
  - (b) an opportunity to provide a written response to the assessor with respect to the issues considered in the assessor's report of the practice review within a specified time period.
- (6) After reviewing the assessor's report of the practice review, any written response from the individual Registrant subject to practice review, and any subsequent recommendations from the assessor, the Audit and Practice Review Committee must
  - (a) close the practice review file,
  - (b) pursuant to section 63(5)(c) of the PGA [*Audits and practice reviews*], impose limits or conditions on the practice of the Regulated Practice by the individual Registrant, including
    - (i) restricting the practice that may be engaged in by the individual Registrant,
    - (ii) requiring that the individual Registrant be overseen by another Registrant when engaged in the Regulated Practice, and
    - (iii) requiring that the individual Registrant undertake additional training, or
  - (c) disclose or provide records or information from the practice review to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable,

and provide written notice to the individual Registrant.
- (7) The Audit and Practice Review Committee may remove any limits or conditions imposed on an individual Registrant subject to practice review pursuant to subsection (6)(b) if the individual Registrant
  - (a) applies in writing to the Audit and Practice Review Committee to have the limits or conditions removed, and
  - (b) provides evidence acceptable to the Audit and Practice Review Committee that the limits or conditions are no longer necessary or have been fulfilled, as applicable.

- (8) After the removal of all limits or conditions imposed on an individual Registrant subject to practice review pursuant to subsection (6)(b), the Audit and Practice Review Committee must close the practice review file and provide written notice to the individual Registrant.
- (9) If the individual Registrant subject to practice review fails to abide by any limits or conditions imposed on the individual Registrant pursuant to subsection (6)(b), the Audit and Practice Review Committee must disclose or provide records or information from the practice review to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable.

### 8.10 Practice Review of Registrant Firms

- (1) A practice review of a Registrant Firm may be authorized by the Audit and Practice Review Committee pursuant to section 63(4) of the PGA [*Audits and practice reviews*], or by the Registrar or the Investigation Committee pursuant to section 65(4) of the PGA [*Complaints*], if
  - (a) the Registrant Firm consents, or
  - (b) information obtained through an audit, a complaint, a practice review, or an investigation indicates that the Registrant Firm might have
    - (i) contravened the PGA, the regulations or the Bylaws,
    - (ii) failed to comply with a standard, limit, or condition imposed under the PGA,
    - (iii) acted in a manner that constitutes Professional Misconduct or Conduct Unbecoming a Registrant, or
    - (iv) acted in a manner that constitutes Incompetent performance of duties undertaken while engaged in the Regulated Practice.
- (2) A Registrant Firm subject to practice review must be provided with written notice of the practice review.
- (3) Pursuant to section 63(5)(a) of the PGA [*Audits and practice reviews*], a Registrant Firm, the Responsible Officer, and the Responsible Registrant(s) of the Registrant Firm must co-operate with the practice review process, including
  - (a) if the Registrant Firm has more than one Responsible Registrant, designating one Responsible Registrant to co-ordinate
    - (i) the Registrant Firm's co-operation with the practice review, and
    - (ii) communications on behalf of the Registrant Firm,

- (b) answering questions posed to the Registrant Firm,
  - (c) providing all requested information, files, or records in the Registrant Firm's possession or control, including information, files, or records related to the Registrant Firm's quality management program, continuing education program, Professional Practice Management Plan, and Code of Conduct,
  - (d) facilitating site visits by the assessor, or anyone designated by the assessor, to any requested work locations, including arranging for and providing site access, all necessary personnel, and any information required to comply with applicable health and safety legislation during the site visit, and
  - (e) ensuring compliance with any requests by an assessor to conduct interviews of individuals employed by or under contract with the Registrant Firm, including facilitating interviews with both Registrants and non-Registrants, either in person or by Electronic Means, if the assessor determines that such interviews are desirable or necessary.
- (4) A Responsible Registrant designated pursuant to subsection (3)(a) must have sufficient knowledge of the subject matter of the practice review, the ability and sufficient authority to facilitate the practice review as required, and the authority to make binding decisions on behalf of the Registrant Firm.
- (5) If an assessor determines that the Responsible Registrant designated by a Registrant Firm pursuant to subsection (3)(a) does not meet the requirements set out in subsection (4), then the assessor may direct the Responsible Officer, an Individual With Authority, or any other individual employed by or under contract with the Registrant Firm, to be designated for the purpose of coordinating the practice review pursuant to subsection (3).
- (6) Before an assessor provides the assessor's report of the practice review to the Audit and Practice Review Committee, the Registrant Firm subject to practice review must be provided with:
- (a) the assessor's report of the practice review, and
  - (b) an opportunity to provide a written response to the assessor with respect to the issues considered in the assessor's report of the practice review within a specified time period.
- (7) After reviewing the assessor's report of the practice review, any written response from the Registrant Firm subject to practice review, and any subsequent recommendations from the assessor, the Audit and Practice Review Committee must do one of the following:
- (a) close the practice review file,

- (b) pursuant to section 63(5)(c) of the PGA [*Audits and practice reviews*], impose limits or conditions on the practice of the Regulated Practice by the Registrant Firm, including:
  - (i) restricting the practice that may be engaged in by the Registrant Firm and on behalf of the Registrant Firm by any individuals employed by or under contract with the Registrant Firm,
  - (ii) requiring that the work of the Registrant Firm and any individuals employed by or under contract with the Registrant Firm be overseen by another Registrant when engaged in the Regulated Practice, and
  - (iii) requiring that any individuals employed by or under contract with the Registrant Firm undertake additional training, or
- (c) disclose or provide records or information from the practice review to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable,

and provide written notice to the Registrant Firm.

- (8) The Audit and Practice Review Committee may remove any limits or conditions imposed on a Registrant Firm subject to practice review pursuant to subsection (7)(b) if the Registrant Firm
  - (a) applies in writing to the Audit and Practice Review Committee to have the limits or conditions removed, and
  - (b) provides evidence acceptable to the Audit and Practice Review Committee that the limits or conditions are no longer necessary or have been fulfilled, as applicable.
- (9) After the removal of all limits or conditions imposed on a Registrant Firm subject to practice review pursuant to subsection (7)(b), the Audit and Practice Review Committee must close the practice review file and provide written notice to the Registrant Firm.
- (10) If the Registrant Firm subject to practice review fails to abide by any limits or conditions imposed on the Registrant Firm pursuant to subsection (7)(b), the Audit and Practice Review Committee must disclose or provide records or information from the practice review to the Investigation Committee pursuant to section 110(3) of the PGA [*Confidentiality – committee matters*] or notify the Investigation Committee pursuant to section 110(4) of the PGA [*Confidentiality – committee matters*], as applicable.

## 9 Complaints and Investigation

### 9.1 Definitions

- (1) For the purpose of this Part, “Registrant” includes a former Registrant where applicable pursuant to section 56(1) of the PGA [*Definition and application*].

### 9.2 Powers of the Investigation Committee

- (1) The Investigation Committee has the functions and duties assigned to it in the PGA and delegated to it by the Council in subsections (2) and (3).
- (2) The Council authorizes the Investigation Committee to exercise the Council’s powers pursuant to the following sections of the PGA and Regulations, other than the Council’s bylaw-making authority:
  - (a) section 32(1) of the PGA [*Officers and committees*], in order to appoint officers for the purpose of carrying out the powers delegated in subsection (3)(a);
  - (b) section 66(1) of the PGA [*Investigations*];
  - (c) [Repealed 2021-12-03];
  - (d) section 67(1) and (4) of the PGA [*Extraordinary action*];
  - (e) section 72(3) of the PGA [*Reprimand or remedial action by consent*];
  - (f) section 1.8 of the *Professional Governance General Regulation*, B.C. Reg. 107/2019 [*Protection of personal privacy – information on website*], in order to determine whether information should not be made publicly available despite section 82(2) of the PGA [*Information to be publicly available*].
- (3) The Council authorizes the Investigation Committee to act pursuant to the following sections of the PGA:
  - (a) section 32(5)(b) of the PGA [*Officers and committees*], to delegate the powers granted by the Council to the Investigation Committee pursuant to sections 66(1)(b) and (c) of the PGA [*Investigations*] to one or more officers;
  - (b) section 65(4) of the PGA [*Complaints*] to
    - (i) authorize a practice review pursuant to section 63 of the PGA [*Audits and practice reviews*], or
    - (ii) take action pursuant to section 66 of the PGA [*Investigations*].

### 9.3 Officers

- (1) All members of the Investigation Committee are appointed as officers pursuant to section 32(1) of the PGA [*Officers and committees*].

### 9.4 Powers of the Registrar

- (1) The Council authorizes the Registrar to act pursuant to section 65(4) of the PGA [*Complaints*] to authorize a practice review pursuant to section 63 of the PGA [*Audits and practice reviews*].

### 9.5 Avoiding the Appearance of Bias

- (1) A member of the Investigation Committee must not participate in the consideration or investigation of a matter in which the member of the Investigation Committee
  - (a) had involvement prior to the decision of the Investigation Committee to authorize an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*], or
  - (b) had or has a relationship with either the Complainant, a witness, or the Registrant subject to investigation
 that would reasonably compromise the member's objectivity.

### 9.6 Disposition of Complaints by the Registrar

- (1) After receipt of a complaint, the Registrar may do any of the following:
  - (a) close all or part of the complaint without an investigation if the Registrar reasonably believes that any of the following apply:
    - (i) the complaint concerns a matter over which EGBC does not have jurisdiction;
    - (ii) the complaint does not, on its face, relate to an allegation that a Registrant is guilty of Professional Misconduct, Conduct Unbecoming a Registrant, or Incompetent performance of duties undertaken while engaged in the Regulated Practice;
    - (iii) the complaint is Trivial, Frivolous, Vexatious, or made in Bad Faith;
  - (b) close the complaint without an investigation and authorize a practice review of the Registrant subject to the complaint pursuant to section 65(4) of the PGA [*Complaints*], to be conducted by the Audit and Practice Review Committee, except where the Registrant subject to the complaint is a Trainee, who may not be referred to the Audit and Practice Review Committee for a practice review;



- (c) bring the complaint and any available evidence to the Investigation Committee in form of a written report for the Investigation Committee to consider authorizing an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*].
- (2) If the Registrar closes a complaint pursuant to subsection (1)(a), the Registrar must provide the Complainant, the Registrant subject to the complaint, and the Investigation Committee with a written report stating the nature of the complaint and the reasons for closure.
- (3) If the Registrar closes a complaint file and refers the Registrant subject to the complaint to the Audit and Practice Review Committee pursuant to subsection (1)(b), the Registrar must provide the Complainant, the Registrant subject to the complaint, and the Investigation Committee with a written report stating the nature of the complaint and the reasons for the referral.

## **9.7 Investigation**

### **9.7.1 Authorizing an Investigation**

- (1) If EGBC receives information from any source that indicates a Registrant may have been guilty of
  - (a) Professional Misconduct,
  - (b) Conduct Unbecoming a Registrant, or
  - (c) Incompetent performance of duties undertaken while engaged in the Regulated Practice,

the Registrar may bring such information and any available evidence to the Investigation Committee in the form of a written report for the Investigation Committee to consider authorizing an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*].

- (2) Upon receipt of a written report pursuant to subsection (1) or section 9.6(1)(c) of the Bylaws, the Investigation Committee may do one of the following:
  - (a) decline to authorize an investigation, if the Investigation Committee reasonably believes that any of the following apply with respect to the allegations in the written report:
    - (i) the allegations concern a matter over which EGBC does not have jurisdiction;
    - (ii) the report does not, on its face, relate to an allegation that a Registrant is guilty of Professional Misconduct, Conduct Unbecoming a Registrant, or Incompetent performance of duties undertaken while engaged in the Regulated Practice;

- (iii) the substance of the allegations has been or could be appropriately dealt with in another process or proceeding;
  - (iv) there is no reasonable prospect that the allegations, if proven, could substantiate a finding of Professional Misconduct, Conduct Unbecoming a Registrant, or Incompetent performance of duties undertaken while engaged in the Regulated Practice;
  - (v) the allegations are Trivial, Frivolous, Vexatious, or made in Bad Faith;
  - (vi) the allegations give rise to an Abuse of Process;
  - (vii) the allegations were raised for an improper purpose or motive;
  - (viii) the allegations relate to a contractual dispute between the Registrant and a third party and there is no public interest in authorizing an investigation;
- (b) authorize an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*] and
- (i) order further investigation to be conducted pursuant to sections 9.7.4 to 9.7.6 of the Bylaws, or
  - (ii) deem the investigation to be complete based on the written report provided pursuant to subsection (1) or section 9.6(1)(c) of the Bylaws and make a decision pursuant to section 9.7.7 of the Bylaws.
- (3) If the Investigation Committee declines to authorize an investigation pursuant to subsection (2)(a), the Investigation Committee must provide the Complainant and the Registrant subject to the complaint with a written report stating the nature of the complaint and the reasons for closure of the file.
- (4) If the written report brought to the Investigation Committee pursuant to subsection (1) or section 9.6(1)(c) of the Bylaws contains evidence that a Registrant has been convicted of an indictable offence, the Investigation Committee may authorize an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*], deem the investigation to be complete based on the written report, and take action pursuant to section 9.7.2 of the Bylaws.
- (5) If the Investigation Committee authorizes an investigation pursuant to section 66(1)(a) of the PGA in relation to a public sector Firm, EGBC must notify the Superintendent of Professional Governance within 30 days of the decision to authorize the investigation.

### **9.7.2 Suspension or Cancellation on the Basis of an Indictable Offence**

- (1) If the Investigation Committee is satisfied that a Registrant has been convicted of an indictable offence, the Investigation Committee may make an order to summarily suspend

or cancel the registration of the Registrant, and if the Registrant is a Registrant Firm, suspend or cancel the Registrant Firm's Permit to Practice.

- (2) Before proceeding pursuant to subsection (1), the Investigation Committee must be satisfied that the nature of the indictable offence or the circumstances under which the offence was committed give rise to concerns that the Registrant has engaged in
  - (a) Professional Misconduct,
  - (b) Conduct Unbecoming a Registrant, or
  - (c) Incompetent performance of duties undertaken while engaged in the Regulated Practice.
- (3) The Investigation Committee may determine the process and procedure for making a determination pursuant to this section of the Bylaws, including determining whether Proceedings are to be conducted
  - (a) in writing,
  - (b) in person,
  - (c) by Electronic Means, or
  - (d) in any combination of (a), (b), or (c).
- (4) The Investigation Committee must, before initiating Proceedings held pursuant to this section of the Bylaws, provide written notice to the Registrant subject to investigation that
  - (a) action may be undertaken pursuant to subsection (1), and
  - (b) the Registrant may, by a specified date, make written submissions to the Investigation Committee.
- (5) The Investigation Committee may hear oral submissions from the Registrant, in the place of or in addition to the written submissions referred to in subsection (4)(b).
- (6) Despite subsections (4) and (5) if the Investigation Committee considers it necessary to protect the public interest, the Investigation Committee may initiate Proceedings pursuant to this section of the Bylaws or make an order pursuant to subsection (1) without
  - (a) providing notice to the Registrant, or
  - (b) providing the Registrant with an opportunity to make written or oral submissions to the Investigation Committee.
- (7) If the Investigation Committee makes an order pursuant to subsection (1) to suspend or cancel the registration of the Registrant and, if the Registrant is a Registrant Firm, the

Permit to Practice of the Registrant Firm, the Investigation Committee must deliver the order to the Registrant.

- (8) If the Investigation Committee makes an order pursuant to subsection (1) suspending the registration of the Registrant and, if the Registrant is a Registrant Firm, the Permit to Practice of the Registrant Firm, the Investigation Committee
  - (a) must determine the length and any conditions of the suspension in its order, and
  - (b) may amend or rescind the order.

### 9.7.3 Extraordinary Action to Protect the Public

- (1) At any time after authorizing an investigation pursuant to section 66(1)(a) of the PGA [*Investigations*], the Investigation Committee may, if it considers that it is necessary to protect the public interest,
  - (a) take action pursuant to section 67 of the PGA [*Extraordinary action*], or
  - (b) refer the file to the Discipline Committee, without the issuance of a citation, for the Discipline Committee to consider taking action pursuant to section 67 of the PGA [*Extraordinary action*].
- (2) The members of any Investigation Subcommittee carrying out an investigation or overseeing and taking responsibility for an investigation carried out by an Investigator and the members of any Resolution Subcommittee must not, for the same matter, participate in any Proceedings related to section 67 of the PGA [*Extraordinary action*].
- (3) If the Investigation Committee decides to proceed pursuant to subsection (1)(a), the Investigation Committee may determine the process and procedure for making a determination pursuant to this section of the Bylaws, including determining whether Proceedings are to be conducted
  - (a) in writing,
  - (b) in person,
  - (c) by Electronic Means, or
  - (d) in any combination of (a), (b), or (c).
- (4) The Investigation Committee may, before initiating Proceedings held pursuant to this section of the Bylaws, provide written notice to the Registrant subject to investigation that
  - (a) action may be undertaken pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*], and

- (b) the Registrant subject to investigation may, by a specified date, make written submissions to the Investigation Committee.
- (5) The Investigation Committee may hear oral submissions from the Registrant subject to investigation in the place of or in addition to the written submissions referred to in subsection (4)(b).
- (6) Despite subsections (4) and (5), if the Investigation Committee considers that it is necessary to protect the public interest, the Investigation Committee may initiate Proceedings held pursuant to this section of the Bylaws or make an order pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] without
  - (a) providing notice to the Registrant subject to investigation, or
  - (b) providing the Registrant subject to investigation with an opportunity to make written or oral submissions to the Investigation Committee.
- (7) An order made by the Investigation Committee pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] must comply with sections 67(2) and (3) of the PGA [*Extraordinary action*].
- (8) Pursuant to section 67(4) of the PGA [*Extraordinary action*], if the Investigation Committee determines that its order pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] is no longer necessary to protect the public interest, it must, in writing, cancel any limits, conditions, or suspension ordered pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] and notify the Registrant subject to investigation.
- (9) An order made by the Investigation Committee pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] is effective until the final disposition of the matter by the Investigation Committee or the Discipline Committee, as applicable.

#### **9.7.4 Carrying out of an Investigation**

- (1) The Investigation Committee may appoint Investigators as officers and delegate to those Investigators the Investigation Committee's powers pursuant to sections 66(1)(b) and (c) of the PGA [*Investigations*].

#### **9.7.5 Necessary Co-operation During an Investigation**

- (1) An Investigator may, pursuant to section 66(1)(b) and (c) of the PGA [*Investigations*], issue a written notice to the Registrant subject to investigation requiring the Registrant subject to investigation to
  - (a) co-operate with the investigation,
  - (b) provide evidence of education, training or experience in the area(s) of practice relevant to the investigation,

- (c) answer questions in the manner specified by the Investigator(s),
  - (d) produce files, records or other evidence in the Registrant's possession or control,
  - (e) provide explanations on request,
  - (f) appear, either in person or by Electronic Means, before the Investigator(s) to discuss the conduct and competence of the Registrant subject to investigation, and
  - (g) if the Registrant is a Registrant Firm,
    - (i) produce any documentation or records requested by the Investigator, including but not limited to the Registrant Firm's corporate records, constating documents, project files, and quality management documents and records,
    - (ii) require any director, officer, individual employed by or under contract with, or any other individual authorized to act on behalf of a Registrant Firm, including the Responsible Officer, any Individual With Authority, or any Responsible Registrant of a Registrant Firm subject to investigation, to appear, either in person or by Electronic Means, before the Investigator(s) to discuss the conduct and competence of the Registrant Firm subject to investigation, and
    - (iii) if the Registrant Firm has more than one Responsible Registrant, designate one Responsible Registrant to co-ordinate
      - (A) the Registrant Firm's co-operation with the investigation, and
      - (B) communications on behalf of the Registrant Firm.
- (2) The Registrant subject to investigation may have legal counsel present at an appearance described in subsection (1)(f), or if the Registrant is a Registrant Firm, legal counsel may be present at any appearance pursuant to subsection (1)(g)(ii).
- (3) An appearance described in subsections (1)(f) and (1)(g)(ii)
- (a) is an examination under oath or affirmation,
  - (b) may be recorded by EGBC by
    - (i) audio, or
    - (ii) audio and video, and
  - (c) may be transcribed by a court reporter for the purpose of preparing a certified transcript.
- (4) A Responsible Registrant designated to co-ordinate an investigation and communicate on behalf of a Registrant Firm pursuant to subsection (1)(g)(iii) must, at a minimum:

- (a) have sufficient knowledge of the subject matter at issue in the investigation,
  - (b) have the authority and ability to facilitate the investigation as required by the Investigator, and
  - (c) be an Individual With Authority at the Registrant Firm.
- (5) If the Investigation Committee determines that the Responsible Registrant designated by a Registrant Firm pursuant to subsection (1)(g)(iii) fails to meet any of the requirements set out in subsection (4) then the Investigation Committee may direct the Responsible Officer, an Individual With Authority, or any other individual employed by or under contract with the Registrant Firm to be designated for the purpose of coordinating the investigation and communicating on behalf of the Registrant Firm.
- (6) In addition to complying with any written notice issued pursuant to subsection (1), a Registrant subject to investigation must facilitate all requests and actions by an Inspector pursuant to section 69 of the PGA [*Powers and duties of inspectors*], including taking reasonable steps to arrange for and provide access to
- (a) premises or project sites where the Registrant engages or has engaged in the Regulated Practice, including providing any information or assistance required to comply with applicable health and safety legislation during the Inspector's examination of the premises,
  - (b) any employees, contractors, or personnel who engage in the Regulated Practice under the supervision of or on behalf of the Registrant,
  - (c) all files, documents, and records, electronic or otherwise, relating to the Registrant's Regulated Practice, and
  - (d) any equipment, or materials used by a Registrant to engage in the Regulated Practice.

#### **9.7.6 Conclusion of an Investigation**

- (1) At the conclusion of an investigation, the Investigator(s) must provide a written report to the Investigation Committee detailing the evidence gathered during the investigation, an assessment of the evidence gathered during the investigation, and the recommendations of the Investigator(s).

#### **9.7.7 Decision by the Investigation Committee**

- (1) After deeming an investigation to be complete pursuant to section 9.7.1(2)(b)(ii) of the Bylaws, or after receipt of a written report prepared pursuant to section 9.7.6(1) of the Bylaws, the Investigation Committee may do any of the following:

- (a) close the investigation file, with the option to write a letter of recommendation to the Registrant subject to investigation suggesting how the Registrant can improve their practice or conduct;
  - (b) close the investigation file and, pursuant to section 65(4) of the PGA [*Complaints*], authorize a practice review of the Registrant subject to investigation to be conducted by the Audit and Practice Review Committee, except where the Registrant subject to investigation is a Trainee who may not be referred to the Audit and Practice Review Committee for a practice review;
  - (c) attempt to resolve one or more of the matters subject to investigation by means other than a discipline hearing, pursuant to section 9.9 of the Bylaws;
  - (d) pursuant to section 66(1)(d) of the PGA [*Investigations*] issue a citation ordering a discipline hearing pursuant to section 75 of the PGA [*Discipline hearings*] to inquire into the conduct or competence of the Registrant subject to investigation.
- (2) When deciding to issue a citation pursuant to subsection (1)(d), the Investigation Committee may also make a recommendation to the Discipline Committee that the Discipline Committee consider taking action pursuant to section 67 of the PGA [*Extraordinary action*].
- (3) The Investigation Committee must inform and provide written reasons for its decision made pursuant to subsection (1) to
- (a) the Registrant subject to investigation, and
  - (b) the Complainant, if the investigation is based on a complaint.
- (4) The members of any Investigation Subcommittee or Resolution Subcommittee must not vote on the disposition of the investigation pursuant to subsection (1).

## 9.8 Issuance and Rescission of a Citation

- (1) Pursuant to section 66(1)(d) of the PGA [*Investigations*], if the Investigation Committee determines that it is in the public interest, and if the Investigation Committee has reasonable and probable grounds to believe that the Registrant subject to investigation may be guilty of
- (a) Professional Misconduct,
  - (b) Conduct Unbecoming a Registrant, or
  - (c) Incompetent performance of duties undertaken while engaged in the Regulated Practice,



the Investigation Committee may issue a citation ordering a discipline hearing pursuant to section 75 of the PGA [*Discipline hearings*] to inquire into the conduct or competence of the Registrant subject to investigation.

- (2) The Investigation Committee may amend or rescind, in whole or in part, a citation issued pursuant to subsection (1).

## 9.9 Resolution by the Investigation Committee

- (1) If the Investigation Committee makes a determination pursuant to section 9.7.7(1)(c) of the Bylaws, the Investigation Committee may appoint a Resolution Subcommittee to oversee and take responsibility for attempting to resolve one or more of the matters subject to investigation by one or more of the following methods:
  - (a) make a request in writing for an undertaking or reprimand by consent to the Registrant subject to investigation pursuant to section 72 of the PGA [*Reprimand or remedial action by consent*];
  - (b) propose a consent order in writing to the Registrant subject to investigation pursuant to section 73 of the PGA [*Consent orders*];
  - (c) enter into the Alternative Complaint Resolution process with the Registrant subject to investigation pursuant to section 74 of the PGA [*Alternative complaint resolution*].
- (2) If the Registrant subject to investigation is a Registrant Firm, any undertaking or reprimand by consent, consent order, or agreement entered into following an Alternative Complaint Resolution Process pursuant to subsection (1) must be agreed to and endorsed by an Individual With Authority at the Registrant Firm.

### 9.9.1 Reprimand or Remedial Action by Consent

- (1) In relation to one or more of the matters investigated pursuant to section 66(1) of the PGA [*Investigations*], the Investigation Committee or the Resolution Subcommittee may make a request pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*].
- (2) In case of an undertaking pursuant to section 72(1)(b) or (d) of the PGA [*Reprimand or remedial action by consent*], the record of the undertaking must specify
  - (a) the period of time during which the educational courses or any other action specified by the Audit and Practice Review Committee is to be completed or is binding on the Registrant subject to investigation, and
  - (b) the procedure, if any, that the Registrant subject to investigation may follow to be released from the undertaking.
- (3) If the Registrant subject to investigation agrees to an undertaking or reprimand by consent requested pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*], the agreement must be approved by the Investigation Committee.

- (4) If the Registrant subject to investigation rejects an undertaking or reprimand by consent requested pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*], the Investigation Committee may
  - (a) direct the Registrar to issue a citation for a hearing by the Discipline Committee pursuant to section 72(3) of the PGA [*Reprimand or remedial action by consent*], or
  - (b) continue with the investigation process as though the offer to resolve one or more matters by means of an undertaking or reprimand by consent pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*] had not been made.
- (5) The members of a Resolution Subcommittee must not, for the same matter, vote on a decision by the Investigation Committee pursuant to subsection (3) or (4).

### 9.9.2 Consent Orders

- (1) In relation to one or more of the matters investigated pursuant to section 66(1) of the PGA [*Investigations*], the Investigation Committee or the Resolution Subcommittee may, pursuant to section 73 of the PGA [*Consent orders*], propose a consent order in writing to the Registrant subject to investigation.
- (2) If the Registrant subject to investigation agrees to a consent order proposed pursuant to section 73(1) of the PGA [*Consent orders*], the agreement must be approved by the Investigation Committee.
- (3) A consent order made between the Investigation Committee and the Registrant subject to investigation must meet the requirements set out in section 73 of the PGA [*Consent orders*].
- (4) The members of a Resolution Subcommittee must not, for the same matter, vote on a decision by the Investigation Committee pursuant to subsection (2).

### 9.9.3 Alternative Complaint Resolution by the Investigation Committee

- (1) In relation to one or more of the matters investigated pursuant to section 66(1) of the PGA [*Investigations*], the following parties may agree to engage in Alternative Complaint Resolution pursuant to section 74 of the PGA [*Alternative complaint resolution*]:
  - (a) the Investigation Committee;
  - (b) the Registrant subject to investigation;
  - (c) the Registrar.
- (2) Any party may withdraw from the Alternative Complaint Resolution process at any time by providing written notice to the other parties.

- (3) The apportionment of costs incurred through Alternative Complaint Resolution, other than any respective legal costs of the parties, must be agreed upon by the parties prior to the commencement of the Alternative Complaint Resolution process, unless the parties agree otherwise.

## 10 Discipline

### 10.1 Definitions

- (1) For the purpose of this Part, “Registrant” includes a former Registrant where applicable pursuant to section 56(1) of the PGA [*Definition and application*].

### 10.2 Powers of the Discipline Committee

- (1) The Discipline Committee has the functions and duties assigned to it in the PGA and delegated to it by the Council pursuant to subsections (2) and (3).
- (2) The Council authorizes the Discipline Committee to exercise the Council’s powers pursuant to the following sections of the PGA and Regulations:
  - (a) section 32(1) of the PGA [*Officers and committees*], in order to appoint officers for the purpose of carrying out powers of the Discipline Committee as delegated in this Part of the Bylaws;
  - (b) section 67(1) and (4) of the PGA [*Extraordinary action*];
  - (c) section 1.8 of the *Professional Governance General Regulation*, B.C. Reg. 107/2019 [*Protection of personal privacy – information on website*] in order to determine whether information should not be made publicly available despite section 82(2) of the PGA [*Information to be publicly available*].
- (3) The Council authorizes the Discipline Committee to act pursuant to section 32(5)(b) of the PGA [*Officers and committees*], to delegate to one or more officers the powers granted to the Discipline Committee by the Council pursuant to sections 67(1) and (4) of the PGA [*Extraordinary action*].

### 10.3 Officers and Discipline Committee Panels

- (1) All members of the Discipline Committee are appointed as officers pursuant to section 32(1) of the PGA [*Officers and committees*].
- (2) The chair or vice chair of the Discipline Committee may do one or more of the following:
  - (a) appoint members of the Discipline Committee to serve on a Panel;
  - (b) terminate an appointment to a Panel;
  - (c) refer a matter that is before the Discipline Committee to the following Panels:
    - (i) an Extraordinary Action Panel, to take action pursuant to section 67 of the PGA [*Extraordinary action*];

- (ii) a Discipline Resolution Panel, to take action pursuant to sections 72 to 74 of the PGA;
  - (iii) a Discipline Hearing Panel, to take action pursuant to section 75 or 76 of the PGA.
- (3) On the appointment of members of the Discipline Committee to an Extraordinary Action Panel pursuant to subsection (2)(a), the Discipline Committee is deemed to have delegated to the members of the Extraordinary Action Panel the powers granted to the Discipline Committee by the Council pursuant to sections 67(1) and (4) of the PGA [*Extraordinary action*].
- (4) On the appointment of members of the Discipline Committee to a Discipline Resolution Panel pursuant to subsection (2)(a), the Discipline Committee is deemed to have delegated to the members of the Discipline Resolution Panel the powers of the Discipline Committee pursuant to sections 72 to 74 of the PGA.
- (5) A member of the Discipline Committee must not sit on more than one Panel concerning the same matter.

#### 10.4 Avoiding the Appearance of Bias

- (1) A member of the Discipline Committee must not sit on a Panel concerning a matter in which the member of the Discipline Committee
- (a) had involvement prior to the matter being referred to the Panel pursuant to section 10.3(2)(c) of the Bylaws, or
  - (b) had or has a relationship with either the Complainant, a witness, or the Registrant subject to discipline

that would reasonably compromise the member's objectivity.

#### 10.5 Extraordinary Action to Protect the Public

- (1) An Extraordinary Action Panel may, if it considers that it is necessary to protect the public interest, take action pursuant to section 67 of the PGA [*Extraordinary action*]
- (a) during the course of an investigation pursuant to section 66 of the PGA [*Investigations*], upon recommendation by the Investigation Committee pursuant to section 9.7.3(1)(b) of the Bylaws, or
  - (b) pending a hearing pursuant to section 75 of the PGA [*Discipline Hearings*], on recommendation by the Investigation Committee pursuant to section 9.7.7(2) of the Bylaws, or on application by EGBC.

- (2) An Extraordinary Action Panel may determine the process and procedure for making a determination pursuant to this section of the Bylaws, including determining whether Proceedings are to be conducted
  - (a) in writing,
  - (b) in person,
  - (c) by Electronic Means, or
  - (d) in any combination of (a), (b), or (c).
- (3) An Extraordinary Action Panel may, before initiating Proceedings held pursuant to this section of the Bylaws, provide written notice to the subject Registrant that
  - (a) action may be undertaken pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*], and
  - (b) the subject Registrant may, by a specified date, make written submissions to the Extraordinary Action Panel.
- (4) An Extraordinary Action Panel may hear oral submissions from the subject Registrant in the place of or in addition to the written submissions referred to in subsection (3)(b).
- (5) Despite subsection (3) and (4) if an Extraordinary Action Panel considers that it is necessary to protect the public interest, the Extraordinary Action Panel may initiate Proceedings held pursuant to this section of the Bylaws or make an order pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary Action*] without
  - (a) providing notice to the subject Registrant, or
  - (b) providing the subject Registrant with an opportunity to make written or oral submissions to the Investigation Committee.
- (6) An order made by an Extraordinary Action Panel pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] must comply with sections 67(2) and (3) of the PGA [*Extraordinary action*].
- (7) Pursuant to section 67(4) of the PGA [*Extraordinary action*], if the Discipline Committee or an Extraordinary Action Panel determines that the order made pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] is no longer necessary to protect the public interest, it must, in writing, cancel any limits, conditions, or suspension ordered pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] and notify the subject Registrant as soon as possible.
- (8) An order made by an Extraordinary Action Panel pursuant to section 67(1)(a) or (b) of the PGA [*Extraordinary action*] is effective until the final disposition of the matter by the Discipline Committee.

## 10.6 Resolution by the Discipline Committee

- (1) Following the issuance of a citation by the Investigation Committee pursuant to section 66(1)(d) of the PGA [*Investigations*] or the Registrar pursuant to section 72(3) of the PGA [*Reprimand or remedial action by consent*], the chair or vice chair of the Discipline Committee may appoint a Discipline Resolution Panel to attempt to resolve one or more of the matters set out in the citation by one or more of the following methods:
  - (a) make a request in writing for an undertaking or reprimand by consent to the Registrant subject to discipline pursuant to section 72 of the PGA [*Reprimand or remedial action by consent*];
  - (b) propose a consent order in writing to the Registrant subject to discipline pursuant to section 73 of the PGA [*Consent orders*];
  - (c) enter into the Alternative Complaint Resolution process with the Registrant subject to discipline pursuant to section 74 of the PGA [*Alternative complaint resolution*].
- (2) If the Registrant subject to discipline is a Registrant Firm, any undertaking or reprimand by consent, consent order, or agreement entered into following an Alternative Complaint Resolution Process pursuant to subsection (1) must be agreed to and endorsed by an Individual With Authority at the Registrant Firm.

### 10.6.1 Reprimand or Remedial Action by Consent

- (1) In relation to one or more of the matters set out in the citation, the Discipline Resolution Panel may make a request pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*].
- (2) In case of an undertaking pursuant to section 72(1)(b) or (d) of the PGA [*Reprimand or remedial action by consent*], the record of the undertaking must specify
  - (a) the period of time during which the educational courses or any other action specified by the Audit and Practice Review Committee is to be completed or is binding on the Registrant subject to discipline, and
  - (b) the procedure, if any, that the Registrant subject to discipline may follow to be released from the undertaking.
- (3) If the Registrant subject to discipline rejects an undertaking or reprimand by consent requested pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*],
  - (a) the disciplinary processes may continue as though the offer to resolve one or more matters to be dealt with at the discipline hearing had not been made, and

- (b) the offer to resolve one or more matters to be dealt with at the discipline hearing must not be considered in determining the matters or in taking an action or imposing a penalty in respect of the matters during a discipline hearing.

#### 10.6.2 Consent Orders

- (1) In relation to one or more of the matters to be dealt with at the discipline hearing, the Discipline Resolution Panel may, pursuant to section 73 of the PGA [*Consent orders*], propose a consent order in writing to the Registrant subject to discipline.
- (2) A consent order made between the Discipline Resolution Panel and the Registrant subject to discipline must meet the requirements set out in section 73 of the PGA [*Consent orders*].

#### 10.6.3 Alternative Complaint Resolution by the Discipline Committee

- (1) In relation to one or more of the matters to be dealt with at the discipline hearing, the following parties may agree to engage in Alternative Complaint Resolution pursuant to section 74 of the PGA [*Alternative complaint resolution*]:
  - (a) the Discipline Resolution Panel;
  - (b) the Registrant subject to discipline;
  - (c) the Registrar.
- (2) Any party may withdraw from the Alternative Complaint Resolution process at any time by providing written notice to the other parties.
- (3) The apportionment of costs incurred through Alternative Complaint Resolution, other than any respective legal costs of the parties, must be agreed upon by the parties prior to the commencement of the Alternative Complaint Resolution process, unless the parties agree otherwise.

### 10.7 Discipline Hearings

- (1) Following the issuance of a citation by the Investigation Committee pursuant to section 66(1)(d) of the PGA [*Investigations*] or the Registrar pursuant to 72(3) of the PGA [*Reprimand or remedial action by consent*], the chair or vice chair of the Discipline Committee must appoint a Discipline Hearing Panel to conduct the hearing pursuant to section 75 of the PGA [*Discipline hearings*].
- (2) A discipline hearing must be conducted in accordance with the procedure set out in Schedule B of the Bylaws, unless otherwise directed by the Discipline Hearing Panel.



## 10.8 Conduct in Another Jurisdiction

- (1) If the Discipline Committee learns that a Different Governing Body has found, or a Registrant has admitted to a Different Governing Body, that the Registrant committed an act that, in the opinion of the Discipline Committee, would constitute Conduct of Concern, the chair or vice chair of the Discipline Committee must appoint a Discipline Hearing Panel to take action pursuant to section 76 of the PGA [*Conduct in another jurisdiction*].
- (2) The Discipline Hearing Panel must provide the Registrant with the following before taking any action pursuant to section 76(2) of the PGA [*Conduct in another jurisdiction*]:
  - (a) at least 14 days' written notice of the proposed action;
  - (b) an opportunity to be heard, which must be limited to a hearing in writing unless otherwise ordered by the Discipline Hearing Panel.

## 10.9 Assessment of Costs After a Discipline Hearing

- (1) If an adverse determination is made against a Respondent after a discipline hearing held pursuant to section 75 of the PGA [*Discipline hearings*] the Discipline Hearing Panel must require, through an order in writing, that the Respondent pay EGBC's costs, which may be up to the actual costs incurred by EGBC as a result of an investigation and a discipline hearing, provided that those actual costs are within the limits set out in section 81(2)(a) of the PGA [*Costs*].
- (2) For the purpose of calculating costs with respect to an investigation, recoverable costs are all costs incurred from the time the investigation is authorized pursuant to section 66(1)(a) of the PGA [*Investigations*] until the time that a citation is issued pursuant to section 66(1)(d) of the PGA [*Investigations*] or 72(3) of the PGA [*Reprimand or remedial action by consent*].
- (3) For the purpose of calculating costs with respect to a discipline hearing, recoverable costs are all costs incurred from the time that the citation is issued pursuant to section 66(1)(d) of the PGA [*Investigations*] or 72(3) of the PGA [*Reprimand or remedial action by consent*] until the conclusion of a hearing regarding the amount of costs to be assessed pursuant to section 81 of the PGA [*Costs*].
- (4) For the purposes of subsections (2) and (3), recoverable costs must include
  - (a) salary costs for employees or officers engaged in the investigation and the discipline hearing, and
  - (b) the actual costs incurred by EGBC during the course of the investigation and the discipline hearing, including any motions, applications or pre-hearing conferences, or any other applications associated with a discipline matter, which may include some or all of the following:

- (i) costs incurred to retain contractors who are engaged in the investigation and the discipline hearing, including contractors who are appointed as officers;
  - (ii) expenses incurred by persons appointed as Inspectors for EGBC pursuant to section 68 of the PGA [*Inspectors*];
  - (iii) fees charged and expenses incurred by legal counsel retained by EGBC;
  - (iv) fees charged and expenses incurred by expert witnesses retained by EGBC or EGBC's legal counsel;
  - (v) expenses incurred by witnesses called to testify by EGBC;
  - (vi) the cost of recording interviews, pre-hearing conferences, and hearings;
  - (vii) the cost of a court reporter for interviews, pre-hearing conferences, and hearings;
  - (viii) the cost of preparing a transcript of interviews, pre-hearing conferences, and hearings;
  - (ix) the cost of a translator for interviews, pre-hearing conferences, and hearings;
  - (x) costs incurred to rent facilities at which interviews, pre-hearing conferences, and hearings are held;
  - (xi) costs incurred to conduct interviews, pre-hearing conferences, and hearings, whether conducted in person, by Electronic Means, in writing or by any combination thereof;
  - (xii) any other reasonable costs, fees, or expenses paid or payable by EGBC as a result of the investigation or the hearing pursuant to section 75 of the PGA [*Discipline hearings*].
- (5) In determining the costs to require the Respondent to pay, the Discipline Hearing Panel
- (a) must consider whether EGBC did not prove all the allegations made against the Respondent set out in the citation to the requisite standard, and if so, the seriousness of the allegations which were not proven relative to those which were proven, and
  - (b) may consider evidence that the Respondent previously rejected
    - (i) an undertaking or a consent requested by the Investigation Committee or the Discipline Committee, as applicable, pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*], or

- (ii) a consent order proposed by the Investigation Committee or the Discipline Committee, as applicable, pursuant to section 73(1) of the PGA [*Consent orders*].

## **10.10 Payment of Costs**

- (1) A Respondent must pay the full amount of any costs imposed on the Respondent pursuant to section 10.9 of the Bylaws within 30 days of the date of the order for costs, unless an extension for payment of costs is obtained pursuant to section 10.10.1(1).

### **10.10.1 Extension of Time for Payment of Costs**

- (1) Upon receipt of a written request from a Respondent stating that the Respondent will suffer financial hardship if the Respondent is required to pay costs within 30 days of the date of the order for costs, the Registrant must be granted a one-time, 30-day extension for payment of costs imposed on the Respondent pursuant to section 10.9 of Bylaws.

## 11 Public Disclosure of Disciplinary Orders

### 11.1 Definitions

- (1) For the purpose of this Part, “Registrant” includes a former Registrant where applicable pursuant to section 56(1) of the PGA [*Definition and application*].

### 11.2 Publication of Citations

- (1) If a citation is issued pursuant to section 66(1)(d) of the PGA [*Investigations*] or 72(3) of the PGA [*Reprimand or remedial action by consent*], EGBC must publish the full text of the citation on a public website maintained by EGBC at least 30 days in advance of the date of the discipline hearing.
- (2) Despite subsection (1), prior to publishing the citation, the Investigation Committee may anonymize, redact, or otherwise not make publicly available any identifying, personal, or sensitive information if the Investigation Committee determines that the public interest in the information being made publicly available is outweighed by the privacy interest of
  - (a) a person other than the Registrant subject to discipline, or
  - (b) the subject Registrant if the Registrant suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.
- (3) If the Investigation Committee makes a determination pursuant to subsection (2), the publication of the citation must include a note that information has been withheld.

### 11.3 Public Attendance at a Discipline Hearing

- (1) A discipline hearing must be public.
- (2) At least 30 days in advance of the date of the discipline hearing, EGBC must publish the anticipated date and time of the discipline hearing, including, if determined by the Discipline Hearing Panel, whether the hearing is anticipated to proceed in person, by Electronic Means, in writing, or by any combination thereof.
- (3) Despite subsection (1), in extraordinary circumstances, the Discipline Hearing Panel may make an order excluding the public from all or part of a discipline hearing if the Discipline Hearing Panel determines that
  - (a) there are reasons for confidentiality that may be disclosed at the hearing that outweigh the public interest in having an open hearing, or
  - (b) the safety of a person may be jeopardized.
- (4) The Discipline Hearing Panel may limit the number of people who may attend a discipline hearing given the capacity of the facility in which the discipline hearing is being held or the capabilities of the Electronic Means.

- (5) No person may make a visual or audio recording of a discipline hearing unless granted permission by the Discipline Hearing Panel prior to the discipline hearing commencing.

#### 11.4 Publication of Disciplinary Orders

- (1) EGBC must publish the full text of a Disciplinary Order on a public website maintained by EGBC within 30 days of the date of the Disciplinary Order.
- (2) In addition to subsection (1), EGBC may publish a summary or the full text of a Disciplinary Order by other methods, including by one or more of the following means:
  - (a) in any of EGBC's electronic or paper communications;
  - (b) in a press release;
  - (c) in a local newspaper;
  - (d) in a legal research or decision database.
- (3) Despite subsection (1) and (2), prior to publishing the full text or a summary of a Disciplinary Order, the Investigation Committee or a Panel of the Discipline Committee, as applicable, may anonymize, redact, or otherwise not make publicly available any identifying, personal, or sensitive information if the Investigation Committee or a Panel of the Discipline Committee, as applicable, determines that the public interest in the information being made publicly available is outweighed by the privacy interest of
  - (a) a person other than the Registrant subject to investigation or discipline, or
  - (b) the subject Registrant if the Registrant suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.
- (4) If the Investigation Committee or a Panel of the Discipline Committee, as applicable, makes a determination pursuant to subsection (3), the publication of the Disciplinary Order must include a note that information has been withheld.
- (5) Despite subsection (1) and (2), prior to publishing the full text or a summary of a Disciplinary Order that is a consent or undertaking given pursuant to section 72(1) of the PGA [*Reprimand or remedial action by consent*], the Investigation Committee or Discipline Resolution Panel, as applicable, may anonymize, redact, or otherwise not make publicly available any identifying, personal, or sensitive information of the Registrant subject to investigation or discipline, if the following conditions are met:
  - (a) the consent or undertaking given pursuant to section 72(1) of the PGA does not impose limitations or conditions on the Regulated Practice by the Registrant subject to investigation or discipline; and

- (b) the Investigation Committee or Discipline Resolution Panel, as applicable, determines that non-publication is in the public interest.
- (6) Despite subsections (1) and (2), if the Registrar determines that the public interest in a Disciplinary Order being made publicly available is outweighed by the potential prejudice to another investigation or disciplinary matter, the Registrar may temporarily withhold from publication the minimum portion of the Disciplinary Order, which could include the entirety of the Disciplinary Order, as necessary to prevent the potential prejudice.
- (7) If publication of a Disciplinary Order is temporarily withheld pursuant to subsection (6), EGBC must:
  - (a) notify the Superintendent of Professional Governance within 30 days of the date of the Disciplinary Order that is to be temporarily withheld from publication, and
  - (b) publish the Disciplinary Order that is being temporarily withheld from publication within 30 days of the date that the related investigation or disciplinary matter has been concluded, or as soon as there is no longer any risk of potential prejudice to another investigation or disciplinary matter from publication of the Disciplinary Order.

### **11.5 Retention and Archiving of Disciplinary Order**

- (1) A Disciplinary Order setting out a restriction or suspension of a Registrant's registration or, if the Registrant is a Registrant Firm, a restriction or suspension of a Registrant Firm's registration and Permit to Practice, must remain posted on a public website maintained by EGBC for the course of the restriction or suspension, and then must be moved to an archive section of a public website maintained by EGBC.
- (2) A Disciplinary Order setting out the cancellation of an individual Registrant's registration will remain permanently posted on a public website maintained by EGBC.
- (3) Despite subsection (2), upon receiving notice of the death of a former individual Registrant subject to a Disciplinary Order setting out the cancellation of the individual Registrant's registration, EGBC must move the Disciplinary Order to a permanent archive section of a public website maintained by EGBC.
- (4) A Disciplinary Order setting out a cancellation of a Registrant Firm's registration and Permit to Practice must remain permanently posted on a public website maintained by EGBC.

### **11.6 Publication of Dismissed Citations**

- (1) If the Discipline Hearing Panel dismisses all elements of a citation pursuant to section 75(5)(a) of the PGA, EGBC must publish the reasons for the decision on a public website maintained by EGBC within 30 days of the date of the decision.

- (2) Despite subsection (1), prior to publishing the reasons for a decision dismissing all elements of a citation pursuant to section 75(5)(a) of the PGA, the Discipline Hearing Panel may anonymize, redact, or otherwise not make publicly available any identifying, personal, or sensitive information of
- (a) a person other than the Registrant subject to discipline, or
  - (b) the subject Registrant, unless the Registrant makes a request that the information be published.

## **12 Transitional Provisions**

### **12.1 Repeal of Bylaws Previously in Force**

- (1) All of the bylaws of EGBC previously in force are repealed when these Bylaws come into force.



## Schedule A – Code of Ethics

- (1) A registrant must adhere to the following Code of Ethics:

Registrants must act at all times with fairness, courtesy and good faith toward all persons with whom the registrant has professional dealings, and in accordance with the public interest. Registrants must uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, registrants must:

1. hold paramount the safety, health, and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace;
2. practice only in those fields where training and ability make the registrant professionally competent;
3. have regard for the common law and any applicable enactments, federal enactments or enactments of another province;
4. have regard for applicable standards, policies, plans and practices established by the government or EGBC;
5. maintain competence in relevant specializations, including advances in the regulated practice and relevant science;
6. provide accurate information in respect of qualifications and experience;
7. provide professional opinions that distinguish between facts, assumptions and opinions;
8. avoid situations and circumstances in which there is a real or perceived conflict of interest and ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
9. report to EGBC and, if applicable, any other appropriate authority, if the registrant, on reasonable and probable grounds, believes that:
  - a. the continued practice of a regulated practice by another registrant or other person, including firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people; or
  - b. a registrant or another individual has made decisions or engaged in practices which may be illegal or unethical;

10. present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
11. clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions;
12. undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession; and
13. conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment.

## Schedule B – Credentials and Discipline Hearing Procedure

### 1.1 Definitions

(1) In this Schedule,

**“Applicant”** means the same as set out in section 1(1) of the PGA [*Definitions and interpretation*].

**“Decision Maker”** means

- (a) the Registrar in the case of a credentials hearing pursuant to section 5.19 of the Bylaws, and
- (b) the Discipline Hearing Panel in the case of a discipline hearing pursuant to section 10.7 of the Bylaws.

**“Discipline Committee”** means the discipline committee established pursuant to section 75(1) of the PGA [*Discipline hearings*].

**“Discipline Hearing Panel”** means a panel of at least 3 members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established by the chair or vice chair of the Discipline Committee pursuant to section 77(1) of the PGA [*Discipline committee to conduct hearings*] for the purpose of conducting a discipline hearing pursuant to section 75 of the PGA [*Discipline hearings*], or for the purpose of taking action pursuant to section 76 of the PGA [*Conduct in another jurisdiction*].

**“EGBC”** means the Association of Professional Engineers and Geoscientists of the Province of British Columbia, also operating as Engineers and Geoscientists BC.

**“Electronic Means”** includes videoconference, telephone conference, and webcasting.

**“Lay Committee Member”** means the same as defined in section 21 of the PGA [*Definition*].

**“PGA”** means the Professional Governance Act, S.B.C. 2018, c. 47.

**“Proceeding”** means a motion, application, pre-hearing conference, or hearing.

**“Registrar”** means the individual appointed by the Council as registrar pursuant to section 31(1) of the PGA [*Registrar and register for regulatory body*], who may also be the Executive Director.

**“Respondent”** means the same as defined in section 1(1) of the PGA [*Definitions and interpretation*].

## **1.2 Application of this Schedule**

- (1) The procedural rules in this Schedule apply only to
  - (a) a credentials hearing held by the Registrar pursuant to section 5.19 of the Bylaws, and
  - (b) a discipline hearing held by a Discipline Hearing Panel pursuant to section 10.7 of the Bylaws,unless otherwise ordered by the respective Decision Maker.

## **1.3 Parties and Representation**

- (1) The parties to a hearing are
  - (a) the Applicant/Respondent, and
  - (b) EGBC.
- (2) A Registrant Firm must be represented in a Proceeding by an Individual With Authority or other individual who is duly authorized to make submissions and legally binding decisions on behalf of the Registrant Firm, and must provide notice to EGBC with the name and contact information for the representative, except where represented by legal counsel pursuant to subsections (4) and (5).
- (3) After receiving written notice including the contact information of a representative designated pursuant to subsection (2), any information or documents that EGBC is required to deliver to the Applicant/Respondent must be delivered to the individual designated to represent the Registrant Firm pursuant to subsection (2), except where the Registrant Firm is represented by legal counsel pursuant to subsections (4) and (5).
- (4) The Applicant/Respondent and EGBC may be represented by legal counsel in a Proceeding.
- (5) If the Applicant/Respondent is represented by legal counsel in a Proceeding,
  - (a) the Applicant/Respondent must provide EGBC with written notice of the name and contact information of the Applicant's/Respondent's legal counsel, and
  - (b) after receiving written notice of the name and contact information of the Applicant's/Respondent's legal counsel, any information or documents that EGBC is required to deliver to the Applicant/Respondent must be delivered to the Applicant's/Respondent's legal counsel which will constitute delivery to the Applicant/Respondent.
- (6) If the legal counsel for the Applicant/Respondent withdraws as legal counsel, EGBC is entitled to use the personal and unique email address of the Applicant/Respondent, or if

the Applicant/Respondent is a Registrant Firm, the contact information for the individual designated to represent the Registrant Firm pursuant to subsection (2), as the address for delivery for any information or documents to the Applicant/Respondent, unless the withdrawing legal counsel or the Applicant/Respondent specify a different email address for delivery.

- (7) The Decision Maker may retain legal counsel or other assistance in conducting a Proceeding.

#### **1.4 Combining Proceedings**

- (1) If two or more Proceedings before the Discipline Committee involve

- (a) the same Registrant, or
- (b) the same or similar questions of fact, law, or policy,

the Discipline Committee may, without the consent of the parties, combine the Proceedings or any part of them or hear the Proceedings at the same time.

#### **1.5 Disclosure and Evidence**

- (1) Unless otherwise agreed by the parties or ordered by the Decision Maker, EGBC must make disclosure to the Applicant/Respondent in the following manner:

- (a) expert reports, or a summary of the anticipated evidence of an expert if no report is produced, at least 60 days prior to the commencement of a hearing;
- (b) all relevant written or documentary evidence at least 30 days prior to the commencement of a hearing;
- (c) a list of the witnesses that EGBC expects to call at least 30 days prior to the commencement of the hearing;
- (d) will-say statements of the witnesses that EGBC expects to call at least 15 days prior to the commencement of a hearing.

- (2) Unless otherwise agreed by the parties or ordered by the Decision Maker, the Applicant/Respondent must provide the following to EGBC:

- (a) expert reports, or a summary of the anticipated evidence of an expert if no report is produced, at least 30 days prior to the commencement of a hearing;
- (b) all written or documentary evidence on which the Applicant/Respondent intends to introduce at the hearing that has not already been disclosed by EGBC, at least 15 days prior to the commencement of a hearing;

- (c) a list of the witnesses that the Applicant/Respondent expects to call at least 15 days prior to the commencement of a hearing;
  - (d) will-say statements of the witnesses that the Applicant/Respondent expects to call at least 7 days prior to the commencement of a hearing.
- (3) A failure to comply with a timeline in subsection (1) or (2) does not make the document or evidence inadmissible, subject to the Decision Maker's obligation to ensure procedural fairness.

## **1.6 Pre-Hearing Conference**

- (1) The Decision Maker may convene a pre-hearing conference, either on its own motion or on the motion of a party made with written notice to the other party.
- (2) The Decision Maker must, in consultation with the parties, identify and provide written notice of the date, time, and location of the pre-hearing conference, including whether the pre-hearing conference will be conducted
  - (a) in writing,
  - (b) in person,
  - (c) by Electronic Means, or
  - (d) in any combination of (a), (b) and (c).
- (3) The Decision Maker may determine any procedural matter at a pre-hearing conference that will foster the fair, just, and timely disposition of the hearing.
- (4) The purposes of a pre-hearing conference include the following:
  - (a) identifying, simplifying, or narrowing the issues in dispute;
  - (b) resolving matters of procedure or evidence that can fairly be addressed prior to a hearing, either on the motion of a party or on the Decision Maker's own motion;
  - (c) scheduling the time and place of the hearing, including determining whether the hearing will be conducted in person, by Electronic Means, in writing, or by any combination thereof;
  - (d) identifying admissions or facts agreed upon by the parties;
  - (e) deciding upon applications made to vary any of the timelines set out in section 1.5(1) and (2) of this Schedule;
  - (f) determining the matters set out in section 1.10(6) and (7) of this Schedule;

- (g) otherwise setting timelines for the orderly conduct of the Proceeding, including pre-hearing steps;
  - (h) setting time limits, if appropriate, on
    - (i) the presentation of evidence,
    - (ii) the examination and cross-examination of witnesses, and
    - (iii) the presentation of opening and closing submissions;
  - (i) taking any steps necessary to ensure the best interests of witnesses are protected;
  - (j) determining the estimated duration of the hearing;
  - (k) resolving any other matter that may assist in the fair, just, and timely disposition of the hearing.
- (5) A Decision Maker may direct that a hearing be conducted in writing pursuant to subsection (4)(c) if the Decision Maker is satisfied that:
- (a) the Decision Maker can find the necessary facts to come to its decision based on the written record, despite any potential conflicts in the evidence; and,
  - (b) the Decision Maker making a decision on the basis of written submissions would not result in unfairness to any party.
- (6) Submissions made by the parties at a pre-hearing conference are not admissible as evidence in a hearing.

## **1.7 Motions**

- (1) A motion is an application to the Decision Maker for an interlocutory order.
- (2) All motions must be heard at a scheduled pre-hearing conference, unless otherwise ordered by the Decision Maker.
- (3) A motion must
  - (a) be made in writing,
  - (b) set out the grounds for the motion,
  - (c) set out the relief requested, and
  - (d) be accompanied by any evidence to be relied upon.

- (4) The party bringing the motion must deliver the motion and any accompanying evidence to the Decision Maker and the other party at least 7 business days prior to the date set for the hearing of the motion.
- (5) The party responding to the motion may prepare a reply to the motion, which must be
  - (a) made in writing,
  - (b) set out the position of the party responding to the motion and the grounds for that position, and
  - (c) be accompanied by any evidence to be relied upon.
- (6) The party responding to the motion must deliver the reply to the motion and any accompanying evidence to the Decision Maker and the other party at least 2 business days prior to the date set for the hearing of the motion.
- (7) The Decision Maker may allow or require oral submissions from the parties in respect of the motion.

## **1.8 Adjournments**

- (1) A party may apply in writing to the Decision Maker for an adjournment of a hearing.
- (2) An application for an adjournment must comply with the rules in section 1.7 of this Schedule, unless the Decision Maker is satisfied that special circumstances exist.
- (3) In considering an application for an adjournment, the Decision Maker may consider one or more of the following:
  - (a) the reason for the adjournment;
  - (b) whether the adjournment would cause unreasonable delay;
  - (c) the impact on the parties that would result from granting or refusing the adjournment;
  - (d) the public interest.
- (4) The Decision Maker may
  - (a) grant an adjournment,
  - (b) grant an adjournment on terms or with conditions, or
  - (c) refuse to grant an adjournment.



## **1.9 Hearing**

- (1) As directed by the Decision Maker, a hearing will be conducted
  - (a) in writing,
  - (b) in person,
  - (c) by Electronic Means, or
  - (d) in any combination of (a), (b) and (c).
- (2) If a hearing has not yet been scheduled, the Decision Maker must schedule a hearing and provide written notice to the parties of the date(s), time(s), and location(s) or method(s) of the hearing.
- (3) A hearing must be open to the public, unless the Decision Maker determines it would be appropriate to hold some or all of the hearing in private.
- (4) A court reporter must keep a record of the hearing.
- (5) A person attending a hearing must not record any part of the hearing without the consent of the Decision Maker.
- (6) The Decision Maker may determine the procedures to be followed at a hearing, consistent with the principles of procedural fairness.
- (7) In a discipline hearing, both EGBC and the Respondent may
  - (a) present evidence,
  - (b) reply to evidence,
  - (c) call witnesses,
  - (d) cross-examine the opposing party's witnesses,
  - (e) re-examine witnesses,
  - (f) make submissions, and
  - (g) reply to the opposing party's submissions.
- (8) A party to a Proceeding must not put a document to a witness in cross-examination without having provided reasonable disclosure of the document to the opposing party in advance.

- (9) The rules of evidence must not be strictly applied, subject to the Decision Maker's obligation to ensure procedural fairness.
- (10) Nothing is admissible as evidence in a Proceeding that would be inadmissible in a court of law by reason of any privilege.
- (11) The Decision Maker may place reasonable limits on the length of a party's submissions in a hearing.
- (12) A party must not present new evidence in the party's closing submissions.
- (13) In a discipline hearing, the Discipline Hearing Panel must not consider the questions of penalty or costs until the Discipline Hearing Panel has rendered a decision on the allegations in the citation.
- (14) In a credentials hearing, the Registrar must not impose conditions on the ability of the Applicant to re-apply for registration without giving the Applicant the opportunity to respond to any proposed conditions.

#### **1.10 Witnesses**

- (1) Parties are responsible for arranging the attendance of their own witnesses.
- (2) Any witnesses testifying at a hearing must give an oath or affirmation before testifying, if competent to do so.
- (3) The Decision Maker may ask questions of any witnesses.
- (4) A Witness must not see or hear the testimony of other witnesses prior to giving testimony at a hearing, unless the witness is also a party to the hearing or is an expert whom the Decision Maker has ruled may be present for the testimony of an opposing party's expert.
- (5) In a Proceeding involving a Registrant Firm, for the purpose of subsection (4), a witness who is an Individual With Authority or individual employed by or under contract with the Registrant Firm, other than the individual designated to represent the Registrant Firm in the Proceeding pursuant to section 1.3(2) of this Schedule, is not considered to be a party to the hearing and is subject to the restrictions on attending during witness testimony as set out in subsection (4).
- (6) If the Decision Maker makes an order pursuant to section 34(3)(a) of the Administrative Tribunals Act, S.B.C. 2003, c. 45, at the request of EGBC or otherwise, to require the Respondent, or in the case of a Registrant Firm Respondent, any Individual With Authority or individual employed by or under contract with the Registrant Firm, to attend a discipline hearing for the purpose of giving evidence, EGBC must be permitted to cross-examine the Respondent, or in the case of a Registrant Firm Respondent, the Individual With Authority or individual employed by or under contract with the Registrant Firm, unless the Decision Maker rules otherwise.

- (7) If the Supreme Court makes an order pursuant to section 80(2) of the PGA [*Witnesses*], on the motion of EGBC or otherwise, that a subpoena be issued to compel the attendance of the Respondent, or in the case of a Registrant Firm Respondent, an Individual With Authority or individual employed by or under contract with the Registrant Firm, at a discipline hearing, EGBC must be permitted to cross-examine the Respondent, or in the case of a Registrant Firm Respondent, the Individual With Authority or individual employed by or under contract with the Registrant Firm, unless the Decision Maker rules otherwise.

#### **1.11 Decisions**

- (1) A Decision Maker is not bound by previous decisions of EGBC.
- (2) A Decision Maker must give written reasons for their decision.

## Schedule C – Fees

[amended 2021-12-15]

### 1.1 Fees for Individual Registrants

| Fee Description   | Amount          |
|---|-----------------|
| <b>APPLICATION FEES</b>   |                 |
| <b>Application fee for Trainee (EIT/ GIT) Applicant</b>   |                 |
| a. who is an academically qualified EIT, GIT, MIT, ing jr, géo jr, or CPI in other Canadian province/territory and is applying for the same designation as they hold in the other province or territory | <b>\$0.00</b>   |
| b. who applies within 12 months of graduation from an engineering or geoscience post-secondary program  | <b>\$0.00</b>   |
| c. who applies more than 12 months after graduation from an engineering or geoscience post-secondary program  | <b>\$475.00</b> |
| <b>Application fee for professional licensee engineering/ professional licensee geoscience Applicant</b>  |                 |
| a. First time Applicant not licensed or registered in another Canadian province/territory   | <b>\$475.00</b> |
| b. Who holds an equivalent licence or registration in another Canadian province/territory   | <b>\$250.00</b> |
| c. Application for Minor Change to authorized area of Reserved Practice   | <b>\$200.00</b> |
| d. Application for Major Change to authorized area of Reserved Practice   | <b>\$400.00</b> |
| <b>Application fee for professional engineer/ professional geoscience Applicant</b>   |                 |
| a. First time Applicant not registered or licensed as a P.Eng., P.Geo., ing. or géo in other Canadian province/territory  | <b>\$475.00</b> |
| b. Applicant who is registered with another registered or licensed as a P.Eng., P.Geo., ing. or géo in other Canadian province/territory  | <b>\$250.00</b> |
| c. Applicant who is currently an EIT or GIT with Engineers and Geoscientists BC and whose EIT/GIT application fee was waived  | <b>\$325.00</b> |
| d. Applicant who is currently an EIT or GIT with Engineers and Geoscientists BC and who paid an application fee for EIT/GIT application   | <b>\$0.00</b>   |
| <b>Application fee for designated structural engineer Applicant</b>   | <b>\$500.00</b> |
| <b>Application fee for reinstatement as a Professional Registrant</b>   |                 |
| a. within 6 months of resignation, removal or conversion to non-practising registration   | <b>\$50.00</b>  |

| Fee Description   | Amount         |
|---|----------------|
| b. after 6 months and within 18 months of resignation, removal or conversion to non-practising registration                       | \$100.00       |
| c. over 18 months after resignation, removal or conversion to non-practising registration   | \$300.00       |
| <b>Application fee for reinstatement as a Trainee, non-practising Registrant, life member or life limited licensee Registrant</b> | <b>\$50.00</b> |
| <b>EXAMINATION FEES</b>   |                |
| <b>Examination fee for Trainee (EIT/ GIT) Applicant, Professional Engineer Applicant, or Professional Geoscientist Applicant</b>  |                |
| a. Per Examination  | \$360.00       |
| b. Defer Examination to a subsequent session  | \$220.00       |
| c. Request Examination Re-read per Examination  | \$200.00       |
| <b>Examination fees for designated structural engineer Applicant</b>  |                |
| a. BC Codes and Practices Examination   | \$500.00       |
| b. Institution of Structural Engineers Chartered Membership Examination   | \$1,000.00     |
| <b>Examination fee for professional licensee engineering/ professional licensee geoscience Applicant</b>                          |                |
| a. Per Examination  | \$360.00       |
| b. Defer Examination to a subsequent session  | \$220.00       |
| c. Request Examination Re-read per Examination  | \$200.00       |
| <b>Professional Practice Examination fee for all applicable Applicants or Registrants</b>   |                |
| a. Multiple Choice and Essay sections   | \$260.00       |
| b. [Repealed 2021-04-23]  |                |
| <b>INTERVIEW FEES</b>   |                |
| <b>Interview fee for all applicable Applicants</b>  |                |
| a. In-person interview at EGBC office   | \$0.00         |
| b. Rescheduling (For applicant-initiated postponement or cancellation of a confirmed interview)                                   | \$ 200.00      |
| c. Remote Interview by Videoconference  | \$200.00       |
| <b>Interview fee for reinstatement as a Professional Registrant</b>   |                |
| a. In-person interview at EGBC office   | \$0.00         |
| b. Rescheduling (For applicant-initiated postponement or cancellation of a confirmed interview)                                   | \$200.00       |

| Fee Description   | Amount              |
|---|---------------------|
| c. Remote Interview by Videoconference  | \$200.00            |
| <b>COURSE FEES</b>  |                     |
| Course fee for Professional Engineering and Geoscience in BC Seminar for all applicable Applicants or Registrants     | \$275.00            |
| Course fee for Working in Canada Seminar  |                     |
| - Per unit  | \$50.00             |
| - Four-unit Seminar   | \$200.00            |
| <b>REGISTRATION &amp; DESIGNATION FEES</b>  |                     |
| Registration fee for registration as an individual Registrant (other than a Trainee)                                  | \$270.00            |
| Annual fee for designation as a designated structural engineer  | \$300.00            |
| <b>ANNUAL FEES</b>  |                     |
| <b>Annual fee 2021</b>  |                     |
| Trainee (EIT/GIT)   |                     |
| a. Full Fee   | \$276.00            |
| b. Reduced Fee for Hardship   | \$138.00            |
| c. Medically unable to work   | \$0.00              |
| Professional Registrant   |                     |
| a. Professional Engineer/Professional Geoscientist Full Fee   | \$450.00            |
| b. Professional Engineer/Professional Geoscientist Reduced Fee for Hardship   | \$225.00            |
| c. Professional Licensee Engineering/Professional Licensee Geoscience Full Fee  | \$418.62            |
| d. Professional Licensee Engineering/Professional Licensee Geoscience Reduced Fee for Hardship                        | \$209.31            |
| Non-practising Registrant   |                     |
| a. Professional Engineer/Professional Geoscientist  | \$225.00            |
| b. Professional Licensee Engineering/Professional Licensee Geoscience   | \$209.31            |
| c. Registrant medically unable to work (non-practising)   | \$0.00              |
| Annual fee for a Registrant granted enrolment/ registration at some time other than beginning of annual renewal cycle | Prorated annual fee |
| <b>Annual Fee 2022</b>  |                     |
| Trainee (EIT/GIT)   |                     |
| a. Full Fee   | \$276.00            |

| Fee Description  | Amount   |
|--|--|
| b. Reduced Fee for Hardship  | <b>\$138.00</b>                                    |
| c. Medically unable to work  | <b>\$0.00</b>                                      |
| Professional Registrant  |  |
| a. Professional Engineer/Professional Geoscientist Full Fee  | <b>\$460.00</b>                                    |
| b. Professional Engineer/Professional Geoscientist Reduced Fee for Hardship  | <b>\$230.00</b>                                    |
| c. Professional Licensee Engineering/Professional Licensee Geoscience Full Fee   | <b>\$418.00</b>                                    |
| d. Professional Licensee Engineering/Professional Licensee Geoscience Reduced Fee for Hardship                               | <b>\$209.00</b>                                    |
| Non-practising Registrant  |  |
| a. Professional Engineer/Professional Geoscientist   | <b>\$115.00</b>                                    |
| b. Professional Licensee Engineering/Professional Licensee Geoscience  | <b>\$104.50</b>                                    |
| c. Registrant medically unable to work (non-practising)  | <b>\$0.00</b>                                      |
| <b>Annual fee for a Registrant granted enrolment/ registration at some time other than beginning of annual renewal cycle</b> | <b>Prorated annual fee</b>                         |
| <b>REPLACEMENT / ADDITIONAL FEES</b>   |  |
| <b>Additional Manual Seal</b>  |  |
| a. 30 mm Rubber Stamp  | <b>\$30.00</b>                                     |
| b. 30 mm Self Inking Stamp (black ink unless specified)  | <b>\$50.00</b>                                     |
| c. 50 mm Rubber Stamp  | <b>\$35.00</b>                                     |
| d. 50 mm Self Inking Stamp (black ink unless specified)  | <b>\$55.00</b>                                     |
| e. Long Reach Seal   | <b>\$85.00</b>                                     |
| f. Professional Licensee Rubber Stamp  | <b>\$40.00</b>                                     |
| g. Professional Licensee Self Inking Stamp   | <b>\$50.00</b>                                     |
| Rush Order Fee for Stamp Order   | <b>\$20.00</b>                                     |
| <b>Additional certificate of registration</b>  | <b>\$25.00</b>                                     |
| <b>Rush Order Fee for Certificate Order</b>  | <b>\$20.00</b>                                     |
| <b>LATE FEES</b>   |  |
| <b>Late fee for failure to pay annual fee</b>  | <b>15% of Annual fee for Registration category</b> |



| Fee Description   | Amount                        |
|---|-------------------------------|
| Late fee for failure to pay a special assessment  | 15% of Special assessment fee |
| Late reporting fee for:   | 2021 only: \$0                |
| a. Failure to provide certain information published on the register or personal and unique email address  | 2022 onwards: \$100.00        |
| b. Failure to submit a completed CEP Declaration  |                               |
| Late exemption fee for failure to request an exemption to any CEP requirements prior to April 30  | \$50.00                       |
| Late completion fee for failure to complete CE plan, CE hours, required ethical learning, required regulatory learning, required technical learning (in the case of a designated structural engineer) | \$200.00                      |
| <b>RECONSIDERATION AND REVIEW ON THE RECORD FEES</b>  |                               |
| Reconsideration fee   | \$150.00                      |
| Review on the record fee  | \$500.00                      |



## 1.2 Fees for Registrant Firms

| Fee Description  | Amount   |
|--|--|
| <b>APPLICATION FEE</b>   |  |
| Application fee for Registration as a Registrant Firm  | <b>\$350.00</b>  |
| <b>ANNUAL FEES</b>   |  |
| Annual fee for Registrant Firm   |  |
| a. Registrant Firms with only one Professional Registrant employed by or under contract with the Registrant Firm:  | <b>\$250.00</b>  |
| b. Registrant Firms with more than one Professional Registrant employed by or under contract with the Registrant Firm, or Registrant Firms that are sole practitioners with more than 2 Trainees employed by or under contract with the Registrant Firm: | <b>\$500*SQRT(n), where n = # of Professional Registrants and Trainees, but does not include non-practising individual Registrants employed by or under contract with the Registrant Firm.</b> |
| Annual fee for a Registrant Firm granted enrolment/ registration at some time other than beginning of annual renewal cycle   | Prorated, based on annual fee formula.   |
| [Repealed 2021-06-25]  |  |
| <b>SPECIAL ASSESSMENTS</b>   |  |
| Special assessments (if any)   |  |
| <b>LATE FEES</b>   |  |
| Late fee for failure to pay annual fee   | <b>15% of Annual Fee of each category above</b>  |
| Late fee for failure to pay a special assessment   | <b>15% of special assessment</b>   |
| Late reporting fee for failure to provide:   | <b>\$100.00</b>  |
| a. Certain information published on the register   |  |
| b. Personal and unique email addresses for all Responsible Officers and Responsible Registrants  |  |
| Late completion fee for Regulation of Firms Training Program (for each Responsible Registrant who completes the Program late)  | <b>\$200.00</b>  |

| Fee Description                 | Amount          |
|---------------------------------|-----------------|
| <b>REVIEW ON THE RECORD FEE</b> |                 |
| Review on the record fee        | <b>\$500.00</b> |

## Schedule D – Responsible Registrant Declaration

**I, <Full Legal Name>, <Job Title>, make the following statements in support of my application to act as a Responsible Registrant of <Name of Applicant Firm or Registrant Firm> (the “Registrant Firm”), and declare that the following statements are true:**

1. I understand that for the purpose of this declaration, defined terms are capitalized and have the same meaning as set out in the Bylaws.
2. I understand and acknowledge that all Registrant Firms are regulated pursuant to the PGA and regulations, as well as the Bylaws, guidelines, standards, practice advisories, and policies of EGBC. I confirm that I have reviewed those documents and understand the obligations of Registrant Firms and Responsible Registrants set out therein.
3. I am submitting this declaration for the purpose of registering as a Responsible Registrant for the Registrant Firm or proposed Registrant Firm indicated on this declaration. I agree to act as Responsible Registrant for the Registrant Firm, including undertaking the responsibilities of a Responsible Registrant as set out in the Bylaws, guidelines, standards, and policies of EGBC.
4. IF A CONTRACTOR OR CONTRACT EMPLOYEE ONLY: I have express authority and access to act on behalf of the Registrant Firm, granted through a written contract or other documentation sufficient to satisfy paragraph (3) above, and can provide a copy of such contract or documentation upon request from EGBC.
5. I am registered with EGBC as a Professional Registrant In Good Standing.
6. I will notify EGBC if I am currently, or become in the future, the subject of an investigation, inquiry, review, or other disciplinary proceeding in British Columbia or another jurisdiction that could result in my entitlement to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions.
7. I understand and acknowledge that:
  - a. the Regulated Practice carried out by the Registrant Firm, including by any individual operating under the Registrant Firm's Permit to Practice, must be reviewed and Authenticated in accordance with the PGA and regulations, as well as the Bylaws, guidelines, standards, practice advisories, and policies of EGBC;
  - b. I remain fully accountable on behalf of the Registrant Firm for ensuring that, within the areas of practice that I have been designated to oversee pursuant to section 5.12(5) of the Bylaws, the Registrant Firm conforms to the PGA and regulations, as well as the Bylaws, Code of Ethics, guidelines, standards, practice advisories, and policies of EGBC;

- c. the Registrant Firm must develop and enforce a Professional Practice Management Plan to be in place no later than 12 months after the date that a Permit to Practice is issued to the Registrant Firm;
  - d. the Professional Practice Management Plan must conform to the requirements of section 7.7.3 of the Bylaws and any additional requirements set out in the Bylaws, guidelines, standards, practice advisories, and policies of EGBC;
  - e. the Registrant Firm must develop and enforce quality management policies and procedures applicable to the Registrant Firm and all individuals who are operating under the Registrant Firm's Permit to Practice;
  - f. it is my responsibility to ensure that the quality management policies and procedures related to the areas of practice to which I have been designated pursuant to section 5.12(5) of the Bylaws conform to the PGA and regulations, as well as the Bylaws, guidelines, standards, practice advisories, and policies of EGBC;
  - g. a copy of the Professional Practice Management Plan must be provided to all individuals operating under the Registrant Firm's Permit to Practice, and the Registrant Firm must take reasonable steps to ensure that regular orientation and training is provided to all individuals operating under the Registrant Firm's Permit to Practice regarding the contents and implementation of the Professional Practice Management Plan;
  - h. the Registrant Firm must ensure that all individuals operating under the Registrant Firm's Permit to Practice adhere to the Registrant Firm's Professional Practice Management Plan;
  - i. the details of the quality management policies and procedures of the Registrant Firm must be documented in the Professional Practice Management Plan and updated as necessary; and
  - j. if EGBC is conducting an audit, practice review, investigation, or disciplinary proceeding in relation to the Registrant Firm, as a Responsible Registrant it is my responsibility to: facilitate requests for documents, information, site visits, and interviews; respond to communications; and assist with any other items or arrangements required or requested by EGBC.
8. I will respond to any communications from EGBC that I receive on behalf of the Registrant Firm in a prompt and responsive manner.
9. I will provide EGBC with up-to-date and accurate information in the course of all correspondence or communications with EGBC on behalf of the Registrant Firm, and will take all reasonable steps to ensure that the information is updated as needed and in accordance with the requirements set out in the PGA and Bylaws.

10. I will participate in the mandatory Regulation of Firms Training Program provided by EGBC, either:

- a. If the Registrant Firm does not yet have a Permit to Practice, within 12 months of the Registrant Firm being issued a Permit to Practice by EGBC; or
- b. If the Registrant Firm has already been issued a Permit to Practice by EGBC at any time, within 3 months of submitting this declaration to EGBC;

AND, in either case, at minimum every 5 years thereafter.

11. I will contact EGBC immediately should I no longer be willing, able, or authorized to act as a Responsible Registrant in association with the Registrant Firm's Permit to Practice with EGBC.

## Schedule E – Responsible Officer Declaration

**I, <Full Legal Name>, <Job Title>, make the following statements in support of my application to act as the Responsible Officer of <Name of Applicant Firm or Registrant Firm> (the “Registrant Firm”), and declare that the following statements are true:**

1. I understand that for the purpose of this declaration, defined terms are capitalized and have the same meaning as set out in the Bylaws.
2. I understand and acknowledge that all Registrant Firms are regulated pursuant to the PGA and regulations, as well as the Bylaws, guidelines, standards, practice advisories, and policies of EGBC. I confirm that I have reviewed those documents and understand the obligations of Registrant Firms and Responsible Officers set out therein.
3. I am submitting this declaration for the purpose of registering as the Responsible Officer of the Registrant Firm indicated on this declaration. I further confirm that I possess the necessary authority to legally bind the Registrant Firm in relation to all matters falling under the PGA and Bylaws of EGBC, and I agree to undertake the responsibilities of a Responsible Officer set out in the Bylaws, guidelines, standards, and policies of EGBC.
4. IF A CONTRACTOR OR CONTRACT EMPLOYEE ONLY: I have express authority and access to act on behalf of the Registrant Firm, granted through a written contract or other documentation sufficient to satisfy paragraph (3) above, and can provide a copy of such contract or documentation upon request from EGBC.
5. IF A PROFESSIONAL REGISTRANT OF EGBC: I am registered with EGBC as a Professional Registrant In Good Standing. I will notify EGBC if I am currently, or become the subject in the future, of an investigation, inquiry, review, or other disciplinary proceeding in British Columbia or another jurisdiction that could result in my entitlement to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions.
6. I will notify EGBC if the Registrant Firm is currently, or becomes in the future, subject to an investigation, inquiry, review, or other disciplinary proceeding in British Columbia or another jurisdiction which could result in the Registrant Firm’s entitlement to practice a profession being cancelled, suspended, restricted, or made subject to limits or conditions.
7. I understand and acknowledge that:
  - a. in order to engage in the Reserved Practice, the Registrant Firm must be registered with EGBC and have at least one Professional Registrant designated to act as the Responsible Registrant for each area of practice engaged in by the Registrant Firm;

- b. the Registrant Firm must ensure that the Responsible Registrant(s) have the necessary authority to oversee the Regulated Practice within the areas of practice that each Responsible Registrant has been designated to oversee pursuant to section 5.12(5) of the Bylaws, and to take the steps necessary to ensure that the Registrant Firm complies with the requirements in the PGA and regulations, as well as the Bylaws, guidelines, standards, practice advisories, and policies of EGBC;
  - c. the Regulated Practice carried out by individuals operating under the Registrant Firm's Permit to Practice must conform to the PGA and regulations, as well as the Bylaws, Code of Ethics, guidelines, standards, practice advisories, and policies of EGBC;
  - d. the Registrant Firm must develop and enforce a Professional Practice Management Plan that conforms with the requirements of section 7.7.3 of the Bylaws, including setting out quality management policies and procedures applicable to the Regulated Practice carried out by the Registrant Firm;
  - e. the Registrant Firm must have its Professional Practice Management Plan in place no later than 12 months after the date that a Permit to Practice is issued to the Registrant Firm;
  - f. I must document my approval of the Professional Practice Management Plan on behalf of the Registrant Firm upon its implementation, as well as after each annual review conducted pursuant to section 7.7.3(7)(a) and (b); and
  - g. the Registrant Firm is obligated to co-operate completely with the audit, practice review, investigation, and discipline processes conducted by EGBC, including providing all requested documents and information, facilitating site visits and interviews, and managing communications with EGBC in a timely manner.
8. I will reply to any communications from EGBC that I receive on behalf of the Registrant Firm in a prompt and responsive manner.
9. I will provide EGBC with up-to-date and accurate information in the course of all correspondence or communications with EGBC on behalf of the Registrant Firm, and I understand that the Registrant Firm must:
- a. provide EGBC with up-to-date and accurate contact information for myself, the Registrant Firm, and all Responsible Registrants of the Registrant Firm;
  - b. ensure that the contact information that has been provided to EGBC is updated as needed, in accordance with the requirements set out in the Bylaws; and

- c. provide up-to-date information regarding all Professional Registrants operating under the Registrant Firm's Permit to Practice, to be updated as needed in accordance with the requirements set out in the Bylaws.
- 10. I will contact EGBC immediately should I no longer be willing, able, or authorized to act as the Registrant Firm's Responsible Officer in association with the Registrant Firm's Permit to Practice.
- 11. I will provide notice to EGBC within 15 days of the occurrence of any of the following situations, as required pursuant to section 5.32(4) of the Bylaws:
  - a. there is a merger, amalgamation, acquisition, closure, or dissolution involving the Registrant Firm; or
  - b. the Registrant Firm
    - i. becomes the subject of an application for a bankruptcy order,
    - ii. makes an assignment for the general benefit of creditors, or
    - iii. makes or becomes the subject of a Division I or Division II proposal,
- 12. I will contact EGBC should the Registrant Firm wish to cancel its Permit to Practice and will ensure that the Registrant Firm abides by any conditions or requirements as may be directed by EGBC at that time.