



CSAP

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CSAP 2021 WEBINAR 1

Professional Practice and New Regulation of Firms – A Guest Webinar by EGBC

We acknowledge that CSAP Society office is located on the traditional territories of the Sel̓ilwítulh (Tsleil-Waututh), Skwxwú7mesh (Squamish), xʷməθkʷəy̓əm (Musqueam) Nations.



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PRESENTERS:

- **Stuart Nash**, P.Eng. is the Manager of Professional Practice Development and Outreach with EGBC.
- **Vijay Kallur**, P.Eng. (Numerical Standards CSAP) is a member of the EGBC Audit and Practice Review Committee and a member of the CSAP Society Discipline committee



INTRODUCTION

- **Stuart** will be discussing the changes to the regulatory landscape for engineers and geoscientists due to the implementation of the *Professional Governance Act*. He will discuss the changes to a variety of regulatory programs coming as part of the new Act, with special focus on two programs: The new Regulation of Firms – Permit to Practice Program for firms doing engineering and/or geoscience work, and the new, mandatory Continuing Education Program. He will review the requirements for the new programs as well as discussing tools and resources for registrants and firms
- **Vijay** will provide an overview of the typical issues faced by members in professional practice in order to assist CSAP members in proactively managing the parent association's requirements.

FORMAT

- All attendees will be muted and must type in questions in the “chat” function
- If your question relates to a specific slide number (located in the bottom left corner) please note the slide number in your question
- Should you have problems hearing the webinar you can attend by dialing +1 778 907 2071 and entering meeting ID 980 0555 0478.



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ENGINEERS &
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BRITISH COLUMBIA

PROFESSIONAL GOVERNANCE ACT AND REGULATORY PROGRAMS

STUART NASH
CSAP SOCIETY - 9 FEBRUARY 2021

BACKGROUND: *PROFESSIONAL GOVERNANCE ACT*



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OVERVIEW OF THE PGA

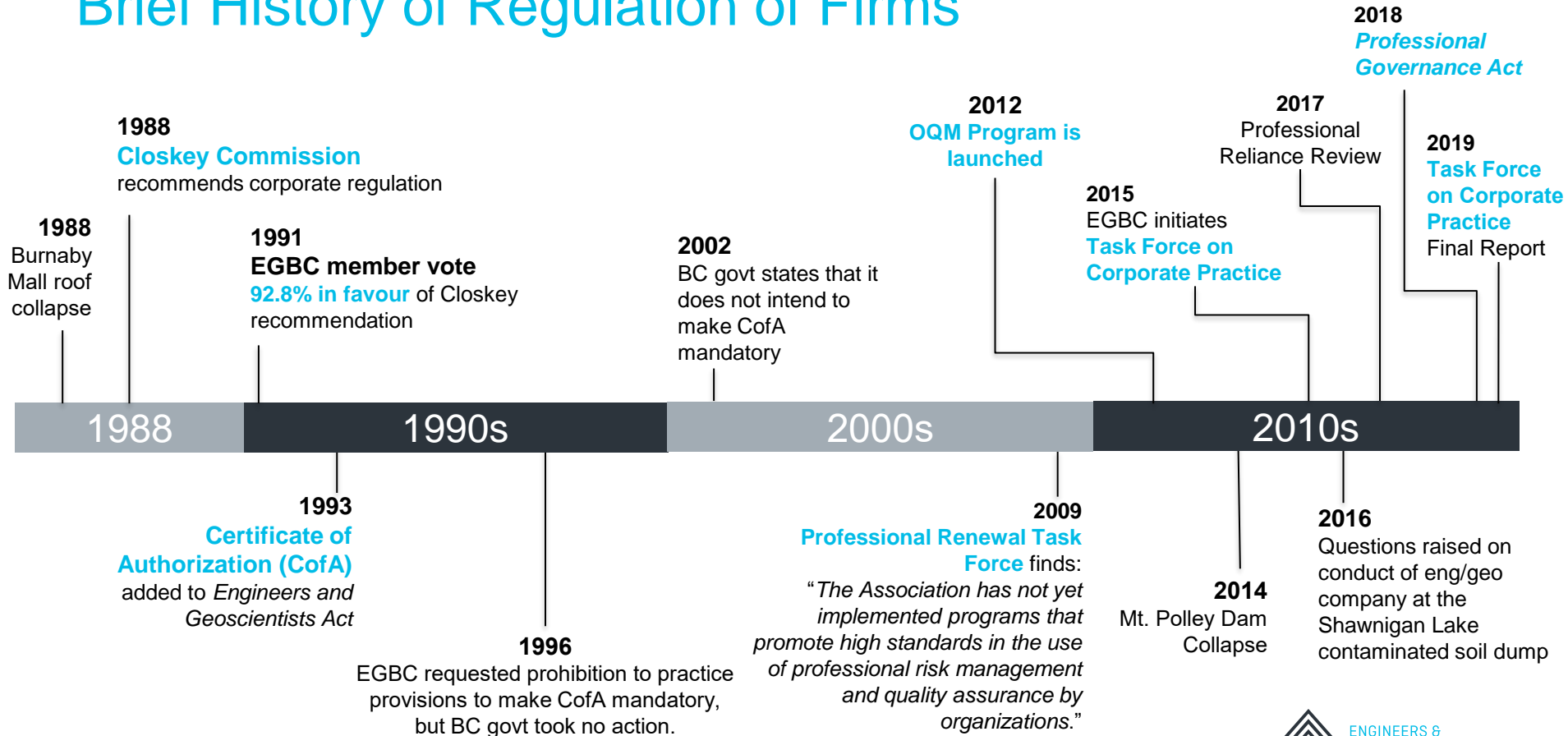
- Proposed in 2018; came fully into force on February 5, 2021
- Applies to 5 regulatory bodies for the following professions: engineers, geoscientists, foresters, agrologists, biologists, and applied science technicians and technologists
- Focus on public and environmental safety
- Modernizes and standardizes regulatory practices
- Requires regulation of firms, continuing education program, updated Code of Ethics, changes to Council composition

REGULATION OF FIRMS: BACKGROUND AND REQUIREMENTS



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Brief History of Regulation of Firms



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WHY REGULATE FIRMS?

- Protection of the public & environment
 - Closes a regulatory gap
 - Addresses second level of influence
 - Enables holding organizations accountable for their decisions and actions
 - Increased transparency
 - Mitigation of risks
 - Better supports individual members

WHO NEED A PERMIT TO PRACTICE?

All entities in the private and public sectors that provide products and/or services in BC requiring the regulated practice of professional engineering and/or geoscience, including the creation or processing of products.

- Companies
- Partnerships
- Corporations
- Provincial Government Ministries, Crown Corporation, Agencies
- Local and Municipal Government Bodies
- Sole Practitioners (Incorporated/Unincorporated)

STEPS FOR FIRMS

- Apply
 - Business contact information
 - Identify Responsible Registrant and Responsible Officer
 - Identify registrant staff
 - Identify areas of practice
 - Pay the application fee (\$350) and annual fee ($\sqrt{N} \times \500)
- Responsible Registrant to attend Training (on-demand or live/in-person)
- Develop and implement PPMP – three pillars*
- Comply with regular audit requirements
- Keep info up to date and pay annual fee.

REGULATORY MODEL

Regulated firms must have a Professional Practice Management Plan (PPMP) - three pillars that form the foundation for good professional practice for firms:



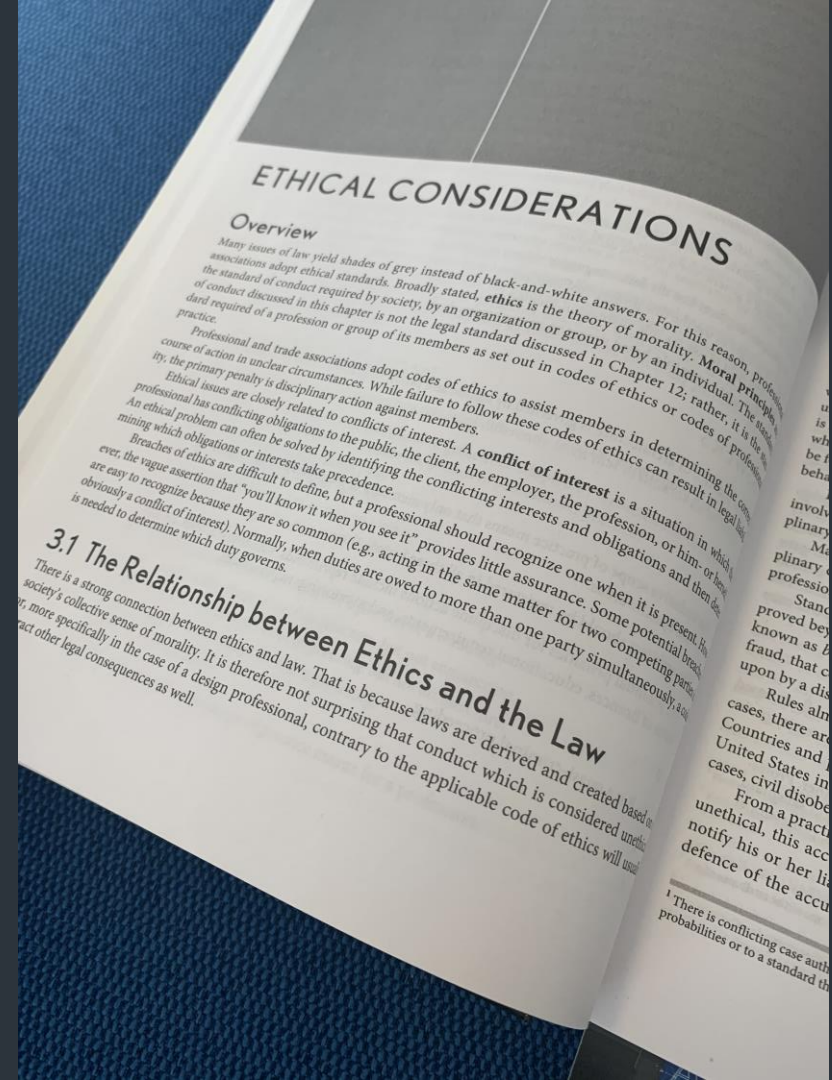
Ethics

Continuing
Education

Quality
Management

ETHICS

- Firms required to have documented policies in place which meet the intent of the code of ethics from the firms perspective (Code of Conduct)
- EGBC is finalizing a Guide to the Code of Ethics for individuals
- EGBC developing Code of Ethics guidance for Firms



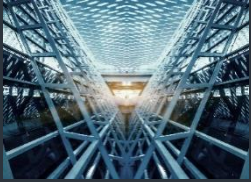
CONTINUING EDUCATION

- CE Program Mandatory for individuals under the PGA (replaces voluntary CPD program)
- Firms must develop and follow policies and procedures that support their registrant employees in:
 - Meeting their CE Program requirements and
 - Maintaining their competency with respect to their role and the activities they carry out.
- Firms must conduct an annual competency review with each registrant employed by the Firm and maintain this documentation.
- The onus for compliance with the CE Program remains with the individual.

QUALITY MANAGEMENT REQUIREMENTS



Applying applicable
Engineers and Geoscientists
BC Professional Practice
Guidelines



Checking of engineering and
geoscience work



Appropriately using Engineers
and Geoscientists BC seals



Carrying out field reviews during
construction or implementation



Retaining project documentation
for 10 years



Carrying out independent
review of structural and high-
risk designs



Directly supervising all
delegated engineering and
geoscience work

INDIVIDUAL VERSUS FIRM RESPONSIBILITY

- Individual registrants continue to be professionally responsible for the technical work and meeting their professional requirements (e.g. EOR is an individual)
- Firms are responsible for implementing policies and procedures consistent with the three pillars and ensuring these policies and procedures are being adhered to by relevant employees.

Audit & Practice Review Requirements

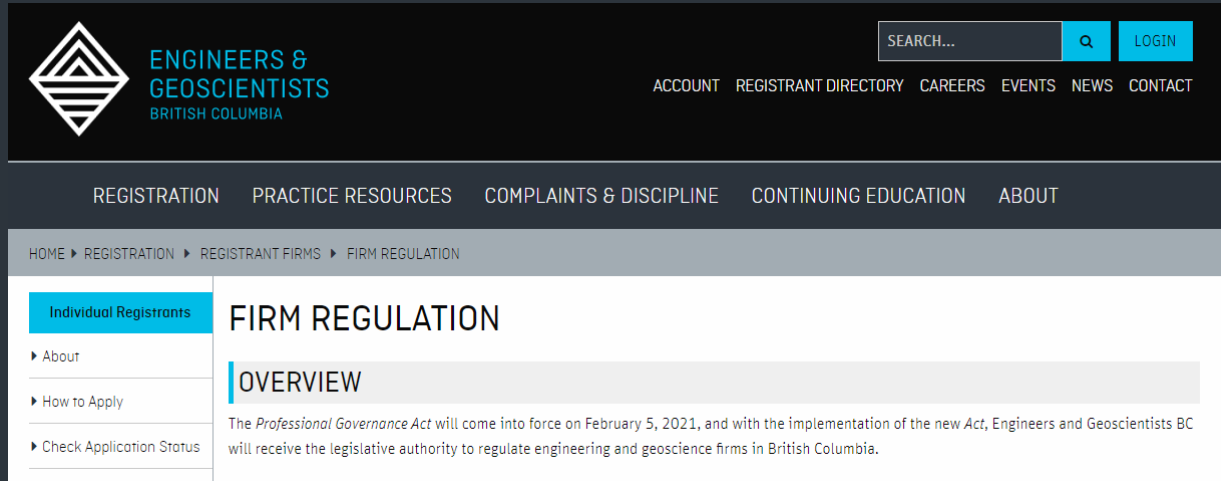
- Firm Audit Timing
- Audit Results
 - In Compliance
 - Minor Nonconformances
 - Major Nonconformance
 - Audit and Practice Review Committee
 - Escalating Enforcement Options Including
 - Additional Audit(s)
 - Practice Review of the Firm and/or Individuals
 - Practice Restrictions

SCHEDULE

- Communications Campaign – now, webinar on February 17 (<https://www.egbc.ca/Events/Events/2021/21FEBURF>)
- Regulation of Firms – Permit to Practice Training – March 2021
 - Sole Practitioners
 - Multi-Professional Firms
- Registration Period – July through September 2021
- Permit Requirement Deadline – October 1, 2021
- Renewals – Annually
- Audits – Begin in July 2022
- Retraining Period – 5-year cycle

ADDITIONAL INFORMATION

- egbc.ca/Practice-Resources/Regulation-of-Firms



The screenshot displays the website for Engineers & Geoscientists British Columbia. The header includes the organization's logo, name, and a navigation menu with links to ACCOUNT, REGISTRANT DIRECTORY, CAREERS, EVENTS, NEWS, and CONTACT. A search bar and a LOGIN button are also present. The main navigation bar lists REGISTRATION, PRACTICE RESOURCES, COMPLAINTS & DISCIPLINE, CONTINUING EDUCATION, and ABOUT. The breadcrumb trail indicates the path: HOME > REGISTRATION > REGISTRANT FIRMS > FIRM REGULATION. The left sidebar contains a menu with 'Individual Registrants' (highlighted) and sub-links for 'About', 'How to Apply', and 'Check Application Status'. The main content area is titled 'FIRM REGULATION' and features an 'OVERVIEW' section. The overview text states: 'The Professional Governance Act will come into force on February 5, 2021, and with the implementation of the new Act, Engineers and Geoscientists BC will receive the legislative authority to regulate engineering and geoscience firms in British Columbia.'

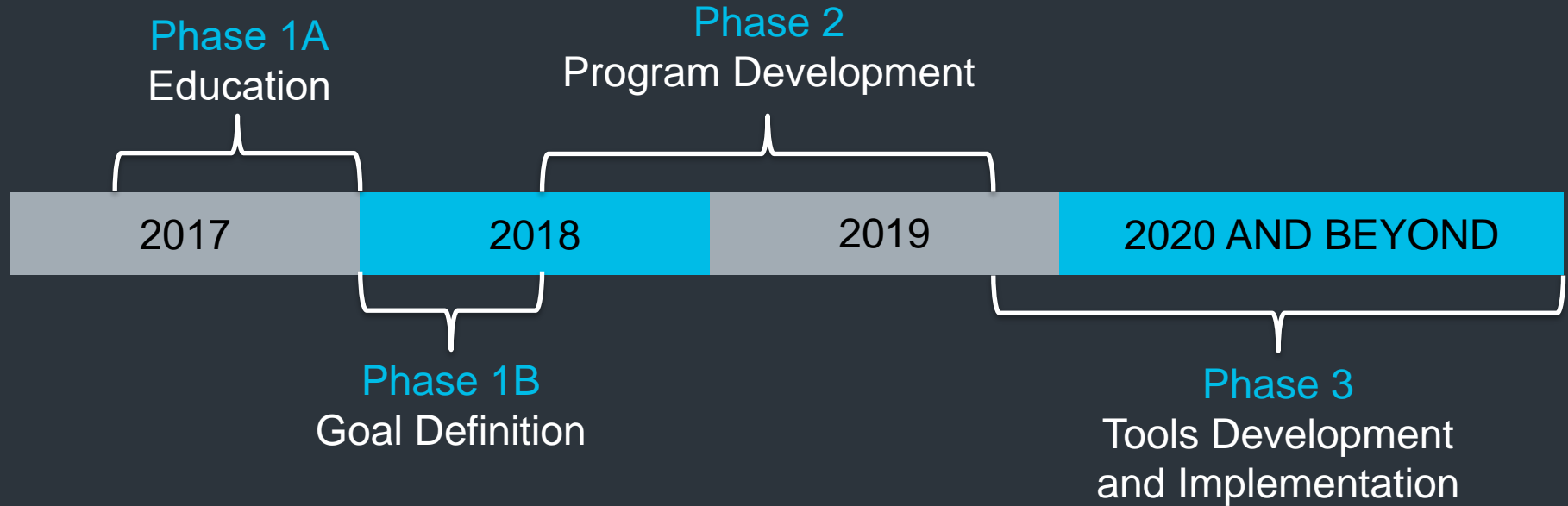
- Questions: firms@egbc.ca

CE PROGRAM: BACKGROUND AND REQUIREMENTS



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CE ADVISORY GROUP TIMELINE



APPLICABILITY

- The program is mandatory for practising registrants (P.Eng., P.Geo., P.L.Eng., P.L.Geo.)
- Non-practising registrants (Non-practising, Retired) have to complete ethical and regulatory learning every 3 years; the rest of the program is optional
- The program is optional for trainees (EIT, GIT)

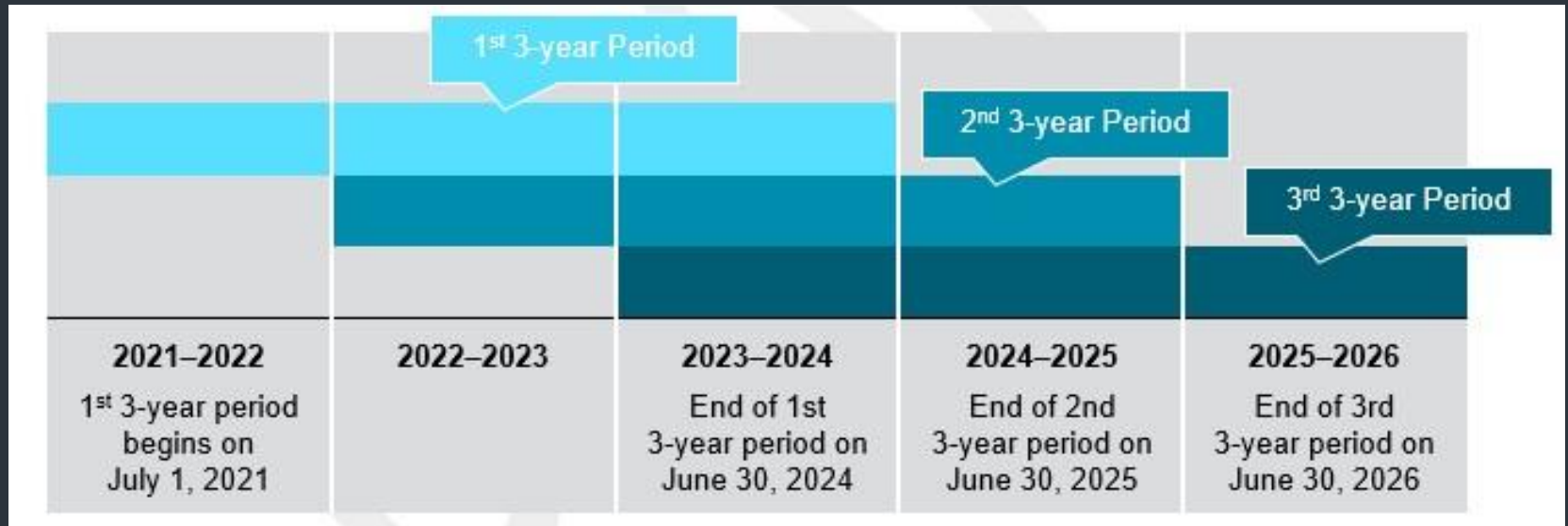
CE HOURS

- Practising registrants must complete 60 CE Hours over a 3-year rolling period (20 CE Hours avg. per year)
- Professional Practice hours no longer contribute
- Average annual hours reduced from 80 (under CPD program) to 20
- Struct.Eng. registrants must complete additional 60 CE Hours related to structural engineering every 3 years (total of 120 CE Hours)

PROGRAM START DATE AND REPORTING YEAR

- CE Program start date: July 1, 2021
- Reporting year will be July 1 – June 30
- This will coincide with mandatory information reporting year
- Annual fee payment will still be on a calendar year basis (deadline of Dec 31)

THREE-YEAR ROLLING PERIOD



THREE-YEAR EXAMPLE

PERIOD	CE HOURS	3 YEAR TOTAL	COMPLIANT?
July 1, 2021 to June 30, 2022	10		
July 1, 2022 to June 30, 2023	35		
July 1, 2023 to June 30, 2024	15	$10 + 35 + 15 = 60$	Compliant
July 1, 2024 to June 30, 2025	20	$35 + 15 + 20 = 70$	Compliant
July 1, 2025 to June 30, 2026	20	$15 + 20 + 20 = 55$	Not Compliant

NEW REGISTRANTS

DATE OF PROFESSIONAL REGISTRATION	REQUIREMENTS FOR THE CURRENT REPORTING YEAR (JULY 1 – JUNE 30)	START OF THREE-YEAR ROLLING PERIOD
July 1 – December 31	<ul style="list-style-type: none"> • Completion of Ethical and Regulatory Learning • Completion and submission of CE Plan 	July 1, current reporting year
January 1 – March 28/29	<ul style="list-style-type: none"> • Completion of Ethical and Regulatory Learning • Completion and submission of CE Plan 	July 1, next reporting year
March 28/29 – June 30	<ul style="list-style-type: none"> • Completion and submission of CE Plan 	July 1, next reporting year

EXEMPTIONS

- Registrants can apply for an exemption on an annual basis for:
 - Parental leave
 - Medical leave
 - Compassionate care leave
 - Other extenuating circumstances
- The exemption form is in Appendix C of the Guide to the CE Program and will have to be submitted for review and approval

AREAS OF LEARNING

- Four Areas of Learning:
 - Ethical
 - Regulatory
 - Technical
 - Communications and Leadership
- All practising registrants must have minimum 1 CE Hour for ethical and regulatory learning each year
- Non-practising registrants must have minimum 1 CE Hour for ethical and regulatory learning every 3 years

AREAS OF LEARNING

- Engineers and Geoscientists BC will create mandatory modules to satisfy regulatory learning requirement, one per year, required viewing for all registrants
 - At least one module every three years will include content on Indigenous reconciliation
 - Registrants can take other (non-mandatory) regulatory offerings offered by Engineers and Geoscientists BC or other providers to count toward the 60-hour requirement
- Ethical learning will be self directed; can be fulfilled with Engineers and Geoscientists BC, employer-based, or other offerings
- Why make technical and communications and leadership learning optional?

CE ACTIVITIES

- CE activities must be relevant to your practice and contribute to the maintenance of competency
- Intended to include a wide variety of activities, including volunteering and mentoring
- Activities from all types of providers can qualify, as well as self-study
- List of examples is included in the Guide

CE PLAN

- All registrants must complete and submit a CE Plan on an annual basis
- CE Plan template is provided in Appendix B of the Guide
- Other templates can be used as long as they meet minimum criteria listed in the CE Program Guide
- Non-practising registrants do not have to complete CE Plans

ANNUAL CE REPORTING AND COMPLETION CHECKING TIMELINE

- June 30 (**starting in 2022**) – Reporting and completion deadline
- July 1 – Checking for reporting and completion
- July 1 – Sept 30 – Late reporting and completion period (incl. fees)
- Sept 30 – Late reporting and completion deadline
- Oct 1 – Suspension for non-compliance (will not receive annual fee renewal letter)
- Jan 1 – Removal for non-compliance

ANNUAL CE REPORTING

- Reporting deadline is 11:59 PM (PDT) on June 30 (starting in 2022)
- Reporting through online portal (ready by July):
 - Activities – Dates, hours, areas of learning, provider (where applicable)
 - CE Plan upload
 - Declaration
 - Mandatory information for the register – Industry and area of practice, contact information, employer information

ANNUAL CE COMPLIANCE CHECKING

- Annual checking (starting July 1, 2022) will include:
 - Completion of ethical and regulatory learning
 - Upload of CE Plan
 - Completion of mandatory information
- Three-year period checking (starting July 1, 2024) will include:
 - Completion of 60 CE Hours

ADDITIONAL INFORMATION

- www.egbc.ca/continuing-education
- Questions: cep@egbc.ca
- Stuart Nash, Manager of Professional Practice Development and Outreach
snash@egbc.ca

PROGRAM OVERVIEW

The *Professional Governance Act* requires Engineers and Geoscientists BC to develop and implement a mandatory Continuing Education Program. The core elements of this program were reviewed and approved by Engineers and Geoscientists BC's Council in November 2019 and following consultation with registrants.

Council approved recommendations for the new program from the Continuing Education Advisory Committee. These recommendations focus on maintaining competency in each registrant's area of practice. All registrants will also complete learning activities around ethics and regulations every year.

All registrants should consult and be familiar with the Guide to the CE Program, accessible below, which describes the program requirements. It also contains an annual compliance checklist, a template for the annual CE Plan, and an exemption request form. A summary of program requirements is also provided below.

For 2021, registrants can apply continuing education activities completed between January 1 and June 30 to the first reporting year of the new program. Registrants will need to keep their own records during this time and insert the activities into the new online recording system which becomes available by July 1.

NEW PROGRAM COMPONENTS



[Guide to the Continuing Education Program](#)



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PROFESSIONAL PRACTICE



**Contaminated Sites Approved
Professionals Society of BC**

Vijay Kallur, M.Sc., P.Eng., FEC., CSAP

09 FEBRUARY 2021

OBJECTIVE – DUE DILIGENCE

CSAP Society Requirements

ELIGIBILITY CRITERIA

1. Individuals must be professional members of, or hold an appropriate license, in good standing, with one of the following four Parent Associations:
 - Engineers and Geoscientists of the Province of British Columbia (EGBC)
 - BCIA, CAB and ACPBC
2. Candidates must possess ten (10) years of relevant documented experience (RDE) and direct documented experience (DDE). Of the ten (10) years total experience, a minimum of eight (8) years must be DDE of which four years must be decision-making level DDE.
 - Decision-making level DDE means providing direction and senior review

CSAP Society Requirements



REQUIREMENTS TO MAINTAIN CSAP MEMBERSHIP

- must maintain all eligibility criteria
- Continued Professional Development
- Confirmation of Parent Association Membership and Academic Background

DISCIPLINE COMMITTEE GUIDELINES

- Notification to Parent Organization and Ministry Director

<https://csapsociety.bc.ca/wp-content/uploads/Draft-Discipline-Committee-Guidelines-March-2017-v2.pdf>

When you become a **member of CSAP**, you become an Approved Professional and are added to the roster of professionals approved by the Ministry of Environment to review **contaminated sites** and assist in their clean up.

EGBC Requirements - Professionals



- If you have a minimum of four years of professional work experience in engineering (to apply for P.Eng.) or in geoscience (to apply for P.Geo.) you are permitted to apply for professional licensure.
 - Professional Practice Examination
 - Assessment of Good Character and Repute
 - Competency Based Assessment

<https://competencyassessment.ca/Indicators-Report?indicatorTypeId=5>
- Declare compliance with the CPD guideline
 - Continued Education Program (New from PGA)
- Practice Review Program in place for 25 years –
 - Replaced by a new proactive program now called the Audit Program and a new reactive program called the Practice Review Program

EGBC Requirements - Professionals



PRACTICE GUIDELINES

<https://www.egbc.ca/Practice-Resources/Individual-Practice/Guidelines-Advisories>

<u>Buildings</u>	<u>Civil & Transportation</u>	<u>Equipment Safety</u>	<u>High Technology</u>	<u>Natural Resources</u>	<u>Natural Hazards</u>	<u>General</u>
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Professional Practice Guidelines	Current Version	Published Date
<u>Expert Witness Guidelines</u>	1.1	2016-07
<u>Human Rights and Diversity Guidelines</u>	1.0	2016-04-15
<u>Sustainability Guidelines</u>	1.1	2016-04
<u>Shop Drawings</u>	2.0	2015-01
<u>Intellectual Property</u>	3.0	2009-06

EGBC Requirements/Resources - Professionals



QUALITY MANAGEMENT STANDARDS

These quality management guidelines provide guidance on the respective requirements under the quality management related provisions in the Act and Bylaws.

- [Direct Supervision \(v1.3 January 9, 2018\)](#)
- [Documented Checks of Engineering and Geoscience Work \(v1.3 January 9, 2018\)](#)
- [Documented Independent Review of Structural Designs \(v1.4 January 9, 2018\)](#)
- [Documented Field Reviews During Implementation or Construction \(v1.3 January 9, 2018\)](#)
- [Retention of Project Documentation \(v1.3. January 9, 2018\)](#)
- [Use of Seal \(v2.0 December 4, 2017\)](#)

Webinars

<https://www.egbc.ca/Practice-Resources/Individual-Practice/Quality-Management-Standards>

CODE OF ETHICS

- PGA requires each regulatory body; EGBC and for forestry, applied biology, agrology, and applied science technology – include a minimum of 12 standardized mandatory principles within their Code of Ethics (Webinar 27 Jan).

<https://www.egbc.ca/Online-Learning/Products/Videos/Technical-Professional-Practice/Understanding-the-New-Code-of-Ethics>



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EGBC Resources - Professionals



PRACTICE ADVICE PROGRAM

The Practice Advice Program provides interpretation and guidance to registrants and other stakeholders regarding standards of professional and ethical practice as set out in the *Professional Governance Act*, EGBC Bylaws, and guidance.

Three main components:

1. The availability of a Practice Advisor for questions related to professional practice, ethics and guidelines.
 - cannot answer questions related to legal and contractual issues, employment terms and conditions, dispute mediation, or specific technical review of engineering or geoscience work
2. Formal Practice Guidance
3. Practice Training and Awareness

EGBC Requirements - Professionals



PRACTICE REVIEW PROGRAM

- The new reactive PGA required Practice Review Process is put in place in early in 2021.
- A new Practice Review Guide is expected to be developed soon (Date TBD)
- Intent as Required by PGA - is to perform a more detailed technical and/or focused review of an individual registrant where professional or ethical issues or risks have been identified either during an audit, practice review, or through the complaint and investigation process.
- Practice Reviews will be conducted by subject matter experts and the decisions following the review will be adjudicated by the Audit and Practice Review Committee
 - a) close the practice review file,
 - b) impose limits or conditions on the practice of the individual Registrant.

EGBC Requirements - Professionals



PRACTICE REVIEW PROGRAM

- 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

EGBC Requirements - Professionals



AUDIT PROGRAM

The intent of the Audit Program is to assess overall registrant compliance with regulatory requirements, by randomly auditing a subset of registrants annually.

- In July 2022, a new program to randomly assess regulatory compliance of individual registrants will be introduced.
- Every year, a minimum of 1% of individual registrants will be selected to undergo an audit (Total membership for audits – 25000)
- The Audit process will consist of a document/record review followed by an interview (if necessary) by an assessor. Regulatory requirements that will be assessed will include, continuing education, quality management, code of ethics and declared practice areas.

EGBC Requirements - Professionals



AUDIT PROGRAM

An audit can have one of three results:

- In Compliance – file is closed
- Minor Non-Conformance(s) – minor corrective action is required
- Major Non-Conformance(s) – Auditee may be issued more substantial corrective action; the auditee may be required to undergo a reactive Practice Review or the auditee may be referred to Investigations.

Exemptions to the program will include:

- Registrants-in-Training;
- Sole Practitioners (audited as Firm);
- Registrants on parental, medical or compassionate leave, and;
- Individual registrants that work for a regulated firm that has undergone a firm audit in the previous 12 months with an in-compliance result.

EGBC – Complaints and Discipline



Investigation & Discipline Process

- Confidential
- If Investigation Committee recommends commencement of discipline proceedings which are made public

<https://www.egbc.ca/Complaints-Discipline/Complaints-Discipline/Discipline-Hearings-Notices>


- Unauthorized Practice and Misuse of Title

<https://www.egbc.ca/Complaints-Discipline/Unauthorized-Practice-or-Title/Unauthorized-Practice-or-Title-Notices>

EGBC Requirement - Firms



REGULATION OF FIRMS

- PGA Effective Feb 5, 2021 - Legislative authority to regulate engineering and geoscience firms
- Mandatory regulation of firms – July 2021
- Based on 3 pillars
 - I. Quality Management
 - II. Continuing Education
 - III. Ethics
- Tools/materials and guidance for firms and sole practitioners
- Permit to Practice – Issued July 2 to Sept 30 2021
 - Responsible Registrant, Responsible Officer
- OQM  Professional Practice Management Plan (Training available)

EGBC Requirement - Firms



AUDIT PROGRAM

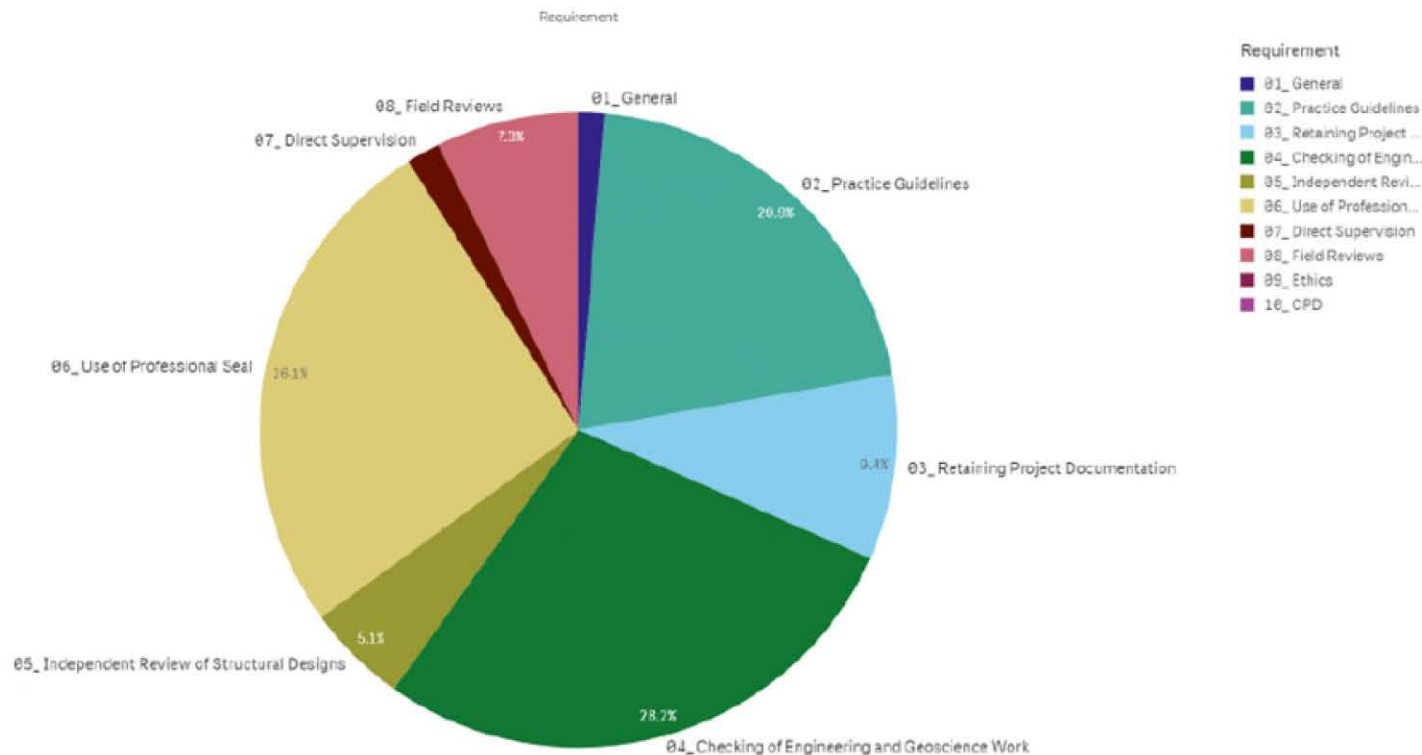
- Initial audit after 12 months of Registration and regularly on a 3 to 5 year cycle
- Additional information and guidance documents to be provided
 - Permit to Practice Manual (under development; Date TBD)

PRACTICE REVIEWS

- More technical in nature, focus on specific processes, areas of practice, projects/work
- Authorized by Audit & Practice Review Committee, the Registrar or Investigation Committee based on information obtained through an audit, complaint, practice review or an investigation on contravention of PGA, regulations or bylaws

EGBC – 2019 OQM Results

Requirement NC Breakdown



EGBC Practice Review Findings



TYPICAL ISSUES IN PRACTICE REVIEWS

- **Use of Seal**
- **Document Retention**
- **Field Reviews**
- **Checking**
- **QM Guidelines**
- **Direct Supervision**
- **Professional Practice Guidelines**

QUESTIONS?



A low-angle, upward-looking photograph of two modern skyscrapers with glass facades. The buildings are framed by a dark, curved structure in the foreground, possibly a balcony or part of a building. The sky is a pale, clear blue. The perspective creates a sense of height and architectural grandeur.

THANK YOU



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