

Professionalism and Professional Regulation

Law and Ethics Seminar
Fall 2018

Ensuring public safety



A P E G S

*Association of Professional Engineers
& Geoscientists of Saskatchewan*

Outline

- Professions
- Characteristics of a profession and the “Highest Obligation”
- How professions and occupations are regulated
- Historical overview of engineering and geoscience in Canada
- Engineers Canada and Geoscientists Canada Organizations
- APEGS Organization

Reputation

Your reputation as a professional will be ---

Finish the statement

Professions

- What is a profession?
 - try to define the word
- Who are professionals?
 - lawyers?
 - doctors?
 - athletes?
 - police?
 - sanitation workers?
 - politicians?
 - engineers/geoscientists?

Senses of a Profession

- What is a profession?
 - In one sense . . . a job or occupation for which payment is received. . . .

BUT

- There is another sense

What is a PROFESSION?

From *Canadian Professional Engineering and Geoscience* [Andrews (5th Edition) – page 17]:

Profession: a calling requiring

- *specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical or scholarly principles underlying such skills and methods*
- *maintaining by force of organization or concerned opinion high standards of achievement and conduct*
- *committing its members to continued study*
- *a kind of work which has for its prime purpose the rendering of a public service*

WRIGHT: Canadian Bar Review – 1951

- Elements present for a vocation to be called a profession:
 - Holding out to the public, offer of public service
 - A professional is assumed to have a special skill
 - Training and education
 - Privilege of state recognition
 - Self-disciplined group
 - Unselfishness or freedom from purely personal considerations

Legal Definition of Profession

- Black's Law Dictionary

- An occupation requiring special, usually advanced, education and skill. The labour and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual.
- Originally contemplated only theology, law and medicine but extended as applications of science and learning were extended.
- Attainment of special knowledge as distinguished from mere skill.

Occupational and Professional Regulation

- Some types of professional and occupational regulation in Saskatchewan are:
 - Fee for “right-to-work” (door-to-door salespeople)
 - Self-administered but government regulated (insurance agents)
 - Licensed by government (various trades)
 - Associations under Non-Profit Corporations Act (mediators)
- Self Regulated:
 - Right-to-title (interior designers, technologists)
 - Right-to-title and right-to-practice (engineers and geoscientists)

Self-regulation

- Engineering and Geoscience meet the criteria for self-regulation with right-to-practice status:
 - Commitment to safeguarding the public interest is paramount
 - Engineering and Geoscience are identifiable professions and are accepted by the public as professions
 - Code of Ethics (Regulatory Bylaws, S 20(2))
 - Specialized Academic and Experience standards
 - Administered by APEGS, which ensures only qualified persons practice engineering and geoscience

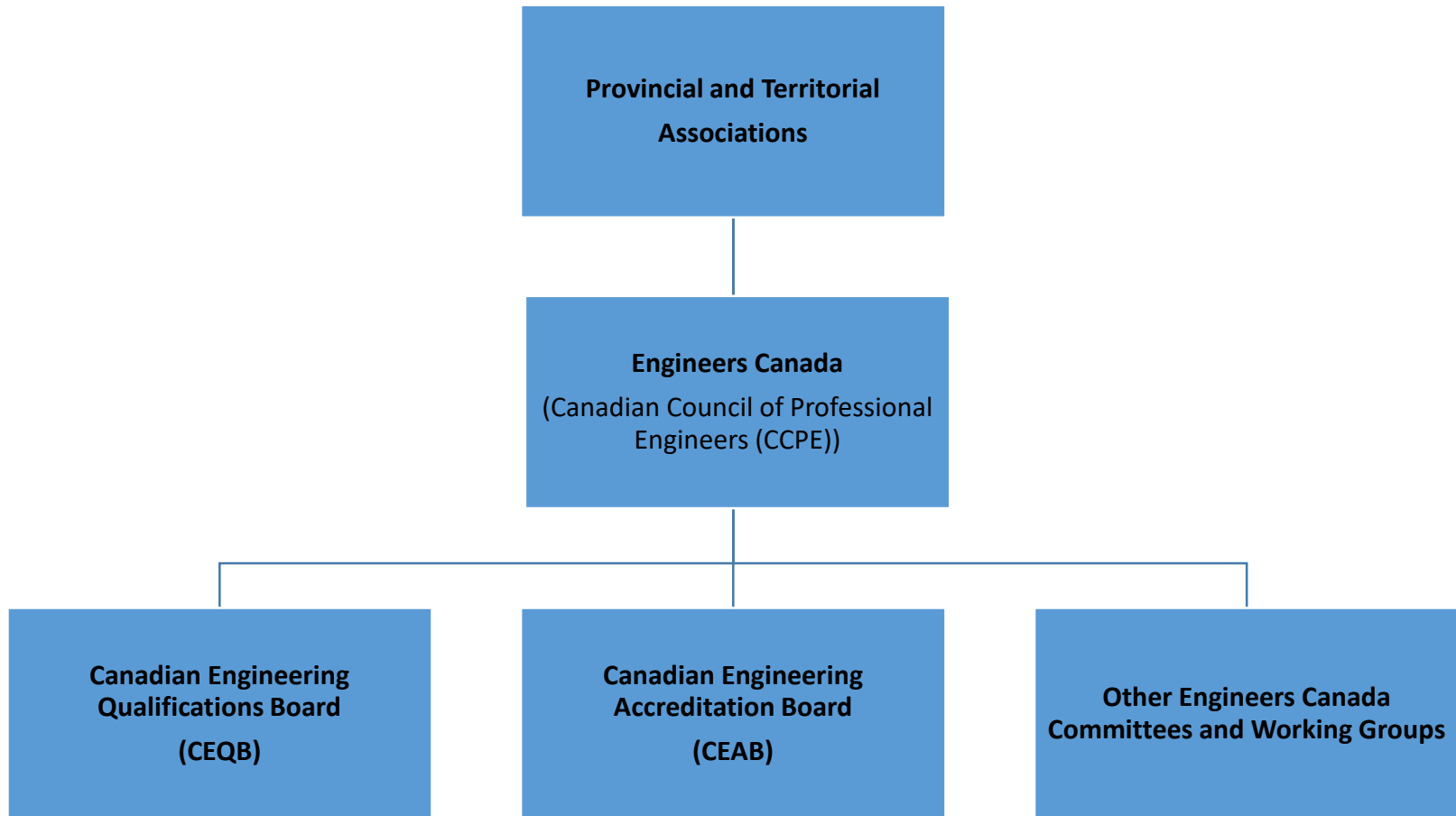
Senses of a Profession

- Concerning Engineering and Geoscience
 - obtaining a bachelor's degree
 - doing work commonly recognized as ...
 - being registered and licensed as a professional
 - acting in a morally and an ethically responsible manner while practicing

Historical Overview of Engineering in Canada

- Engineering has existed since ancient times
- Canada has a rich history of engineering and geoscience achievement
- Canadian Society of Civil Engineering – 1887
- Engineering Institute of Canada – 1918
- Provincial Acts – in Canada began 1920
 - APES in 1930 and APEGS in 1997
- Engineers Canada (formerly Canadian Council of Professional Engineers) – mid 1930's

Engineers Canada Organization



CEAB and CEQB

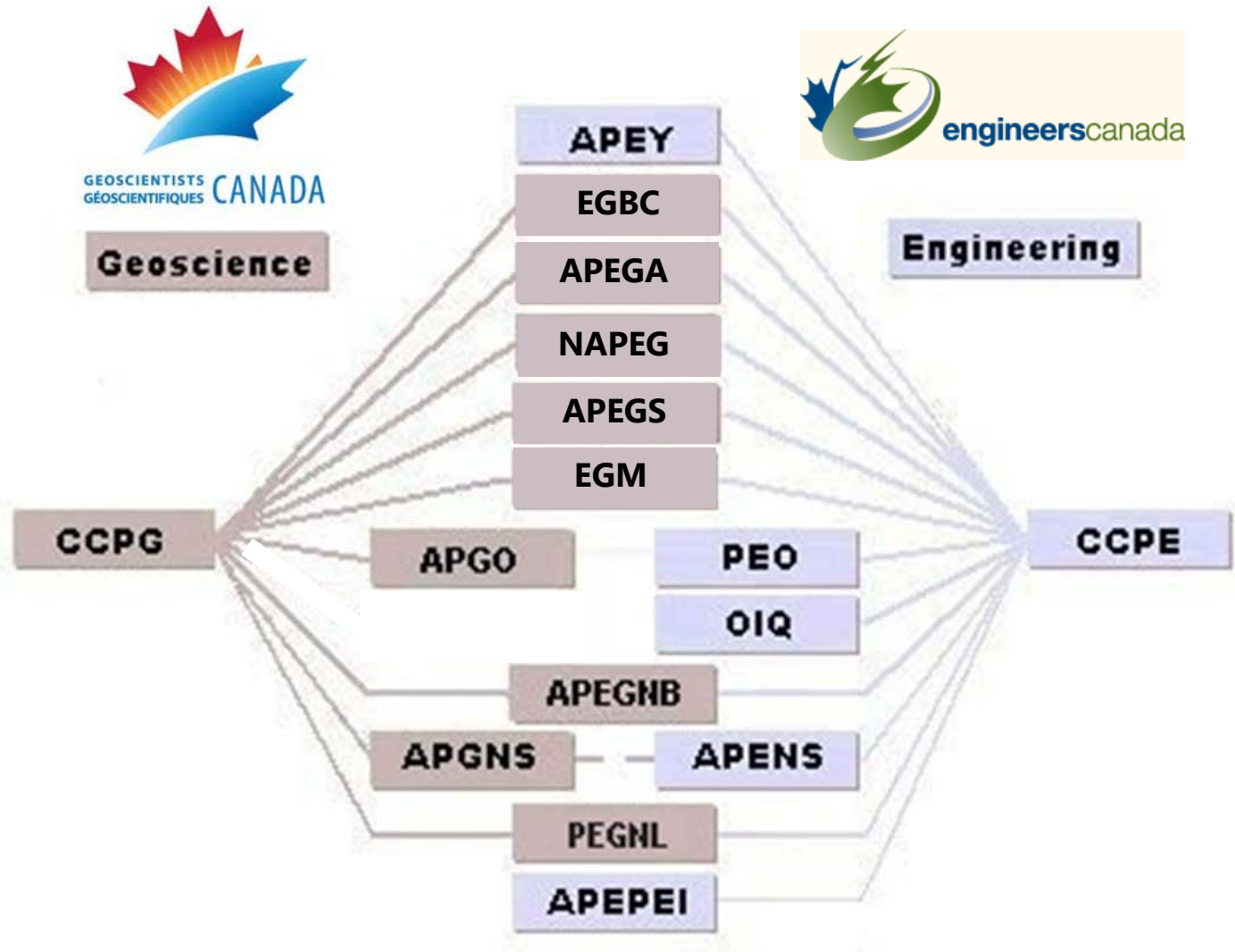
- The Canadian Engineering Accreditation Board accredits engineering programs in Canada
- The Canadian Engineering Qualifications Board develops guidelines which seek to bring about uniform requirements for registration across Canada - (licensing is a provincial responsibility)
- Refer to Engineers Canada documents provided on the APEGS website under Professional Practice Exam

Historical Overview of Geoscience in Canada

- Regulation of geoscientists was first started in Alberta
- Saskatchewan first regulated geoscientists with the new Act in 1997
- No regulation in PEI and Yukon (yet)
- Regulated with engineering in BC, AB, SK, MB, NB, NL and NWT and Nunavut
- Regulated separate from engineering in ON, QC and NS

Geoscience at the National Level

- “Geoscientists Canada” was adopted as the business name for the CCPG in 2010
- Legal name remains Canadian Council of Professional Geoscientists (CCPG)
 - CGSC - The Canadian Geoscience Standards Council

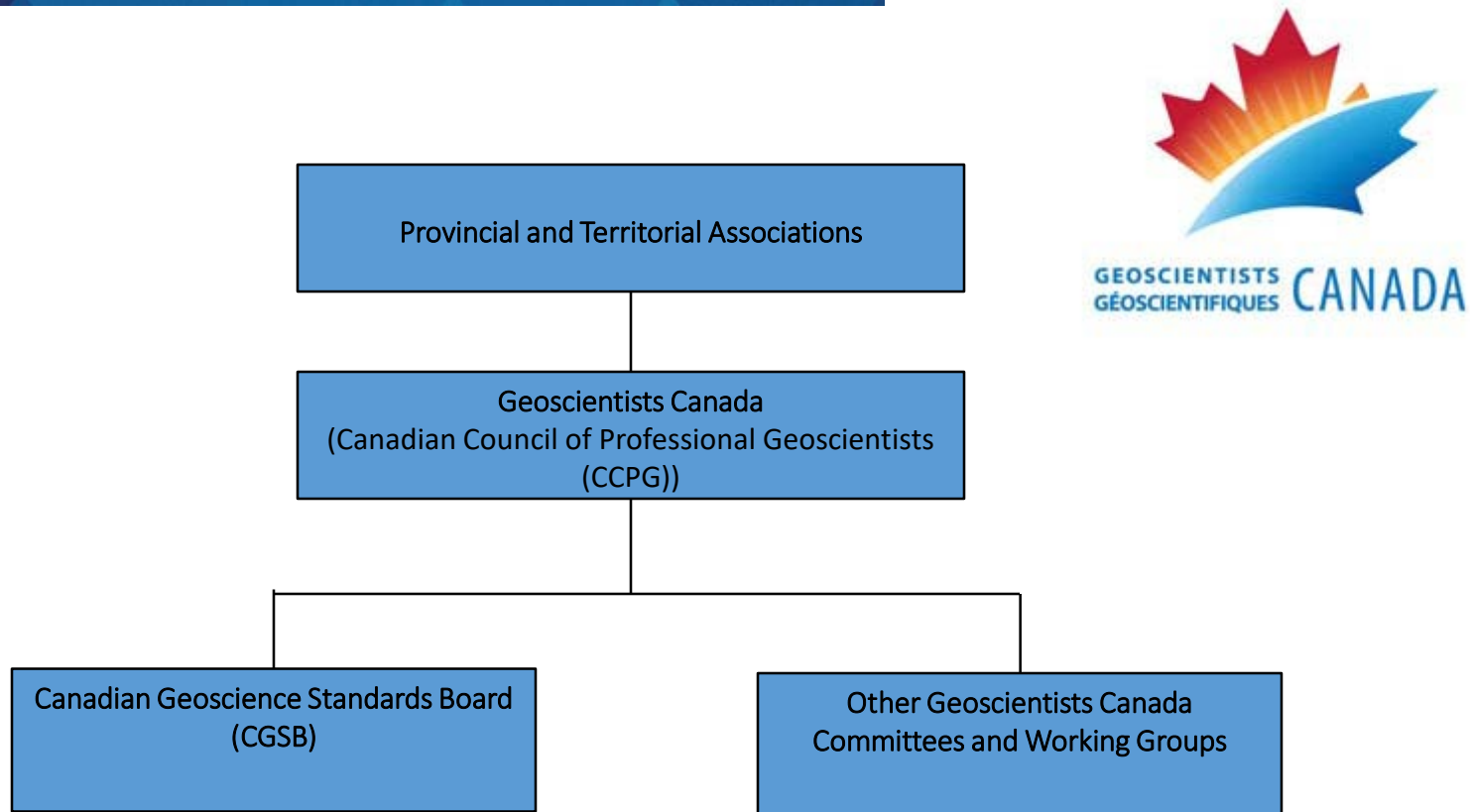


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Geoscientists Canada Organization

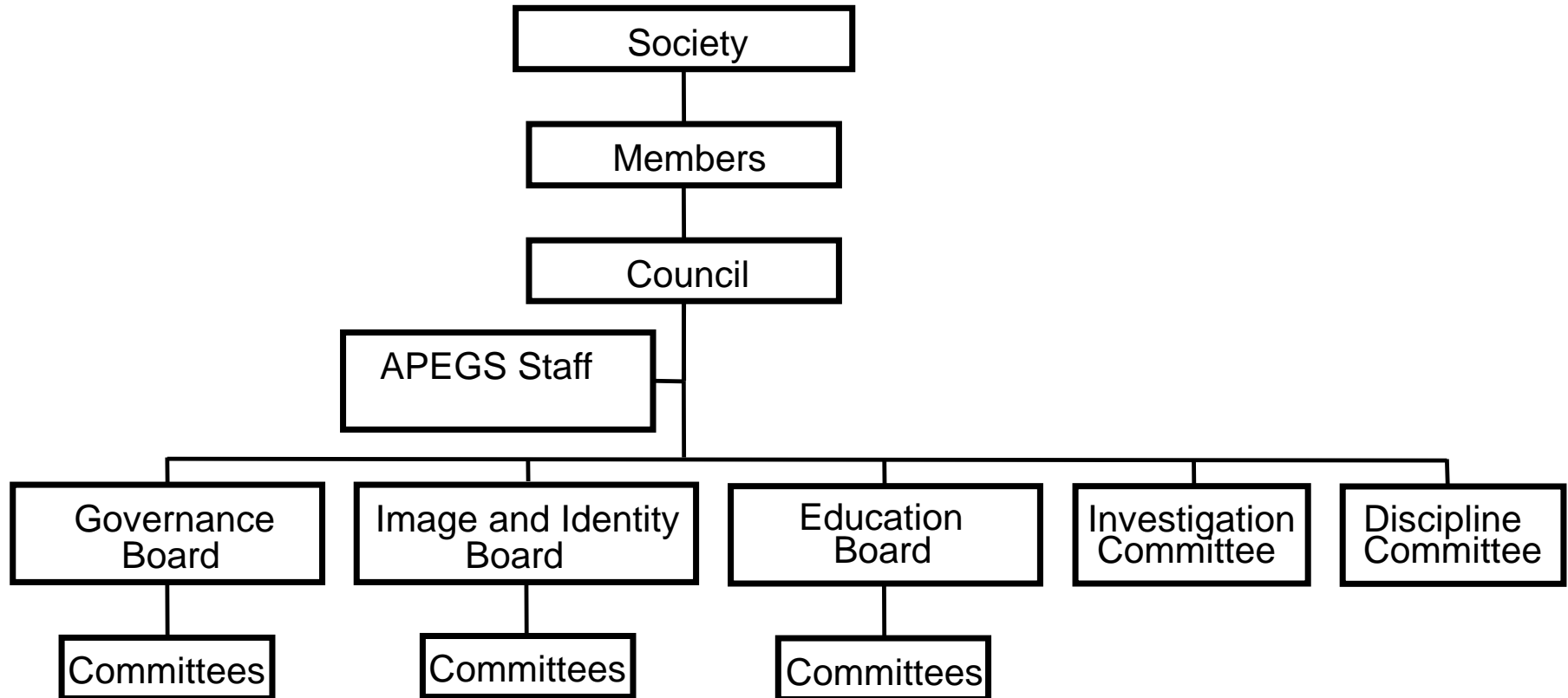


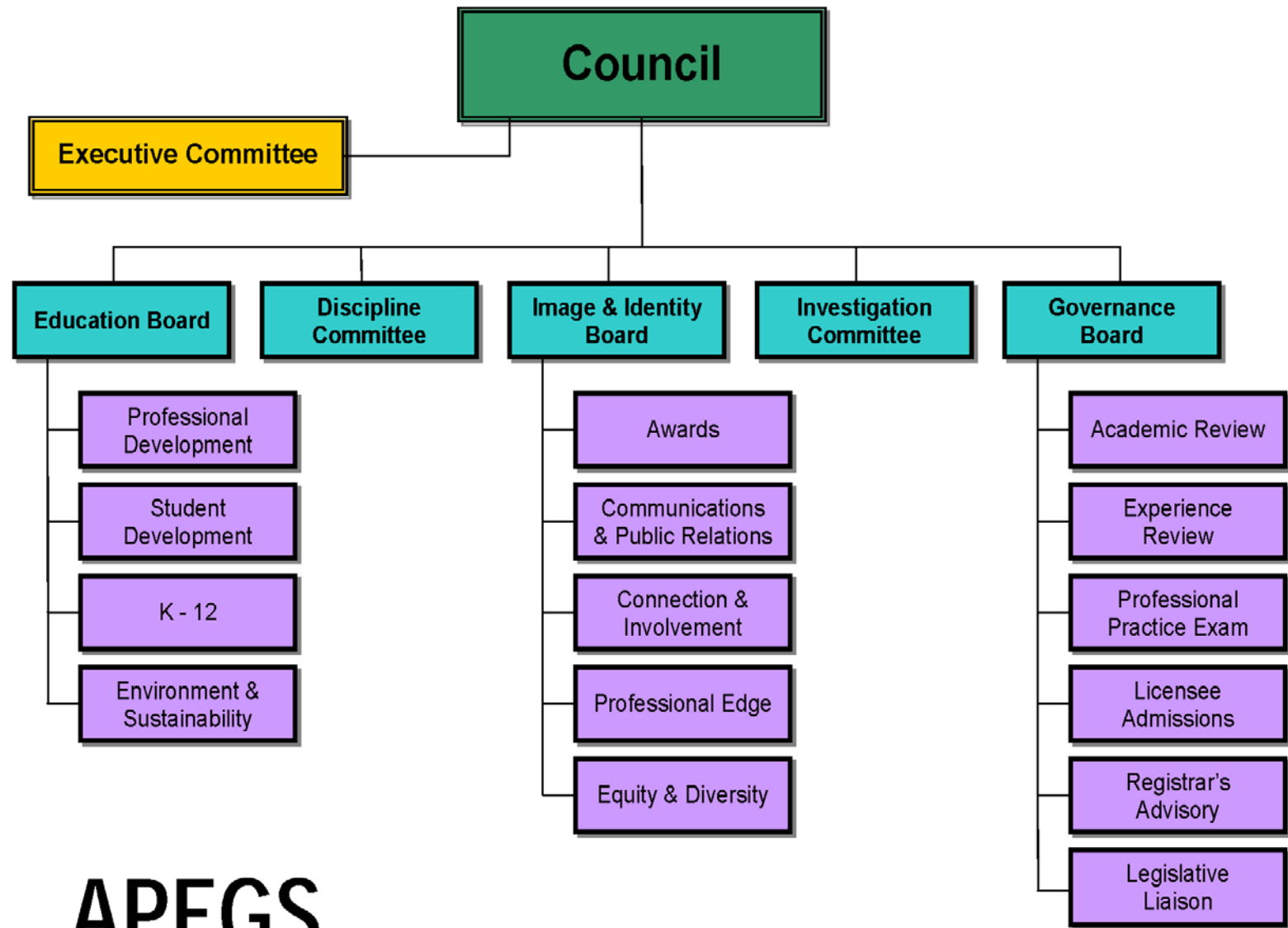
Definitions of the Practice of Engineering and Geoscience

- Professional Engineering:
 - Refer to the Act sub-section 2(m)

- Professional Geoscience:
 - Refer to the Act sub-section 2(n)

APEGS Organization





APEGS

Organization Chart

Legend: of Box Colours

Elected by
Members & two
Public Appointees

Membership: President,
President-Elect, Vice-President,
Immediate Past President

Board or Committee
Reporting to Council

A Committee that
reports to a Board

National Mobility

- Professional Engineers and Geoscientists registered with one Association often must work in other regions of Canada
- Agreement on Internal Trade
 - Labour mobility provisions effective April 2009.
 - The labour mobility chapter aims to ensure any worker certified to perform a profession by a regulator in one province will be granted certification upon application in another province without additional training, work experience, exams or review.

National Mobility – continued

- Once a professional in one province, apply directly as such in other provinces
- Must be a “member in good standing”, otherwise an assessment of qualifications is required
- Must meet “good character” guideline
- Agree to exchange of personal information (between host and home Associations)
- Meet the continuing competency/professional development requirements of the host Association and/or home Association

International Mobility - Engineers

- Academic level agreements:
 - US, UK, Ireland, France, South Africa, Australia, New Zealand, Japan, Hong Kong, Chinese Taipei/Taiwan, Korea, Singapore, Malaysia, Russia, Turkey, India (not all), Sri Lanka
- Professional level agreements:
 - US (check with the State Board), Hong Kong, Australia, Ireland, Mexico
- These agreements have been negotiated by Engineers Canada

International Mobility - Geoscientists

- A mutual recognition agreement exists with Ireland
 - Not all constituent associations signed on
- No further work is being done at this time with other countries

Ethics of a Professional

- Advanced knowledge and abilities from specialized education and practical experience.
- Limit activities to areas of knowledge and experience.
- Ensure competence is maintained.
- Practice according to the Code of Ethics.
- Recognize and support the role of their Association as delegated by society.
- Refer to section 20 of Regulatory Bylaws.

The Highest Obligation

The Engineers Canada guide to professional practice states:

“... the highest obligation of a profession is to society, which it serves; the members of a profession shall protect the interests of society in the areas of the professional’s specialized expertise. This obligation rises above all others when there are conflicting responsibilities...”

The Highest Obligation (Continued)

“...As a part of this ‘social contract’, the recognized professions in Canada have been given the authority and responsibility to be self-regulating under their respective provincial and territorial legislation, and to ensure only qualified professionals are licensed to practice.”

Maintaining Registration

- Maintaining your professional registration is YOUR responsibility
- Your membership with APEGS ceases for failure to pay your annual dues by January 31 of the year for which they are due
- Approximately 700 members cease annually for non-payment of their dues

Questions

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APEGS

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www.apegs.ca