

June 13, 2011

**PROPOSED BY-LAW CHANGES FOR CPD REPORTING PROGRAM**

**PART IV ADMINISTRATION**  
**PART VII MEMBERSHIP**  
**PART IX DUES AND FEES**  
**AND**  
**PART XI PRACTICE REQUIREMENTS**

<b>By-Law</b>	<b>Current Wording</b>	<b>Proposed Wording</b>	<b>Reasons</b>
TOC Part IV Administration	<b>4.5 Boards and Committees</b> <b>4.5.1 Registration Committee</b> <b>4.5.2 Executive Committee</b>	<b>4.5 Boards and Committees</b> <b>4.5.1 Registration Committee</b> <b>4.5.2 Executive Committee</b> <b><u>4.5.3 Continuing Competency Committee</u></b>	
		<u>4.5.3 Continuing Competency Committee</u>  <u>Council shall maintain a committee, known as the Continuing Competency Committee, whose functions and responsibilities are as defined in the Continuing Professional Development Program.</u>	The creation of this committee is to perform the monitoring and recommendation functions required by the Continuing Professional Development Program in by-law 11.3.
TOC Part VII Membership	<b>7.0 Provision</b> <b>7.1 Professional Members</b> <b>7.1.1 Practicing Member</b> <b>7.1.2 Retired Member</b> <b>7.1.2.1 Life Membership</b> <b>7.1.3 Honorary Life Member</b> <del><b>7.1.4 Members on Deferred Dues</b></del> <del><b>7.1.5 Provisional Member</b></del> <b>7.2 Other</b>	<b>7.0 Provision</b> <b>7.1 Professional Members</b> <b>7.1.1 <u>Practising</u> Member</b> <b>7.1.2 Retired Member</b>  <b>7.1.3 Life Membership</b> <b>7.1.4 Honorary Life Member</b> <b><u>7.2 Members on Deferred Dues</u></b> <b><u>7.3 Provisional Member</u></b>	<u>The Winston Canadian Dictionary, Holt, Rinehart &amp; Winston (ISBN 0-03-923312-X)</u> <b>practise:</b> v.t. to work at, as a profession; as, to <i>practise</i> law <b>practise:</b> v.i. to follow a profession

	<p><b><del>7.3 Notice of Delivery Address</del></b>  <b><del>7.4 Requirement to Respond</del></b></p>	<p><b><del>7.4 Other</del></b>  <b><del>7.5 Notice of Delivery Address</del></b>  <b><del>7.6 Requirement to Respond</del></b></p>	<p>There is currently an inconsistency with the application of 'practise' vs. 'practice' when used as a verb. Application of the Winston Canadian Dictionary's spelling for all of these instances.</p>
	<p><b>7.1.1 Practising Member</b></p> <p>Professional members who are not in <del>either</del> the retired member category, the life member category, the provisional member category, or are otherwise subject to conditions of practice based on dues relief, are practising members and hold all the responsibilities, rights and privileges conferred on a professional engineer or a professional geoscientist, as the case may be, by the Act and these by-laws.</p>	<p><b>7.1.1 Practising Member</b></p> <p>Professional members who are not in the retired member category, the life membership category, the provisional member category, or are otherwise subject to conditions of practice based on dues relief, are practising members and hold all the responsibilities, rights and privileges conferred on a professional engineer or a professional geoscientist, as the case may be, by the Act and these by-laws.</p>	
	<p><b>7.1.2 Retired Member</b></p> <p>Professional members who enter the retired member category shall not be <del>practicing</del> professional engineering or professional geoscience <del>and shall not at that time intend to return to the practice.</del> They shall hold all the responsibilities and rights and privileges conferred on a professional engineer or a professional geoscientist by the Act and these by-laws, excepting the right to <del>practice</del> professional engineering or professional geoscience, <del>and they:</del></p>	<p><b>7.1.2 Retired Member</b></p> <p>Professional members who enter the retired member category shall not be <u>practising</u> professional engineering or professional geoscience. <u>They will not be required to record and report professional development activity as prescribed by the association's Continuing Professional Development Program.</u> They shall hold all the responsibilities and rights and privileges conferred on a professional engineer or a professional geoscientist by the Act and these by-laws, excepting the right to</p>	<p>Removal of the phrase regarding intentions on returning to the practice reflects current realities of occupational transitions.</p> <p>Current wording did not prohibit members from switching from Retired Member to Practising member, yet provided no guidance on how this should be done. New wording requires the member to seek advice</p>

	<p>will not be issued a validation sticker for their certificate of registration as provided for under these by-laws; and are required to surrender all seals issued in accordance with Part 8 of the Act.</p> <p>Professional members in the retired member category shall confirm annually at the time of the payment of their annual dues that they have not been and will not be practicing professional engineering or professional geoscience as the case may be.</p> <p><b>7.1.2.1 Life Membership</b></p> <p>Life membership may, upon application, be granted to any practising member or retired member who:</p> <ul style="list-style-type: none"> <li>a) is at least 70 years of age; and</li> <li>b) has been a member of the association, or one of the constituent associations of the Canadian Council of Professional Engineers, for 30 years, or in the case of a professional geoscientist, <del>has practised</del> or been a member of the Association for a combined total of 30 years; and</li> <li>c) has retired from all gainful employment.</li> </ul> <p>Once life membership is granted he or she shall, without further payment of dues, hold the same responsibilities and rights and privileges of members in the retired</p>	<p><u>practise</u> professional engineering or professional geoscience.</p> <p><u>They will</u> not be issued a validation sticker for their certificate of registration as provided for under these by-laws; and are required to surrender all seals issued in accordance with Part 8 of the Act.</p> <p>Professional members in the retired member category shall confirm annually at the time of the payment of their annual dues that they have not been and will not be <u>practising</u> professional engineering or professional geoscience as the case may be.</p> <p><u>Where a retired member wishes to be reinstated as a Practising Member, he or she shall notify the Registrar of their intention to do so and shall comply with the requirements outlined in the Continuing Professional Development Program.</u></p> <p><b>7.1.3 Life Membership</b></p> <p>Life membership may, upon application, be granted to any practising member or retired member who:</p> <ul style="list-style-type: none"> <li>a) is at least 70 years of age; and</li> <li>b) has been a member of the association, or one of the constituent associations of the Canadian Council of Professional Engineers, for 30 years, or in the case of a professional geoscientist, <u>has been in a</u></li> </ul>	<p>from peers (in the form of the CCC) if they are in the Retired Member category for more than a given period of time. This provides assurance that no member will immediately start practising again if they've not been doing so for a prolonged period of time.</p> <p>Since Retired Members are not practising, there is no requirement for them to perform continuing professional development.</p>
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	category.	<p><u>practising category</u> or been a member of the Association for a combined total of 30 years; and</p> <p>c) has retired from all gainful employment.</p> <p>Once life membership is granted he or she shall, without further payment of dues, hold the same responsibilities and rights and privileges of members in the retired category.</p>	
	<p><b>7.1.3 Honorary Life Member</b></p> <p>Honorary life membership may be granted by unanimous decision of council to a professional member who has, in the opinion of council, rendered meritorious service to the association, or the profession, and who has preferably been a registered professional member for not less than 35 years. Professional members in the honorary life membership category shall pay no annual dues and hold all the rights and privileges conferred on a professional engineer or a professional geoscientist by the Act and these by-laws.</p>	<p><b>7.1.4 Honorary Life Member</b></p> <p>Honorary life membership may be granted by unanimous decision of council to a professional member who has, in the opinion of council, rendered meritorious service to the association, or the profession, and who has preferably been a registered professional member for not less than 35 years. Professional members in the honorary life membership category shall pay no annual dues and hold all the <u>same responsibilities and rights and privileges</u> conferred on a professional engineer or a professional geoscientist by the Act and these by-laws.</p>	<p>Added wording to reflect that Honorary Life Members, like all members, have responsibilities.</p>
	<p><b>7.1.4 Members on Deferred Dues</b></p> <p>Professional members or members-in-training who are:</p>	<p><b>7.2 Members on Deferred Dues</b></p> <p>Professional members or members-in-training who are:</p>	<p>Current definition implies that Members on Deferred Dues are not Practising members. The numbered positioning of this by-law</p>

	<p>a) unemployed; or</p> <p>b) not working due to illness or disability; or</p> <p>c) attending a full time post-graduate university program relevant to the practice of professional engineering or professional geoscience; or</p> <p>d) experiencing circumstances having equal merit.</p> <p>may be allowed to enter the deferred dues category on terms and conditions established by the council. Such professional members or members-in-training shall be eligible to have their annual dues deferred or reduced. <del>Professional members in this category whose practice has been interrupted for more than 48 months as a result of the circumstances which gave rise to such deferral or reduction may be required to demonstrate that they have obtained a minimum number of months of acceptable professional engineering or professional geoscience work experience during the preceding eight years before returning to the practising member category.</del></p>	<p>a) unemployed; or</p> <p>b) not working due to illness or disability; or</p> <p>c) attending a full time post-graduate university program relevant to the practice of professional engineering or professional geoscience; or</p> <p>d) experiencing circumstances having equal merit,</p> <p>may be allowed to enter the deferred dues category on terms and conditions established by the council. Such professional members or members-in-training shall be eligible to have their annual dues deferred or reduced.</p> <p><u>Members in this category shall continue to fulfill the requirements of 11.3.</u></p>	<p>was therefore changed to reflect this status; Members on Deferred Dues are not practising members.</p> <p>New wording provides clarification that, due to the short period of time that members are expected to be in this category, Members on Deferred Dues are expected to continue to participate in continuing professional development activities. Like all members, if they are unable to do meet the targets of the Continuing Professional Development Guideline, they may apply for abatement or consider changing to the Retired Member category.</p>
	<p><b>7.1.5 Provisional Member</b></p>	<p><b><u>7.3</u> Provisional Member</b></p>	<p>Current wording implies that Members on Deferred</p>

	<p>Applicants who have 48 months of qualifying work experience and who have satisfied all of the requirements for registration of the Manual of Admissions, other than for the 12 month required period of work experience in a Canadian environment, may be registered as a provisional member until such time as the full work experience requirement is satisfied and on the conditions that:</p> <p>(a) the provisional member does not use the suffix “P.Eng.” or “P.Geo.”, but may, at his or her option, continue to use EIT or GIT;</p> <p>(b) all work issued by the provisional member is sealed by a professional engineer or professional geoscientist, as the case may be;</p> <p>(c) the provisional member and his or her supervisor submit semi-annual work experience reports over the period of the provisional membership in accordance with the Manual of Admissions;</p> <p>(d) registration to full professional membership is subject to the provisions of the Manual of Admissions; and</p> <p>(e) if, at the end of 36 months of provisional membership, the person has not yet become registered as a professional member, the provisional membership converts to member–in-training status.</p>	<p>Applicants who have 48 months of qualifying work experience and who have satisfied all of the requirements for registration of the Manual of Admissions, other than for the 12 month required period of work experience in a Canadian environment, may be registered as a provisional member until such time as the full work experience requirement is satisfied and on the conditions that:</p> <p>(a) the provisional member does not use the suffix “P.Eng.” or “P.Geo.”, but may, at his or her option, continue to use EIT or GIT;</p> <p>(b) all work issued by the provisional member is sealed by a professional engineer or professional geoscientist, as the case may be;</p> <p>(c) the provisional member and his or her supervisor submit semi-annual work experience reports over the period of the provisional membership in accordance with the Manual of Admissions;</p> <p>(d) registration to full professional membership is subject to the provisions of the Manual of Admissions; and</p> <p>(e) if, at the end of 36 months of provisional membership, the person has not yet become registered as a professional member, the provisional membership converts to member–in-training status.</p>	<p>Dues are not Practising members. The numbered positioning of this by-law was therefore changed to reflect this status; Provisional Members are not practising members.</p>
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	<p><b>7.2 Other</b></p> <p>The council shall establish policies and procedures that define the responsibilities, rights and privileges of temporary licensees, specified scope of practice licensees, members-in-training and students.</p> <p><b>7.3 Notice of Delivery Address</b></p> <p><b>7.3.1</b> Each professional member shall advise the registrar of the address to which the Association is to direct all correspondence to the member.</p> <p><b>7.3.2</b> Each professional member shall advise the registrar of any change in the address to which the Association is to direct all correspondence to the member, within 30 calendar days of the effective date of the change of address.</p> <p><b>7.3.3</b> Each professional member shall provide the registrar with the name and address of any person designated to receive correspondence from the Association on the member's behalf, with respect to:</p> <p>(a) Complaints, charges and disciplinary matters involving the member;</p> <p>(b) Professional liability insurance reports,</p>	<p><b>7.4 Other</b></p> <p>The council shall establish policies and procedures that define the responsibilities, rights and privileges of temporary licensees, specified scope of practice licensees, members-in-training and students.</p> <p><b>7.5 Notice of Delivery Address</b></p> <p><b>7.5.1</b> Each professional member shall advise the registrar of the address to which the Association is to direct all correspondence to the member.</p> <p><b>7.5.2</b> Each professional member shall advise the registrar of any change in the address to which the Association is to direct all correspondence to the member, within 30 calendar days of the effective date of the change of address.</p> <p><b>7.5.3</b> Each professional member shall provide the registrar with the name and address of any person designated to receive correspondence from the Association on the member's behalf, with respect to:</p> <p>(a) complaints, charges and disciplinary matters involving the member;</p> <p>(b) professional liability insurance reports, claims or processes involving the member;</p>	<p>Numbering of these by-laws have been adjusted due to the re-positioning of the Members on Deferred Dues and Provisional Member categories.</p>

<p>claims or processes involving the member; and</p> <p>(c) The member's failure to pay monies owing to the association</p> <p><b>7.4 Requirement to Respond</b></p> <p><b>7.4.1</b> Where the Association makes a written request to a member for a response within a specified period, the member shall provide a written response within the specified time period and shall provide the information, explanation or records in the possession of or under the control of the member. A written request sent to the mailing address of the member, or the member's designate, appearing in the records of the Association shall be deemed to have been delivered three working days following the date of being sent by registered mail, and shall be deemed to have been received by the member.</p> <p><b>7.4.2</b> Failure of the member to submit a written response as required under subsection 7.4.1 may constitute professional misconduct.</p> <p><b>7.4.3</b> Where a member fails to respond to a written request as required under subsection 7.4.1, the person, investigation committee or sub-committee conducting an investigation may proceed with the investigation without the member's response.</p>	<p>and</p> <p>(c) the member's failure to pay monies owing to the association</p> <p><b>7.6 Requirement to Respond</b></p> <p><b>7.6.1</b> Where the Association makes a written request to a member for a response within a specified period, the member shall provide a written response within the specified time period and shall provide the information, explanation or records in the possession of or under the control of the member. A written request sent to the mailing address of the member, or the member's designate, appearing in the records of the Association shall be deemed to have been delivered three working days following the date of being sent by registered mail, and shall be deemed to have been received by the member.</p> <p><b>7.6.2</b> Failure of the member to submit a written response as required under subsection 7.6.1 may constitute professional misconduct.</p> <p><b>7.6.3</b> Where a member fails to respond to a written request as required under subsection 7.6.1, the person, investigation committee or sub-committee conducting an investigation may proceed with the investigation without the member's response.</p>	
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<p>TOC Part IX Dues and Fees</p>	<p><b>9.1 Annual Dues</b>  <b>9.1.1 Practicing Category</b>  <b>9.1.2 Retired Category</b>  <b>9.1.3 Temporary Licence</b>  <b>9.1.4 Specified Scope of Practice Licence</b>  <b>9.1.5 Certificate of Authorization</b>  <b>9.1.6 Member-in Training</b>  <b>9.1.7 Student</b>  <b>9.1.8 Dues Relief</b>  <b>9.1.9 Provisional Member</b></p>	<p><b>9.1 Annual Dues</b>  <b>9.1.1 <u>Practising</u> Category</b>  <b>9.1.2 Retired Category</b>  <b>9.1.3 Temporary Licence</b>  <b>9.1.4 Specified Scope of Practise Licence</b>  <b>9.1.5 Certificate of Authorization</b>  <b>9.1.6 Member-in Training</b>  <b>9.1.7 Student</b>  <b>9.1.8 Dues Relief</b>  <b>9.1.9 Provisional Member</b></p>	
<p>TOC Part XI Practice Requirements</p>	<p><del><b>11.3 Declaration of Compliance</b></del></p>	<p><b><u>11.3 Compliance to Practise</u></b></p>	
	<p><del><b>11.3 Declaration of Compliance</b></del></p> <p><del>Beginning with the 2004 membership year, members in the practising category shall be asked to make the following declaration at the time of the payment of the annual dues for the renewal of registration.</del></p> <p><del>"I declare that I have, on an ongoing basis, acquired the knowledge, skills and level of awareness necessary to undertake the professional services that I currently provide, or intend to provide, to my employer and clients, and to fulfill my professional responsibilities to the public." Any failure to so declare shall be recorded in the member's file.</del></p>	<p><b><u>11.3 Compliance to Practise</u></b></p> <p><u>The Continuing Professional Development Program, approved by the council on June 15, 2011, is hereby adopted as the Continuing Professional Development Program of the Association.</u></p> <p><u>Except as detailed in the Continuing Professional Development Program, members in the practising, honorary life, temporary licensee, and deferred dues categories must, in addition to maintaining competency in their field of practice through continuing professional development as per the Code of Ethics, record and report professional development activity as prescribed by the association's Continuing Professional Development Program.</u></p>	<p>Clauses 12.1 j) and k) of the Act empower the Association to establish, maintain and monitor a CPD program. Professional development itself is mandatory for all practicing engineers and geoscientists, as stated in Canon 3.2 of the Code of Ethics. The current by-law wording does not satisfy the intent of the Act.</p> <p>This new wording implements a new program by which members will report their CPD activities,</p>

		<p><u>Any failure to maintain activities as prescribed by the Association's Continuing Professional Development Program may constitute professional misconduct and may be reported to the Investigation Committee.</u></p>	<p>which will be monitored by the CCC.</p> <p>The Abatement section of the Program makes provision for special circumstances in cases where members are not able to meet the targets of the CPD Program. For example, <u>Professional members who are:</u></p> <ul style="list-style-type: none"> <li><u>a) not working due to illness or disability;</u></li> <li><u>b) engaged in the Practice of Professional Engineering or Geoscience fewer than 15 hours per week on average; or</u></li> <li><u>c) experiencing circumstances having equal merit,</u></li> </ul> <p><u>may make application for abatement from the Continuing Professional Development Program. Application for abatement may be approved by the Continuing Competency Committee on a case by case basis.</u></p>
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	<p><b>12.1.1 Certificate of Registration</b></p> <p>The certificate of registration issued to each professional member shall have his or her name inscribed thereon and shall state that the person is entitled to engage in the practice of professional engineering, or professional geoscience as the case may be, in the Province of Manitoba. It should be prominently displayed in the member's place of practice.</p>	<p><b>12.1.1 Certificate of Registration</b></p> <p>The certificate of registration issued to each professional member <u>in the Practising Member category</u> shall have his or her name inscribed thereon and shall state that the person is entitled to engage in the practice of professional engineering, or professional geoscience as the case may be, in the Province of Manitoba. It should be prominently displayed in the member's place of practice.</p>	