

GUIDE TO THE PRACTICE REVIEW PROGRAM FOR INDIVIDUAL REGISTRANTS

VERSION 1.0
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**ENGINEERS &
GEOSCIENTISTS**
BRITISH COLUMBIA

PREFACE

This *Guide to the Practice Review Program for Individual Registrants* provides the details of the Engineers and Geoscientists BC Practice Review Program, as defined in the *Professional Governance Act* (the *Act*) and the Engineers and Geoscientists BC Bylaws.

Until early 2021, when the *Act* was introduced, Engineers and Geoscientists BC had a similarly named practice review program in place, as required under the former *Engineers and Geoscientists Act*. That program, which ran for more than 25 years, was a proactive quality assurance check of a Registrant's practice undertaken primarily for educational purposes, where reviewees were identified using a random selection process.

With the introduction of the *Act*, the previous practice review program was split into two separate programs:

1. a new proactive program called the Compliance Audit Program; and
2. a reactive program called the Practice Review Program.

The process for the current Practice Review Program, as detailed in the *Act* and the Bylaws, is now a reactive and targeted process that reviews the practice of Registrants, where there is a reason to believe that a Registrant might have:

1. contravened the *Act*, Regulations, or Bylaws;
2. failed to comply with a standard, limit, or condition imposed under the *Act*;
3. acted in a manner that constitutes professional misconduct or conduct unbecoming a Registrant; or
4. acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the Regulated Practice.

The practice review process, while reactive, is intended to identify risks and regulatory gaps in a Registrant's practice, while also providing remedial pathways and tools to address any identified issues. The practice review process is fair, transparent, objective, and instructive.

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ABBREVIATIONS

ABBREVIATION	TERM
BC	British Columbia

DEFINED TERMS

The following definitions are specific to this Guide. These words and terms are capitalized throughout the document.

TERM	DEFINITION
Act	The <i>Professional Governance Act</i> , S.B.C. 2018, c. 47.
Assessor	A staff member or contractor of Engineers and Geoscientists BC who conducts audits and/or practice reviews of Registrants.
Bylaws	The Bylaws of Engineers and Geoscientists BC made under the <i>Act</i> .
Continuing Education Plan	A document that each Professional Registrant must complete in each Reporting Year that sets out the information outlined in Section 7.6.4 of the Bylaws.
Continuing Education Program	The program administered by Engineers and Geoscientists BC to assist in maintaining competency among Registrants and which includes recording continuing education activities and submitting Continuing Education Plans.
Engineers and Geoscientists BC	The Association of Professional Engineers and Geoscientists of the Province of British Columbia, also operating as Engineers and Geoscientists BC.
Registrant Firm	A firm that is registered with Engineers and Geoscientists BC as a Registrant.
Guide	This <i>Guide to the Practice Review Program for Individual Registrants</i> .
Officer	An individual appointed by the Council of Engineers and Geoscientists BC, or by a committee authorized by the Council, to exercise certain powers or carry out certain functions.
Professional Practice Guidelines	A guideline, published by Engineers and Geoscientists BC, on specific professional services or activities.
Individual Registrant	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; (g) non-practising individual registrant; (h) life member or life limited licensee; (i) honorary member.
Registrant	Registrant means an individual or firm, as applicable, that is registered with Engineers and Geoscientists BC in any category or subcategory of registrant in accordance with the Bylaws.

TERM	DEFINITION
Regulated Practice	As defined in the <i>Act</i> and the <i>Engineers and Geoscientists Regulation</i> , the carrying on of a profession by a registrant of a regulatory body, which for the purposes of this Guide means the practice of professional engineering or the practice of professional geoscience.
Trainee	An engineer-in-training or geoscientist-in training.
Regulations	Regulations established (or “made”) under the <i>Act</i> , including the <i>Professional Governance General Regulation</i> and the <i>Engineers and Geoscientists Regulation</i> .

VERSION HISTORY

VERSION NUMBER	PUBLISHED DATE	DESCRIPTION OF CHANGES
1.0	May 25, 2021	Initial version.

1.0 INTRODUCTION

The *Professional Governance Act* (the *Act*) requires Engineers and Geoscientists BC to establish and maintain a mandatory Practice Review Program for its Registrants.

The intent of a practice review is to perform a detailed technical and/or focused review of a Registrant's practice, where professional or ethical issues or risks have been identified either during an audit, a practice review, or through the complaint and investigation process. The Practice Review Program has been designed to not only identify risks and gaps in a Registrant's practice, but to also remediate those risks and gaps.

Practice reviews are conducted by Assessors who are subject matter experts, and the outcomes of reviews are determined by the Audit and Practice Review Committee based on an Assessor's report. The process is fair, transparent, objective, and instructive.

This Guide provides the details of the Practice Review Program as it relates to Individual Registrants, including the reasons a practice review may be initiated, what they can expect from the process, and what decisions can be made by the Audit and Practice Review Committee at the conclusion of a practice review. A separate Guide detailing the Practice Review Program as it applies to Registrant Firms is expected to be available in late 2021.

The practice review process is confidential, except in narrow circumstances where the Assessor or the Audit and Practice Review Committee is required by superseding legal and ethical duties to report dangerous or illegal practice to another body, including the Engineers and Geoscientists BC Investigation Committee. These superseding duties are covered in sections 58 and 110 of the *Act*, sections 8.2(4) and (5) of the Bylaws, and principle 9 of the Engineers and Geoscientists BC Code of Ethics.

Except where obligated to do so in accordance with legal or ethical duties, Engineers and Geoscientists BC will not release any information related to a Registrant's practice review to a third party. The fact that a Registrant has undergone a practice review is similarly protected from disclosure by Engineers and Geoscientists BC.

1.1 PURPOSE OF THIS GUIDE

This Guide explains the Practice Review Program as it relates to Individual Registrants and the process for carrying out practice reviews. The objectives of this Guide are to explain:

1. who the program applies to;
2. how a practice review is initiated;
3. the practice review process; and
4. the decisions that can be made as a result of a practice review, and the effects of these decisions on an individual Registrant.

1.2 BACKGROUND

The process for conducting practice reviews under the current Practice Review Program, as required by the *Act* and Bylaws, is significantly different from the process used under the *Engineers and Geoscientists Act* (even though each program has the same name).

The *Act*, which was fully enacted in February 2021, requires Engineers and Geoscientists BC to have two types of Registrant review programs:

1. a proactive program called the Compliance Audit Program; and
2. a reactive program called the Practice Review Program.

The previous practice review program under the *Engineers and Geoscientists Act*, which ran for more than 25 years, was a proactive quality assurance check of a Registrant's practice undertaken primarily for educational purposes, where reviewees were identified using a random selection process.

Conversely, the process for the current Practice Review Program, as detailed in the *Act* and the Bylaws, is a reactive and targeted process that reviews the practice of Registrants where there is a reason to believe that a Registrant might have:

1. contravened the *Act*, Regulations, or Bylaws;
2. failed to comply with a standard, limit, or condition imposed under the *Act*;
3. acted in a manner that constitutes professional misconduct or conduct unbecoming a Professional Registrant; or
4. acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the Regulated Practice.

2.0 APPLICABILITY

2.1 WHOSE PRACTICE CAN BE REVIEWED

All categories of Registrants listed in section 5.4 of the Bylaws—except Trainees—are subject to the practice review requirement. While Practice Reviews are applicable to Registrant Firms, this Guide specifically outlines the Practice Review Program as it relates to Individual Registrants. A separate Guide on the Practice Review Program as it relates to Registrant Firms is expected to be available in late 2021.

Practice reviews are initiated pursuant to Sections 63(4) and 65(4) of the *Act* if:

1. the Registrant consents; or
2. information obtained through an audit, a complaint, a practice review, or an investigation indicates that the Registrant might have
 - a) contravened the *Act*, Regulations, or Bylaws,
 - b) failed to comply with a standard, limit, or condition imposed under the *Act*,
 - c) acted in a manner that constitutes professional misconduct or conduct unbecoming a Registrant, or
 - d) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the Regulated Practice.

3.0 PRACTICE REVIEW REQUIREMENTS

3.1 PRACTICE REVIEW PROCESS

3.1.1 PROCESS SUMMARY

The practice review process is intended to determine whether Registrants are in violation of their requirements under the *Act*, Regulations, or Bylaws, and to determine whether such violations, if any, justify remedial action and/or restrictions on the practice of the Registrant in order to protect the public and environment.

The following sections describe the practice review process in detail.

3.1.2 CONFIDENTIALITY

Records and information provided to the Audit and Practice Review Committee or to an Assessor during a Registrant's practice review are confidential, per section 110(2) of the *Act*, and are protected from disclosure to anyone other than the Audit and Practice Review Committee, Assessors, Officers, and Engineers and Geoscientists BC staff in most cases.

Despite this general protection, the *Act* requires the Audit and Practice Review Committee to disclose information and records:

1. to the appropriate parties to show that a person knowingly gave false information to the Audit and Practice Review Committee; or
2. to an appropriate authority for the purpose of reporting a risk of significant harm to the environment or to the health or safety of the public or a group of people.

Principle 9 of the Engineers and Geoscientists BC Code of Ethics also requires Registrants (including Assessors, Officers, Engineers and Geoscientists BC staff, and members of the Audit and Practice Review Committee who are Registrants) to:

1. report to Engineers and Geoscientists BC and, if applicable, any 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.

As per section 110(4) of the *Act*, where the Audit and Practice Review Committee has reasonable grounds to believe that a Registrant's conduct constitutes either:

1. professional misconduct;
2. conduct unbecoming a Registrant; or
3. incompetent performance of duties undertaken while engaged in the Regulated Practice,

then the Audit and Practice Review Committee must, if it considers the action necessary to protect the public interest, notify the Investigation Committee, which will treat the matter as if it were a complaint. This situation only allows for notice to be provided, and does not allow for the sharing of records, information, or any self-assessments provided to the Audit and Practice Review Committee (per section 110(2) of the *Act*, as described above).

Engineers and Geoscientists BC may also be required to disclose records associated with a practice review to the Office of the Information and Privacy Commissioner of British Columbia, pursuant to section 110(7) of the *Act*.

3.1.3 ROLES AND RESPONSIBILITIES

3.1.3.1 Audit and Practice Review Committee

Through the Bylaws, the Engineers and Geoscientists BC Council has authorized the Audit and Practice Review Committee to administer the Practice Review Program. The Committee's responsibilities include the initiation of practice review files, the selection of Assessors, and the adjudication of practice review files.

3.1.3.2 Assessors

Assessors for practice reviews are subject matter experts who are assigned by the Audit and Practice Review Committee, or by an Officer acting on behalf of the Committee, to carry out practice reviews. Assessors must be Professional Registrants and have the appropriate expertise associated with the reason for the initiation of a practice review.

Assessors cannot be assigned to a practice review file if the Assessor has or had a relationship with the Registrant subject to the practice review that would reasonably compromise that Assessor's objectivity.

3.1.4 INITIATION

A practice review of a Registrant (other than a Trainee), may be authorized by the Audit and Practice Review Committee, the Registrar of Engineers and Geoscientists BC, or the Investigation Committee if:

1. the Registrant consents; or
2. information obtained through an audit, a complaint, a practice review, or an investigation indicates that the Registrant might have
 - a) contravened the *Act*, Regulations, or Bylaws,
 - b) failed to comply with a standard, limit, or condition imposed under the *Act*,

- c) acted in a manner that constitutes professional misconduct or conduct unbecoming a Registrant, or
- d) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the Regulated Practice.

3.1.4.1 Notification

Registrants subject to a practice review will be emailed a written notification containing information regarding why the practice review was initiated, an explanation of the process, and instructions on next steps; the notification email will be sent to the email address on file with Engineers and Geoscientists BC.

The notification will include a questionnaire and may require the Registrant to submit specific documentation to Engineers and Geoscientists BC. The Registrant must complete the questionnaire and submit any required documentation to Engineers and Geoscientists BC within the time period stated in the email. Failure to return the required information and documentation within the stated time period (unless a reasonable explanation is submitted in advance) may result in the matter being referred to the Investigation Committee.

3.1.4.2 Assessor Assignment

After a preliminary review of the completed questionnaire and documentation received from the Registrant, an Officer will assign the file to an Assessor who has the appropriate training and experience to carry out the review. The Registrant subject to the practice review will be notified of who will be conducting their review.

If there is a potential conflict of interest between the Assessor and the Registrant subject to practice review, the Registrant and/or Assessor must report the conflict to Engineers and Geoscientists BC. If the Officer deems there is a conflict, an alternate Assessor may be appointed.

3.1.5 PRACTICE REVIEW

3.1.5.1 Preliminary Review

The Assessor assigned to the practice review will review the reason for initiating a practice review and any associated documentation, along with the Registrant's completed questionnaire and submitted documentation.

Once this preliminary review is complete, the Assessor will meet with the Registrant subject to the practice review, either in person or in a virtual meeting format, in order to undertake a more in-depth review/interview. This meeting will take place within a time period that is reasonable based on the nature of the Registrant's work and the nature of the concern that led to the initiation of the practice review.

Registrants subject to a practice review should ensure that they are familiar with their obligations under the *Act*, Regulations, Bylaws, and Code of Ethics.

Compliance with the requirements described in the following documents will form the basis of the practice review:

- *Guide to the Code of Ethics* (Engineers and Geoscientists BC 2021a)
- *Guide to the Continuing Education Program* (Engineers and Geoscientists BC 2021b)
- *Guide to the Standard for Direct Supervision* (Engineers and Geoscientists BC 2021c)
- *Guide to the Standard for Documented Checks of Engineering and Geoscience Work* (Engineers and Geoscientists BC 2021d)
- *Guide to the Standard for Documented Independent Review of Structural Designs* (Engineers and Geoscientists BC 2021e)
- *Guide to the Standard for Documented Independent Review of High-Risk Activities or Work* (Engineers and Geoscientists BC 2021f)

- *Guide to the Standard for Documented Field Reviews During Implementation or Construction* (Engineers and Geoscientists BC 2021g)
- *Guide to the Standard for Retention of Project Documentation* (Engineers and Geoscientists BC 2021h)
- *Guide to the Standard for the Authentication of Documents* (Engineers and Geoscientists BC 2021i)
- *Guide to the Standard for the Use of Professional Practice Guidelines* (Engineers and Geoscientists BC 2021j)

3.1.5.2 Interview

The review, whether in-person or in a virtual meeting format, will begin with the Assessor providing an overview of the practice review process, followed by a review of the questionnaire and other documents completed by and/or provided by the Registrant.

Depending on the reasons for the practice review, the criteria that the Assessor may review during the interview includes:

- industry or industries of practice, area(s) of practice, and professional responsibilities;
- compliance with the Code of Ethics;
- maintenance of competence, including continuing education activities and Continuing Education Plan; and
- quality management practices.

Registrants being reviewed must cooperate with and facilitate the practice review process, including by ensuring that they provide all necessary, relevant, and requested information to the Assessor.

It is the Assessor's responsibility to undertake independent verification of findings. This may be accomplished through discussions with the Registrant's employer, peers, or clients, or with approving authorities; through project reviews; or through other references identified by the Registrant, as appropriate.

The priority for the Assessor in assessing the Registrant's practice is to confirm that the Registrant is in compliance with the requirements set out in the *Act*, Regulations, Bylaws, and Code of Ethics, and that the practice of the Registrant does not pose a risk to public safety or the environment. Specifically, the Assessor will:

- confirm and verify that the information provided in the questionnaire and supporting documentation is accurate;
- confirm the Registrant's compliance with the Code of Ethics;
- confirm that the Registrant properly checks work;
- confirm that the Registrant appropriately authenticates work;
- confirm that independent reviews of structural designs and/or high-risk activities are being carried out (where applicable);
- confirm that field reviews are being carried out appropriately;
- confirm that delegated engineering or geoscience work is being appropriately supervised;
- confirm the appropriate retention and preservation of project documentation;
- confirm awareness of and compliance with all relevant Professional Practice Guidelines;
- confirm compliance with the requirements of the Engineers and Geoscientists BC Continuing Education Program; and
- determine if substantive issues exist within the Registrant's technical practice.

The Assessor will review various types of documentation during the practice review, including but not limited to:

- contracts;
- project lists, logbooks, and time sheets;
- proposals; and
- drawings, specifications, reports, and other technical work products.

Assessors may discuss a Registrant's practice responsibilities with:

- the Registrant being reviewed; and
- the Registrant's supervisor, peers, clients, and references, as appropriate.

Assessors may review and discuss the Registrant's employer's organization chart and the Registrant's job description with the Registrant being reviewed.

The Assessor may review the employer's policies and procedures (both technical and corporate) or previous audit reports of the employer (if the employer is a Registrant Firm). Similarly, the results of an individual Registrant's compliance audit or practice review may be taken into account during subsequent audits or practice reviews of a Registrant Firm.

If during the review a circumstance or situation is discovered that may pose an imminent danger to the public, the Assessor will report the concerns to an Officer of Engineers and Geoscientists BC as soon as possible. If another authority is best situated to prevent injury to the public, a group of people, or the environment, the Assessor will inform that authority immediately, and then inform an Officer of Engineers and Geoscientists BC.

3.1.6 DRAFT REPORT FOR REGISTRANT REVIEW

After the practice review interview concludes, the Assessor will develop a comprehensive practice review report detailing the Assessor's findings and recommendations.

Before submitting the practice review report to the Audit and Practice Review Committee, the Assessor will send a draft practice review report to the Registrant.

After reviewing the draft report, if the Registrant wishes to respond, the Registrant must send a response in writing to the Assessor within two weeks of receiving the draft report.

Failure to respond will be considered by Engineers and Geoscientists BC as the Registrant's acceptance of the content of the draft report, unless the Registrant is able to provide reasons acceptable to the Assessor to delay

the response deadline. With acceptable reasons, the Assessor can delay the response deadline for an additional two-week period and will notify the Registrant accordingly.

3.1.7 REPORT FINALIZATION AND SUBMISSION

After considering the Registrant's response to the draft report (if any), the Assessor will finalize the practice review report and submit the report to the Audit and Practice Review Committee for a decision.

Comments from the Registrant may influence and/or be incorporated into the final report. If the Assessor does not change the final report based on the Registrant's comments, the comments will still be appended to the documents submitted to the Audit and Practice Review Committee.

The final report and any supporting documentation will be permanently retained by Engineers and Geoscientists BC.

3.1.8 ADJUDICATION BY THE AUDIT AND PRACTICE REVIEW COMMITTEE

When the Audit and Practice Review Committee has received and reviewed the final practice review report and any comments from the Registrant, the Committee will make one of the following decisions:

- close the practice review file;
- impose limits or conditions on the practice of the Registrant, including restricting the Registrant's practice, requiring the Registrant to be overseen by another Registrant, or requiring that the Registrant take additional training; or
- provide notice or disclose information to the Investigation Committee, as applicable in accordance with the *Act* and Bylaws, for the Investigation Committee to consider whether further action is required .

Written confirmation of the Audit and Practice Review Committee's decision, complete with the final report, will be sent to the Registrant. A copy of the Committee's decision will also be sent to the Assessor.

If a Registrant fails to abide by the limits or conditions imposed by the Audit and Practice Review Committee, the Committee must refer the matter to the Investigation Committee. The Investigation Committee will then consider taking action against the Registrant.

3.1.9 REMOVAL OF LIMITS OR CONDITIONS

The Audit and Practice Review Committee may remove limits or conditions imposed on a Registrant by the Committee, if the Registrant applies in writing to the Committee to have the restrictions removed and provides evidence in their application that the restrictions have either been fulfilled or are no longer necessary.

4.0 COMPLIANCE

4.1 HOW TO COMPLY WITH THE PRACTICE REVIEW PROCESS

The *Act* empowers Engineers and Geoscientists BC to administer the Practice Review Program, and section 8.9 of the Bylaws requires Registrants to cooperate with the process by:

- answering questions posed to the Registrant;
- providing access to all requested information, files, or records in the individual Registrant’s possession or control;
- undergoing an interview with an Assessor, either in person or in a virtual meeting format;
- responding to the Assessor regarding the draft practice review report within the required time period, if the Registrant wants to provide comments before the Assessor submits the report to the Audit and Practice Review Committee;
- completing any corrective actions requested by the Audit and Practice Review Committee in the allotted time period; and
- complying with any decisions made by the Audit and Practice Review Committee.

Failure to meet these requirements may result in action by the Audit and Practice Review Committee, including referral to the Investigation Committee and possible disciplinary action.

5.0 ROLE OF THE FIRM

5.1 REQUIREMENTS FOR FIRMS

Firms that are providing engineering and/or geoscience advice and/or services in BC must be registered with Engineers and Geoscientists BC and have a Permit to Practice.

In addition to undergoing firm-level practice reviews, Registrant Firms are also required to support their Professional Registrants in meeting their individual practice review requirements. This includes:

- providing a location for the practice review to be conducted, if the review is conducted while the employee is in the Registrant Firm's physical location;
- providing time for a Registrant to prepare for and undergo the practice review;
- providing access to documents, including project files, professional practice management plans, and correspondence for the Assessor's review as part of the practice review;
- providing access to other staff who the Assessor may request to interview during the practice review process; and
- having a Professional Practice Management Plan in place that meets the Permit to Practice requirements, including the requirements related to ethics, continuing education, and quality management.

For more information, refer to the *Regulation of Firms Permit to Practice Manual* (Engineers and Geoscientists BC 2021k).

5.2 RECOMMENDATIONS FOR FIRMS

Firms who are not required to have a Permit to Practice are encouraged to support their employees who are Registrants, as outlined above.

If employed by a Registrant Firm, Registrants are also encouraged to share the results of their individual practice reviews with the firm to help address systemic issues that may have contributed to findings of nonconformance. If shared, Registrant Firms are encouraged to review these results, to help develop and improve policies that can help keep individual Registrants in compliance.

6.0 REFERENCES

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