

## BYLAWS OF THE ASSOCIATION

(As amended October 2018)

1 [Repealed.]

### Conduct of meetings

- 2
- (a) All general meetings of the association shall be held in the manner provided by section 12 of the Act. A quorum shall be 50 members or limited licensees present in person.
  - (b) A written request that council call a general meeting pursuant to section 12(4) of the Act shall be accompanied by a notice setting out specifically the business to be transacted at such meeting.
  - (c) If neither the president nor any of the vice presidents are present within 15 minutes after the time appointed for holding the meeting, or if neither the president nor any of the vice presidents are willing to act as chair, then the members and limited licensees present shall choose someone of their number to be chair.
  - (d) The chair may, with the consent of any meeting, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give notice of an adjournment, or of the business to be transacted at any adjourned meeting.

- (e) At any meeting, a resolution put to the vote of the meeting shall be decided on a show of hands, unless a ballot is demanded by at least 3 members or limited licensees before or on the result of the show of hands. Unless a ballot is so demanded the chair shall declare that a resolution has, on a show of hands, been carried or lost. An entry to that effect, made in the book of the proceedings of the association, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- (f) If a ballot is duly demanded, the results of the ballot shall be deemed to be the resolution of the meeting at which the ballot was demanded.



- (g) On a show of hands or on a ballot being taken all registered members and limited licensees present in person shall have one vote. The chair of any meeting, whether the president, a vice president or someone appointed by the meeting, shall be entitled to vote only in the case of an equality of votes.
- (h) If a ballot is required under section 12 of the Act, in the case of an equality of votes the president shall have a second or casting vote.
- (i) The rules contained in the latest edition of Robert's Rules of Order shall govern the conduct of meetings in all cases to which they are applicable and in which they are not inconsistent with the bylaws or the special rules of order of this association.

### **Election of council**

- 3 (a) (i) The members and limited licensees shall elect 10 councillors.
- (ii) Nominations for the office of president and offices of vice president and for elected members of the council shall be made by a nominating committee.

### **Nominating committee - composition**

- 3 (a.1) The immediate past president shall be the chair of the nominating committee. In the event that the immediate past president is unable to act then a chair shall be appointed by council or failing that the chair shall be elected by the members present at the meeting.

No member of council may serve on the nominating committee, except in the capacity of chair.

Members of the committee shall be selected as follows:

- (i) Each year the council shall direct that the duly constituted geographical branches appoint 8 members or limited licensees to the nominating committee.
- (ii) The council shall appoint additional members or limited licensees to the committee to bring the total number of members to 14.
- (iii) The committee will include at least one P.Geo. and one P.Eng.

### **Nominating committee - procedure**

- 3 (b) The nominating committee shall nominate one or more candidates for the office of president and at least one more candidate than there are offices of vice president to be filled. Such nominations shall be made, in the case of president, from members or limited licensees who shall have served for at least 2 full years as a

councillor prior to the date of taking office and, in the case of vice president, from members or limited licensee's who shall have served for at least one full year as a councillor prior to the date of taking office, provided that in each case such members or limited licensees are available.

- (c) The nominating committee shall only nominate candidates who are members in good standing, and should nominate at least 3 more candidates than there are vacancies to be filled on the council, and shall seek to assure that the candidates nominated reflect diversity, as decided by the committee, and that at least one candidate nominated is a P.Ge.

In the case of a vacancy in the council due to the incapacity, resignation or death of an elected member of council, the other members of council shall appoint a member or limited licensee of the association to fill the vacancy until the next regular election when the vacancy shall be filled through election by members and limited licensees of the association.

- (d) The list of candidates, nominated by the nominating committee, signed by the chair of the nominating committee and accompanied by the written consent of the nominees shall be placed in the hands of the registrar and shall be published at least 90 days prior to the annual meeting.

### **Nomination by 25 members**

- 3 (e) Nominations of candidates, who are members in good standing, for president, vice presidents, and councillors may also be made in writing by any 25 or more members or limited licensees who are in good standing. Such nominations, signed by the members or limited licensees making the nomination and accompanied by the written consent thereto of the nominees, shall be in the hands of the registrar not later than 30 days after publication of the list of candidates nominated by the nominating committee.

### **Ballot**

- 3 (f) The registrar shall prepare a ballot containing the names of all candidates nominated by the nominating committee and those nominated by 25 or more members or limited licensees.
- (g) The election of president, vice presidents, and the 10 councillors shall be by ballot. President and vice presidents shall be elected for a 1 year term. Half of the elected councillors shall be elected each year for a 2 year term except as provided under subsections (c) and (k).
- (h) Voting shall be closed at noon on the 15th day prior to the annual meeting. Ballots received after that time shall not be counted.

- (i) Voting for more than the number of officers or councillors to be elected shall render that part of the ballot invalid. Voting for less than the full slate of candidates shall not invalidate the ballot.
- (j) Ballots shall be counted at least 10 days prior to the annual meeting under the supervision of 3 members or limited licensees appointed by council.
- (k) The successful candidates for the offices of president, and vice president and for members of council shall be those who have received the largest number of votes. When there is more than one office of vice president, the candidate receiving the largest number of votes shall be elected first vice president and the candidate receiving the second largest number of votes shall be elected second vice president. If there are any vacancies in council to be filled the candidate or candidates receiving the next highest number of votes shall be elected for the unexpired term or terms to be filled. In the event of a tie vote between 2 or more candidates, the person or persons to be declared elected shall be the senior in membership or licensure of the association.

On completion of the counting of the ballots, the chief scrutineer shall deliver to the president or to the registrar the results of the poll, together with the tally sheets. The president or the registrar shall inform each candidate in the election of the results and the results shall be announced at the annual meeting. The officers and councillors so elected shall take office at the close of the annual meeting.

#### **Assistance to individuals and organizations**

4 The council may by resolution:

- (a) Provide assistance, pecuniary or otherwise, to individuals and organizations where in the opinion of the council such assistance will be of benefit to the public, the association or its members.
- (b) Create divisions, committees, and regional groups (such groups to be known as "branches"), and delegate to them such powers and authority as the council may see fit.
- (c) Provide for the promotion of better public relations in such manner and by such means as the council may see fit, including, without limiting the generality of the foregoing, the publication of books, papers and periodicals.
- (d) Provide for all other acts reasonably necessary for the management, regulation and well being of the association.



## Association funds

- 5
- (a) The council may retain such portion of the funds of the association as it may from time to time deem to be required for current purposes on deposit in a chartered bank in Canada.
  - (b) The council may acquire and hold real property and sell, lease or otherwise dispose of it.
  - (c) The council may borrow money for the purposes of the association and mortgage or charge real or personal property of the association or its sources of funds as security.
  - (d) The council shall manage and conduct the business and affairs of the association, shall appoint staff and decide their remuneration, and exercise the powers of the association in the name of and on behalf of the association.
  - (e) The council shall from time to time invest such of the funds of the association not deemed by council to be required for current purposes in investments and securities approved by council.

## Proceedings of council

- 6
- (a) The council of the association may meet together for the dispatch of business, adjourn, and otherwise regulate their meetings, as it sees fit. Questions arising at any meeting shall be decided by a majority of votes. Three councillors may at any time summon a meeting of the council, giving 7 days' notice to all members of the date, hour and place and purpose of such meeting.
  - (b) The quorum necessary for the transaction of the business of the council shall be 50% of the members of council.
  - (c) A resolution assented to and adopted in writing under the hands of the councillors or passed by electronic means, although not passed at a council meeting, shall be of the same force and effect as if it had been duly passed at a council meeting.
  - (d) In the absence of both the president and the vice presidents the councillors present may choose one of their number to be chair of the meeting, and the chair so chosen shall exercise all the functions and authority of the president for the transaction of business at that meeting.
  - (e) The council may delegate any of its powers to committees. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the council.

- (f) The council may appoint the chair of any committee. If council does not appoint a chair then the committee shall elect one of their number as chair. If at any meeting the chair is not present within 10 minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chair of the meeting.
- (g) A committee may meet and adjourn as it sees fit. Questions arising at any meeting shall be determined by a majority of the members present, and in the case of an equality of votes, the chair shall have a casting vote.
- (h) The council shall cause minutes to be made in books provided for the purpose of recording:
  - (1) All appointments of officers, examining board, and staff made by the council.
  - (2) The names of the councillors present at each meeting of the council and of any committee of the council.
  - (3) All resolutions and proceedings of all meetings of the association and of the council and of committees of the council.

### **Board of examiners**

- 7 (a) As provided in section 15(1) of the Act, the council shall appoint annually from outside their own number a board of examiners with sub-groups of engineering and geoscience in which the sub-groups may operate separately at the discretion of the council. The sub-group for engineering shall include representation for each of the following disciplines: chemical, civil, forest, electrical, mechanical, mining and geological, metallurgical, structural and such other disciplines as council may deem advisable. The sub-group for geoscience shall include representation for each of the following disciplines: geology, geophysics, geochemistry and such other disciplines as council may deem advisable. All such examiners shall be remunerated as the council sees fit, whether basing such remuneration on the number of persons examined or on a daily rate.
- (b) Notices of the holding of examinations shall be sent to all candidates at least 3 months before the date of the examinations. Candidates shall notify the registrar in writing at least 2 months before the date set for the examination whether or not they are ready to take such examination. A candidate who intends to write the examination at the time set shall forward, with the written notification, the examination fee set by council.

## Registration committee

- 7 (c) (1) The registration committee is hereby created.
- (2) The registration committee shall be composed of members of council and other members appointed by the council in accordance with terms of reference for the registration committee approved by the council.
- (3) The registration committee is hereby delegated council's power and authority to:
- (i) grant the registration of applicants as registered members in accordance with the Act and bylaws;
  - (ii) grant enrolment to applicants for other grades of membership in accordance with the Act and bylaws;
  - (iii) grant a licence or limited licence to an applicant, in accordance with the Act and bylaws;
  - (iv) assign examinations or coursework to applicants for registered membership, other grades of membership, licence or limited licence; and
  - (v) publish guidelines for the administration of the registration and licensing processes.
- (4) The registration committee will implement the policies of council for the registration and licensing process.
- (5) The registration committee may refer an applicant to council for a decision on the applicant's suitability for registration or licensing when, in the opinion of the registration committee, there is a serious concern that the applicant:
- (i) may not be of good character and good repute; or
  - (ii) may have been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing.

## Seal of the association

- 8 The seal of the association shall only be affixed to any instrument by authority of a resolution of the council.

Unless otherwise provided by resolution as above, the seal shall be affixed to any instrument only in the presence of the president, or a vice president of the association, and the registrar, and such officers shall sign every instrument to which the seal of the association is so affixed in their presence.

The registrar may, however, sign and affix the seal of the association to a statement certifying that a member is registered and in good standing, without any formal resolution as noted above.

### **Accounts, financial statements and audit**

- 9 (a) The council shall cause true accounts to be kept of the sums of money received and expended by the association and the manner in respect of which such receipt and expenditure takes place, and of the assets and liabilities of the association. The books of account shall be kept at the office of the association or at such other place or places as the council sees fit and shall always be open to the inspection of the council.

The council shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the association or any of them shall be open to the inspection of members of the association other than councillors, and no member other than a councillor shall have any right to inspect any account or book or document of the association, except as authorized by the council or by the association in General meeting.

- (b) The financial year shall be July 1 to June 30. Financial statements shall be drawn up annually for the year ending June 30 and such financial statements, together with the books of the association, shall be audited annually by an accountant appointed by the members and limited licensees. A report duly signed by such auditor shall be presented to the members and limited licensees, and council shall cause such report, together with the financial statements of the association, to be made available to all registered members and limited licensees at least 15 days prior to the annual meeting. These reports shall be accompanied by a report of the executive director as to the state of the affairs of the association.

### **Fees, application, registration and licence fees**

- 10 (a) Every application for a grade of membership or licence set out in section 11 of these bylaws shall be accompanied by an examination of credentials fee as set by council.

When an application referred to in this section is approved by council, an administrative fee as set by council shall be paid. In addition to the administrative fee:

- (1) members who have paid full member annual fees in the current year to a constituent association of the Canadian Council of Professional Engineers or the Canadian Council of Professional Geoscientists shall pay a prorated annual fee for registered members;
- (2) engineers-in-training or geoscientists-in-training granted registration as members shall pay the annual fee for registered members less any annual fee paid in the current year for an engineer-in-training or geoscientist-in-training; and
- (3) all others shall pay the annual fee for their grade of membership or licence.

### **Annual fees**

10 (b) [Repealed.]

### **Non-Practising member**

10 (c) Council, in its discretion, may upon application, grant non-practising membership to a member or limited licensee who is in good standing.

(c.3) Non-practising members and non-practising limited licensees retain voting privileges.

(c.4) A certificate of registration of a non-practising member or a certificate of limited license of a non-practising limited licensee is deemed to be revoked for the purposes of sections 20(6) to 20(8) of the Act.

(c.5) A non-practising member or non-practising limited licensee must use as applicable only the following professional designation(s):

#### Engineers

- a. Professional Engineer (Non-Practising);
- b. P.Eng. (Non-Practising);
- c. Professional Engineer (Retired); or
- d. P.Eng. (Retired)

#### Geoscientists

- e. Professional Geoscientist (Non-Practising);
- f. P.Geo. (Non-Practising);
- g. Professional Geoscientist (Retired); or
- h. P.Geo. (Retired)

#### Limited Licensees

- i. Limited Licensee (Non-Practising);
- j. Eng.L. (Non-Practising);
- k. Geo.L. (Non-Practising);
- l. Limited Licensee (Retired);
- m. Eng.L. (Retired); or
- n. Geo.L. (Retired)

- (c.6) Non-practising members and non-practising limited licensees must annually commit to Council not to engage in the practice of professional engineering or professional geoscience until released from the commitment by Council in writing.
- (c.7) Non-practising members and non-practising limited licensees who apply for practising status must pay the applicable fees set by Council and demonstrate compliance with the current requirements in the Act and bylaws for registration as a member or limited licensee.

### **Life membership or licensure**

10 (c.1) [Repealed.]

- (c.8) Life members whose status had vested in accordance with the bylaws before December 31, 1997 shall retain all their rights and privileges of membership in the association.
- (c.9) Life members or life limited licensees whose status had vested in accordance with the prior bylaw 10(c.1) [Life Membership or Licensure] shall without further payment of annual fees retain voting privileges but continue not to have practice rights.
- (c.10) Except for those life members whose status had vested in accordance with the bylaws before December 31, 1997, all life members or life limited licensees must annually commit to Council not to engage in the practice of professional engineering or professional geoscience until released from the commitment by Council in writing.
- (c.11) Except for those life members whose status had vested in accordance with the bylaws before December 31, 1997, a certificate of registration of a life member or life limited licensee is deemed to be revoked for the purposes of sections 20(6) to 20(8) of the Act. A life member or life limited licensee must use as applicable only the following professional designation(s):  
Engineers
  - a. Professional Engineer (Non-Practising);
  - b. P.Eng. (Non-Practising);
  - c. Professional Engineer (Retired); or



d. P.Eng. (Retired)

#### Geoscientists

e. Professional Geoscientist (Non-Practising);

f. P.Geo. (Non-Practising);

g. Professional Geoscientist (Retired); or

h. P.Geo. (Retired)

#### Limited Licensees

i. Limited Licensee (Non-Practising);

j. Eng.L. (Non-Practising);

k. Geo.L. (Non-Practising);

l. Limited Licensee (Retired);

m. Eng.L. (Retired); or

n. Geo.L. (Retired)

(c.12) Life members or life limited licensees who apply for practising status must pay the applicable fees set by Council and demonstrate compliance with the current requirements in the Act and bylaws for registration as a member or limited licensee.

#### Honorary life membership or licensure

10 (c.2) [Repealed.]

(c.13) Honorary life members whose status had vested in accordance with the prior bylaw 10(c.2) [Honorary Life Membership or Licensure] shall continue to enjoy the rights and privileges of membership or licensure in the association without further payment of fees.

#### Honorary membership

10 (d) [Repealed.]

(d.1) Honorary members whose status had vested in accordance with the prior bylaw 10(d) [Honorary Membership] shall retain their honorary membership in the association without payment of fees.

(d.2) Honorary membership does not of its own accord confer:

(i) membership or licence, or

(ii) the right to practise professional engineering or professional geoscience, to vote or to be nominated as a candidate for president, vice president or councillor.

- (d.3) The honorary membership status of a member, licensee or non-member continues at the pleasure of Council and may be revoked at Council's discretion without prior notice to the honorary member.

### **Remission of fees**

- 10 (e) On written application, and for due and sufficient cause, the council may remit, reduce or defer the payment of the annual fee in accordance with council policy.

### **Resignation**

- 10 (f) If a member desires to resign, notification must be made to the registrar in a manner determined by the council. Upon resignation being accepted by the registrar, membership in the association shall cease.

11 (a) [Repealed.]

11 (b) [Repealed.]

### **Engineers-in-training, Geoscientists-in-training**

- 12 (c) Status as engineer-in-training or geoscientist-in-training may be granted to any person who has either:

- (1) graduated in any curriculum approved by the council; or
- (2) completed all the examinations required by the council.

- (d) Any engineer-in-training or geoscientist-in-training who does not conform to the requirements outlined in the Act and in the bylaws of the association, shall be liable to forfeit standing in the association and erasure from the roll of the association.

### **Registered members**

- 11 (e) Registration as a member of the association shall be granted to an applicant who has satisfied all the requirements in the Act and submitted evidence, in the approved format, satisfactory to the council, that the applicant:

- (1) (a) has graduated in applied science, engineering or geoscience from an institute of learning approved by the council in a program approved by the council; or

(b) has the equivalent of:

- (i) a university-level bachelors degree in applied science or engineering, from an institution of learning not approved by the

council, or in a program not approved by the council, but has passed:

- (A) examinations, assigned by the council from the syllabus published by the council, in the discipline of engineering of the applicant's degree, that demonstrates the applicant's knowledge is equivalent to the knowledge of those who have graduated from an institute of learning approved by the council in a program in applied science or engineering approved by the council; or
  - (B) examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council; or
- (ii) 4 years of full-time post-secondary education in applied science, engineering, geoscience, science, or technology, and has demonstrated equivalency to graduation from an institute of learning approved by the council in a program in applied science, engineering or geoscience approved by the council, by passing the council assigned:
- (A) examinations or coursework from the syllabus, published by the council, applicable to the discipline in which the applicant wishes to be examined, to address deficiencies in syllabus coverage as determined by the council; or
  - (B) examinations, requiring special knowledge in branches of learning specified by the council, of an association or institute approved by the council;
- (2) has obtained the necessary level of competency in English to practise engineering or geoscience in British Columbia;
- (3) has four years of experience:
- (a) that is sufficiently current to demonstrate competency with current practices;
  - (b) that is supported by the applicant's academic subjects of study or examinations assigned by the council;
  - (c) that is broad-based and at the level of complexity and responsibility that demonstrates that:

- (i) the applicant has applied engineering or geoscience principles at an appropriate level;
  - (ii) the applicant is ready to accept the full professional responsibility to engage in the practice of professional engineering or geoscience; and
  - (iii) the applicant has reached the level of professional maturity needed to judge when the applicant is out of the applicant's area of competence;
- (d) that is confirmed by a minimum of four references from professional engineers or professional geoscientists licensed in a Canadian jurisdiction, who practice in the same discipline of engineering or geoscience as the applicant and have detailed knowledge of the work of the applicant or, where the council is satisfied the applicant cannot comply with this requirement, supporting references satisfactory to the council; and
- (e) that is in conformance with general and discipline-specific experience guidelines published by the council;
- (4) has demonstrated active and responsible participation in, and sufficiently broad-based competency in, or knowledge of:
- (a) in the case of an applicant for membership as a professional engineer, the application of engineering theory and principles, including analysis, design and synthesis, testing and implementation methods; or
  - (b) in the case of an applicant for membership as a professional geoscientist, the application of the knowledge of geoscience principles and practice;
  - (c) the application of sub-paragraphs (a) or (b) in a practical or field setting;
  - (d) management of engineering or geoscience;
  - (e) oral and written communication and presentation skills;
  - (f) the social implications of engineering or geoscience and the requirement to protect the public interest and the environment;

- (g) the principles of sustainability as they relate to the practice of engineering or geoscience in British Columbia; and
  - (h) guidelines published by the council and relevant to the practice of the applicant;
- (5) has, of the experience required by subsections (3) and (4), for at least 12 months:
- (a) worked under the direct supervision of a professional engineer or professional geoscientist licensed in a Canadian or American jurisdiction, or where the council is satisfied the applicant cannot comply with this requirement, has the appropriate experience in the opinion of the council; and
  - (b) demonstrated sufficient familiarity with the applicable Canadian laws, practices, standards, customs, codes, conditions and climates for the practice of professional engineering or professional geoscience in British Columbia; and
- (6) has the requisite knowledge of the Act, the bylaws, the code of ethics and professional practice issues, demonstrated by successful completion of a course in law and ethics approved by the council and an examination in professional practice approved by the council.
- (7) Notwithstanding the above, the council may accept, without further examination:
- (i) the qualifications required by subsections (1) through (6) if the applicant is a member in good standing with a constituent member of Engineers Canada or the Canadian Council of Professional Geoscientists, or
  - (ii) the qualifications required by subsections (1) through (4) if the applicant is a member in good standing with an institution in another country that is, in the opinion of the council, equivalent to the association.

### **Provisional membership**

- 11 (e.1) Any person may be granted provisional membership when the council is satisfied that the applicant is of good character and repute and:

- (1) has graduated in applied science, engineering or geoscience from an institution of learning in a program approved by the council, or has demonstrated equivalent learning approved by the council or has completed all the examinations required by the council;
- (2) has satisfied the four year experience, training and development requirement in engineering or geoscience satisfactory to the council, but does not have at least one year of experience, training and development satisfactory to the council in a Canadian environment;
- (3) has successfully completed the professional practice examination; and
- (4) has paid the fees prescribed by the council for provisional membership.

Provided that:

- (a) provisional membership is only valid for one year from the date of issue but may be extended by the registrar for a further year if the registrar deems that extension necessary to enable the provisional member to acquire the one year of experience, training and development satisfactory to council in a Canadian environment;
- (b) the person granted provisional membership shall only practice professional engineering or professional geoscience under the direct supervision of a professional engineer or professional geoscientist, and
- (c) a provisional member shall not be entitled to:
  - (i) use the title or otherwise imply that he or she is a professional engineer or professional geoscientist,
  - (ii) a seal or stamp,
  - (iii) vote on association bylaw ratifications or council elections, nor
  - (iv) stand for election to council.

Notwithstanding subsections (1) to (4), the council may refuse provisional membership to a person where the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for membership.

## Licence

- 11 (f) A licence to practice professional engineering or professional geoscience may be granted to any person who is not a citizen or a permanent resident of Canada who otherwise satisfies the requirements of section 11(e) of the bylaws.

## Limited licence

- 11 (g) Any person may be granted a limited licence to practice professional engineering or professional geoscience when the council is satisfied that the applicant is of good character and repute and:

- (1) (i) has a science degree in a discipline and from a university program approved by the council; or
- (ii) is registered as an applied science technologist and has a degree or diploma in engineering technology or geoscience technology from an institution approved by the council in a program approved by the council; or
- (iii) has other qualifications acceptable to the council; and
- (iv) has completed any exams required by council; and
- (2) has 8 years of experience in engineering or geoscience work satisfactory to the council, the 8 years to include the years spent in obtaining the post-secondary academic training referred to in paragraph 1 with at least the last 2 years of the experience within the practice of professional engineering or professional geoscience to which the limited licence is to apply; and
- (3) has successfully completed the professional practice examination; and
- (4) has paid the fees prescribed by the council for a limited licence.

Notwithstanding subsections (1) to (4), the council may refuse a limited licence to a person where the council has reasonable and probable grounds to believe that the person has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for licensing.

## **Designated structural engineer (Struct.Eng.)**

- 11 (h) (1) (i) The grade of membership of designated structural engineer (Struct.Eng.) is established. The qualifications that must be demonstrated in order for a member to be designated as a designated structural engineer (Struct.Eng.) shall be as established by council. The council may establish the time period for the holding of such a grade of membership and the annual fees payable by members who hold that grade of membership. Only members who are designated as a designated structural engineer (Struct.Eng.) may hold themselves out to be so designated.
- (ii) A member may apply to the council to be designated as a designated structural engineer (Struct.Eng.). The council, on being satisfied that the member has demonstrated the requisite qualifications for that grade of membership, shall designate the member as having that grade of membership. Upon being designated, the member may be held out as having that grade of membership for the period of time determined by council.
- (iii) The powers and authority under this section are delegated to such committee, committees, board or boards, as may be created by council for the purpose of performing such duties as council may decide.
- 11 (h) (2) A licence holder may apply to council to be designated a designated structural engineer (Struct.Eng.) in the same manner and on the same terms and conditions as set out in section (1).

## **Seal of member or licensee**

- 12 (a) [Repealed.]
- (b) In the event of suspension or Cancellation of membership, licence or limited licence the certificate and seal or stamp issued pursuant to section 20 of the Act shall be returned to the association.

## **Change of bylaws**

- 13 (a) The introduction of new bylaws and the amendment or repeal of existing bylaws shall be effected in the manner prescribed in sections 10 and 11 of the Act.
- (b) Any request by a member or members or limited licensee or limited licensees of the association for the introduction of a new bylaw, or the amendment or repeal of an existing bylaw, shall be given in writing to the registrar and shall be considered by the council within 60 days of the receipt of such request. If necessary a ballot shall be taken as provided in section 12 of the Act, and if the proposed new bylaw, amendment or repeal of existing bylaw is approved by a two-thirds majority of the votes cast, such action shall be considered as a mandate to the council.

## Professional practice Code of ethics

14 (a) See last page of booklet.

## Quality management

- 14 (b) Members and licensees shall establish and maintain documented quality management processes for their practices, which shall include, as a minimum:
- (1) retention of complete project documentation which may include, but is not limited to, correspondence, investigations, surveys, reports, data, background information, assessments, designs, specifications, field reviews, testing information, quality assurance documentation, and other engineering and geoscience documents for a minimum period of 10 years;
  - (2) regular, documented checks of engineering and geoscience work using a written quality control process appropriate to the risk associated with the work;
  - (3) documented field reviews by, or under the direct supervision of, members or licensees, of their domestic projects during implementation or construction;
  - (4) documented independent review of structural designs prior to construction by members or licensees having appropriate experience in designing structures of a similar type and scale, and not involved in preparing the design. The reviewer shall examine representative samples of the structural assumptions, continuity of gravity and lateral load paths, stability and detailing. Where appropriate, the reviewer shall perform numerical calculations on a sample of gravity and lateral force resisting elements necessary to satisfy any reviewer concerns. The extent of the review shall be determined by the reviewer based on the progressive findings of the review. This review and any follow up action must be completed before the documents are issued for construction.

The independent review of structural designs shall evaluate the construction documents to determine if the structural systems appear complete, consistent, and in general compliance with applicable codes. The structural review may be part of, but is not intended to replace, the regular checks required in 14(b)(2).

Independent review of each instance of repetitive designs of individual structural components is not required, but documented initial independent review and independent review at intervals is required to confirm the maintenance of design quality.

## Practice review

- 14 (c) By means of a practice review process, the details and implementation of which shall be authorized by council, council may cause the professional practice of members and licensees to be reviewed.

## Interpretation

- 15 In the event of any dispute as to the meaning or intent of these bylaws, the interpretation of the council shall be final, subject to the right of appeal as contained in section 39 of the Act.

Where the word "Act" appears in the foregoing bylaws, it shall include the *Engineers and Geoscientists Act* and all subsequent amending Acts, unless the context otherwise requires.

Where reference is made in the masculine gender it shall be interpreted as both masculine and feminine.

## Repeal of old bylaws

- 16 Upon the coming into force of the foregoing bylaws, all the bylaws of the association previously in force shall stand revoked.

## Liability insurance

- 17 (a) Before entering into an agreement to provide professional engineering or professional geoscience services to the public, a member, licensee or certificate holder must notify the client, in writing, whether or not professional liability insurance is held and whether that insurance is applicable to the services in question. The note shall include a provision for an acknowledgement of the advice to be signed by the client.
- (b) There is established a category of professional liability insurance, separate from the professional liability insurance mentioned in subsection (a), referred to as secondary professional liability insurance, that all categories of members, licensees, engineers-in-training, geoscientists-in-training and provisional members must carry and maintain.
- (c) The council may:
- (i) establish the terms, conditions, policies and procedures applicable to the secondary professional liability insurance program;
  - (ii) require that the secondary professional liability insurance program, subject to the terms and conditions of the policy, provide coverage to members, licensees, engineers-in-training, geoscientists-in-training, and provisional

members who would otherwise have no professional liability insurance coverage for claims against them;

- (iii) establish, from time to time, the fees to be paid by members, licensees, engineers-in-training, geoscientists-in-training and provisional members for the secondary professional liability insurance program.

### **Alternative complaint resolution**

18 (a) In this bylaw:

“alternative complaint resolution” means a process or processes for the full or partial resolution of one or more matters to be dealt with at a disciplinary inquiry and includes without limitation:

- (i) negotiation;
- (ii) mediation;
- (iii) such other process as the parties agree to; or
- (iv) a combination of the above;

“discipline committee” means the discipline committee created under the Act and includes a panel or representative of a panel;

“member or licensee” means the member(s) or licensee(s) who is the subject of the discipline inquiry; and

“registrar” means the registrar appointed under the Act and includes his or her delegate.

- (a) If the discipline committee, the member or licensee and the registrar agree to engage in alternative complaint resolution, they will then identify and agree upon which process or processes shall be attempted.
- (c) The parties to any agreement reached through alternative complaint resolution are the discipline committee and the member or licensee.
- (d) The association, through the registrar, may attend and participate in any alternative complaint resolution process undertaken for the purpose of presenting the association’s case and position on the matters to be dealt with at the disciplinary inquiry.



- (e) The costs of alternative complaint resolution, other than legal costs, shall be divided equally between the discipline committee and the member or licensee, unless the parties agree otherwise.
- (f) Alternative complaint resolution is confidential and without prejudice but any agreement reached by the parties will be published in accordance with the usual practices of the association.

### **Miscellaneous Statutes Amendment Act, S.B.C. 2004, Chapter 23**

#### **Section 42 Validation of Bylaw**

Section 14 (c) of the bylaws of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, which was the subject of a ratification vote of the members of the association by letter ballot in September, 1992, is deemed to have come into force and effect on September 9, 1993 and is valid and retroactive to the extent necessary to give it effect on and after September 9, 1993.

### **Miscellaneous Statutes Amendment Act, S.B.C. 2010, Chapter 3**

#### **Section 7 Validation of Annual Fees**

- (1) The following are conclusively deemed to be valid from January 1, 1966 to the date that this section comes into force:
  - (a) the bylaws of The Association of Professional Engineers and Geoscientists of the Province of British Columbia relating to annual fees under the Engineers and Geoscientists Act;
  - (b) all annual fees under the Engineers and Geoscientists Act collected or purported to be collected under the bylaws of The Association of Professional Engineers and Geoscientists of the Province of British Columbia;
  - (c) all actions taken under the bylaws of The Association of Professional Engineers and Geoscientists of the Province of British Columbia in relation to annual fees under the Engineers and Geoscientists Act including, without limitation, the determination and collection of those annual fees.
- (2) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

# CODE OF ETHICS

14 (a) The purpose of the code of ethics is to give general statements of the principles of ethical conduct in order that members and licensees may fulfill their duty to the public, to the profession and their fellow members and licensees.

Members and licensees shall act at all times with fairness, courtesy and good faith to their associates, employers, employees and clients, and with fidelity to the public needs. They shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, members and licensees shall:

- 1) Hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace;
- 2) Undertake and accept responsibility for professional assignments only when qualified by training or experience;
- 3) Provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction;
- 4) Act as faithful agents of their clients or employers, maintain confidentiality and avoid a conflict of interest but, where such conflict arises, fully disclose the circumstances without delay to the employer or client;
- 5) Uphold the principle of appropriate and adequate compensation for the performance of engineering and geoscience work;
- 6) Keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associates;
- 7) Conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment;
- 8) Present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
- 9) Report to their association or other appropriate agencies any hazardous, illegal or unethical professional decisions or practices by members, licensees or others; and
- 10) Extend public knowledge and appreciation of engineering and geoscience and protect the profession from misrepresentation and misunderstanding.