

Return to Active Practice Guideline

Draft

1 Introduction	4
2 Scope and Purpose	4
2.1 Reinstatement applications	4
2.1 Resumption applications	5
3 Categorization Based on Time	5
3.1 Less than two years.....	5
3.2 Absence greater than two years.....	6
3.2.1 Absence between two to eight years	6
3.2.2 Absence greater than eight years.....	7
4 Required Information.....	8
4.1 General requirements	8
4.2 Application form	8
4.2.1 Less than two years absence.....	8
4.2.2 Absence more than two years	9
5 Factors Affecting Review of Application	10
5.1 Registration status in another Canadian jurisdiction.....	10
5.2 Registration status in countries covered by international agreements	10
5.3 Work experience	10
5.4 Quality and number of references.....	11
5.5 Circumstances leading to non-practising status.....	11
5.5.1 Resignation:	11
5.5.2 Cancellation (Suspension):	11
5.5.3 Revocation:	11
5.5.4 Moved to Non-Practising Membership Status (Retired or On Leave):	11
5.6 Current admission policies vs. those in effect at time of original registration	12

6 Review of Application for Absences Greater Than Two Years.....	12
6.1 Law and ethics	13
6.2 Foundations of knowledge.....	13
6.3 Fees, dues or fines	13
6.4 Supervised practice.....	14
6.5 Special circumstances.....	14
6.6 Summary	14
7 Definitions.....	15
8 Endnotes.....	15

Draft

1 Introduction

The regulators have been entrusted with safeguarding the public through the regulation of the practice of professional engineering and professional geoscience. This requirement guides continuing competency and admissions work, where all members and licensees are required to meet a standard to practise safely and independently. This applies equally to those requesting a return to practice – the engineering and geoscience regulator must be assured that these individuals can practise safely, ethically, and independently.

2 Scope and Purpose

This guideline describes the documentation and considerations related to requests to return to active practice, whether the requests come from former members and licensees who are seeking reinstatement of their professional registration (Reinstatement Applicants), or whether they are current members who currently do not have the right to practise and wish to resume practicing status (Resumption Applicants). This guideline does not apply to cases where a member or licensee has, as a result of a disciplinary order, had their registration or licence suspended or have a restriction on their practice. These cases are dealt with directly by the Discipline Committee in accordance with the order that imposed the suspension or restriction.

2.1 Reinstatement applications

Former members and licensees who have resigned or have been removed for non-payment of dues fall under the purview of this guideline. The Registration Committee reviews these Reinstatement applications.

Former members and licensees who have had their registration or licence cancelled fall under the purview of this guideline. Council reviews these Reinstatement applications.

2.1 Resumption applications

Members in the On Leave or Retired Member categories who wish to resume practising rights by returning to the Practising Member category fall under the purview of this guideline. The Continuing Competency Committee reviews these Resumption applications.

3 Categorization Based on Time

For the purpose of this Guideline, individuals who wish to regain the right to practise are divided into the following categories based on the time away from active practice:

- Those who have been away from active practice for less than two years.
- Those who have been away from active practice for more than two years who have either:
 - been away from active practice for between two and eight years.
 - or been away from active practice for longer than eight years.

3.1 Less than two years

When a member or licensee has been away from active practice for a short period of time, there is little impact on that member or licensee's competency. In instances where it has been two years or less since a member or licensee has had full practising rights, a return to practising status will be administratively granted upon request with a requirement to comply with the ProDev Program by the end of the calendar year. This will require a three-year summary of relevant activities

including the two years prior to the year of application (see Endnotes). An application for abatement may therefore be required and should be submitted as soon as the applicant is aware that they require an alteration to their targets.

Individuals who have had a non-practising status for less than two years are not required to undergo a review of fitness to practice and will have their practice rights restored upon submission of the application form, payment of any required dues, fees and outstanding fines, and, in some cases, addressing pre-existing practice conditions.

3.2 Absence greater than two years

Engineers Geoscientists Manitoba recognizes that the longer individuals do not practise professional engineering and professional geoscience, the more likely it is that their competence within their field of practice will fall below the standard expected of professional engineers and professional geoscientists. Greater scrutiny is therefore required in instances where a member or licensee has had a non-practising status for longer than two years.

For applicants who have had a non-practising status for more than two years, this guideline outlines:

- the information that will be requested and assessed for individuals applying to return to active practice,
- the criteria that will be considered when reviewing a request to return to active practice, and
- the conditions that may be imposed in situations where it is not appropriate to immediately grant full practising rights.

3.2.1 Absence between two to eight years

Applicants who have been non-practising for a period that is between two and eight years in length are reviewed on a case-by-case basis. The review of applications in the cases of

- absence less than two years, and

- absence greater than eight years,

inform the treatment of individuals in the category of between two and eight years. For example, an applicant who has not had practising status for 25 months might simply be asked to provide a CV and a report of professional development activities while away from practice. By contrast, an applicant who has not had practising status for 5 years and 10 months might be asked to undergo six months of supervised practice or another form of peer evaluation. The area of practice will be a major consideration in the requirements for evaluating the competency of the applicant.

3.2.2 Absence greater than eight years

Applicants who have been non-practising for longer than eight years are required to undergo supervised practice in order to re-establish their competency. Following the principles of review followed by the Experience Review Committee, these individuals will be required to submit an experience report following six months of supervised practice. This report must give a description of the Engineering or Geoscience work experience the applicant obtained during this reporting period. This report must follow the principles outlined in the following documents:

- the Manual of Admissions; section 6.3, and
- the guide on Acceptable Engineering Work Experience, or
- the guide on Acceptable Geoscience Work Experience.

Upon completion of the six-month period, the practising member or licensee who supervised the work experience must submit a completed Engineers Geoscientists Manitoba Reference for Registration for the applicant. This reference will help to determine whether the applicant is ready to resume full practising status or should undergo subsequent periods of supervised practice.

4 Required Information

4.1 General requirements

Engineers Geoscientists Manitoba's mandate is to ensure that only qualified individuals are licensed to independently practise professional engineering and professional geoscience. The established six requirements for initially granting a licence to practise are:

- Academic requirements
- Language requirements
- Work experience requirements
- Law and ethics requirements
- Good character requirements
- Professional Development requirements

It is assumed that individuals who were previously licensed to practice have already proven their language skills and academic knowledge. Therefore, only the requirements related to work experience, good character and currency of knowledge of law and ethics may be verified during a request to return to active practice. How these requirements are assessed, and for which time periods, may differ from the initial application.

4.2 Application form

All those seeking to return to active practice are required to complete the Request to Resume Practising Status application form.

4.2.1 Less than two years absence

Reinstatement and Resumption Applicants who have been not held practising status in Manitoba for less than two years will be allowed to submit the form with only contact information and a signed declaration regarding:

- good character,

- any current investigation or discipline actions in any jurisdiction, and
- agreement to undertake compliance with the ProDev Program.

4.2.2 Absence more than two years

Resumption or Reinstatement applicants who have not held practising status for over two years are required to submit the full application form.

The full application form requires the following information:

- Contact information
- Declaration whether or not there have been and/or are any discipline/criminal judgements against them in any jurisdiction
- A resume of employment history (including periods of unemployment), providing the following details for each period or position held:
 - Month and year (beginning and end)
 - Position title
 - Employer name and address
 - Confirmation by someone who can verify the position (preferably a professional engineer or professional geoscientist for any engineering or geoscience position)
 - Detailed description of specific responsibilities and accomplishments, identifying the type of work or projects in which the individual has been involved and the extent of their particular engineering/geoscience duties on those projects
- Reference form completed by character references
- Any academic degrees obtained since initial registration
- Any continuing professional development activities in which they have engaged, in conformance with the format outlined in the ProDev Program

5 Factors Affecting Review of Application

Using the information listed in Section 3, Engineers Geoscientists Manitoba will evaluate the following items when considering a request to return to active practice.

5.1 Registration status in another Canadian jurisdiction

Reinstatement and Resumption Applicants who are currently registered as practising members or licensees in good standing in another jurisdiction in Canada are able to resume or reinstate their practising status unless there are disciplinary matters under consideration.

5.2 Registration status in countries covered by international agreements

Individuals who have previously left active practice in Canada but have been actively practising engineers or geoscientists in a foreign country (particularly a country with which Canada has a recognition agreement (e.g. APEC or IPEA)), and who apply to return to practice in Canada in the jurisdiction where they were previously licensed are able to resume or reinstate their practising status unless there are disciplinary matters under consideration.

5.3 Work experience

Consideration is given to an individual's total work experience. The number of years of engineering or geoscience-related work, and the level of the work, compared to the period when the individual has not been practising, will influence whether or not any conditions need to be set on an individual's reinstatement or resumption. For example, someone with five years of marginal engineering experience and who has not been practising for five years will be assessed more rigorously than someone with 35 years of progressively responsible engineering experience who has also not been practising for five years.

5.4 Quality and number of references

References are used for two purposes: to verify work experience (both engineering/geoscience work experience and other types [1]), and to provide input regarding an individual's character. Work references are divided into references regarding engineering/geoscience work, and those regarding other types of work. It is preferable to have engineering/geoscience work references come from professional engineers or professional geoscientists who can comment on the level and quality of an individual's work. Non-engineering/geoscience work references may come from a variety of sources and should focus on accountability and responsibility. Character references should focus on the key elements of responsibility, accountability, integrity, honesty, trustworthiness and knowing the limits of one's own knowledge. References for positions in the distant past are not usually readily available and lack of such references should not necessarily be held against an applicant.

5.5 Circumstances leading to non-practising status

There are several possible reasons for non-practising status, including:

5.5.1 Resignation: the individual had provided notice that they no longer intended to practise professional engineering or professional geoscience and has voluntarily given up practice rights (for any reason).

5.5.2 Cancellation (Suspension): the individual has failed to pay the necessary dues or is in non-compliance with the ProDev Program and has had their practice right removed by the engineering and geoscience regulator.

5.5.3 Revocation: the individual's practice rights have been removed by the engineering and geoscience regulator (for any number of reasons).

5.5.4 Moved to Non-Practising Membership Status (Retired or On Leave): the individual applied to change their status from Practising to either Retired or On Leave.

As stated previously, individuals who have had their practice rights restricted or suspended for disciplinary are not addressed in this Guideline. Failure to pay dues

and/or to not provide notice of intent to not pay dues is not preferred, but would be of less concern than revocation. Individuals who resign would be of the least concern. The lack of a “reason” for resignation will not be held against an applicant.

5.6 Current admission policies vs. those in effect at time of original registration

Engineers Geoscientists Manitoba has a responsibility to confirm that all applicants for licensure can practise safely, ethically, and independently. Current admission policies reflect the current standards of what is required for safe practice. Therefore, current admission requirements should be considered when evaluating a request to return to active practice. Notwithstanding this principle, a review of the applicant’s academic history and language proficiency is not required.

6 Review of Application for Absences

Greater Than Two Years

References are required to provide information on character and on engineering or geoscience work experience. Some applicants may be able to satisfy Engineers Geoscientists Manitoba’s requirements by providing a signed statement on one or both of these requirements or multiple references may be required to cover both requirements.

Applicants are required to submit and sign the good character declarations on the application form.

Applicants who are engaged in engineering or geoscience activities should provide references from those who can attest to the level and quality of their work, as well as the applicant’s recognition of the limits of their own knowledge.

The number and type of references required will vary based on the amount of work (if any) that an applicant has been engaged in.

Engineers Geoscientists Manitoba requires detailed information about any engineering or geoscience work that may have been done while the individual was unlicensed (be that under supervision, or in an unregulated jurisdiction). These items may need to be validated by a supervisor or professional engineer or professional geoscientist. The most recent work experience is the most relevant, so more detail will typically be required for these activities. Finally, information on both engineering/geoscience and non-engineering/geoscience work should be supplied.

If an applicant has engaged in work that is relevant to the practice of engineering/geoscience, then it is useful to provide details of this work as well. For example, individuals who have been teaching college courses in engineering/geoscience or technology should provide details of this experience.

6.1 Law and ethics

Knowledge of the current law and code of ethics relevant to the practice of professional engineering or professional geoscience in the jurisdiction is a foundation for ethical practice. Applicants who are requesting return to active practice may be required to demonstrate their knowledge in these areas.

6.2 Foundations of knowledge

It is assumed that applicants once met the academic requirements for licensure, and that this knowledge persists. Information on new knowledge, or how knowledge has been kept current is, however, still useful. Similar to work experience, applicants should provide information on any educational activities that they have engaged in, including self-study, conferences, formal courses, etc.

6.3 Fees, dues or fines

For all applicants, applicable fees and dues will be applied. Fines or debts incurred at the time of registration having lapsed, are normally be paid by the applicant.

6.4 Supervised practice

Supervised or restricted practice may be required for some applicants. Restricted practice might be in the form of formal restrictions on the member or licensee's registration, or a signed commitment on the part of the applicant to restrict his/her practice. Alternatively, a requirement for peer review on all work for a period of time might be imposed before a licence can be granted. During this period of restriction, applicants may be required to submit work reports, monthly logs or other documentation validated by the supervisor. This requirement would provide the regulator with an opportunity to check that the re-applicant can practise competently and ethically in the engineering or geoscience work place.

6.5 Special circumstances

Some special cases may also require that an applicant make amends for any action (or lack of action) that led to suspension or revocation of their right to practice. Any situations not mentioned above will be covered on a case-by-case basis, at the discretion of the regulator.

6.6 Summary

The recommendations can be summarized as follows. In order to be granted the right to resume active practice an applicant who has been away from active practice for a period of more than two years may be required to:

- Complete an application form
- Submit all references
- Provide a CV or résumé
- Provide detailed reports of engineering/geoscience work performed, if applicable
- Pay any necessary fees, dues or fines
- Provide information relating to professional development conducted during absence and then fulfil any additional continuing professional development requirements as determined by the regulator ^[1]_{SEP}

- Potentially participate in a period of supervised practice, either while working with a restricted licence or as a requirement to obtain a full licence.
- Potentially demonstrate current knowledge of law and ethics

7 Definitions

Practising status: Members in the Practising category or licensees registered with Engineers Geoscientists Manitoba to practise professional engineering or professional geoscience.

Non-practising status: Former members or licensees of Engineers Geoscientists Manitoba or members in the Retired or On Leave categories of membership.

Reinstatement Applicants: A former member or licensee of Engineers Geoscientists Manitoba. These applicants have previously resigned or have been removed from the register for non-payment or disciplinary reasons.

Resumption Applicant: A member in the On Leave or Retired category who is applying to return to the Practising category.

8 Endnotes

[1] While “other types” of work experience are not normally considered in an evaluation, some activities may be relevant to keeping up an individual’s competency. Examples might include work in trades in construction, research into areas related to engineering/geoscience principles or certain teaching activities. It is therefore considered appropriate for the regulator to receive and consider documentation on non-engineering/geoscience work during the non-practising

period.

[2] Please note that the terms “practising engineer” and ”practising geoscientist” is used to describe a member of a regulator, practising in Canada.

Draft