



**A P E G S**

*Association of Professional Engineers  
& Geoscientists of Saskatchewan*

# **2024 APEGS ACT REVIEW INFORMATION FOR MEMBERS**

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## WHO WE ARE

The Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS) regulates just over 16,000 engineers and geoscience professionals in the jurisdiction of Saskatchewan, which is comprised of portions of lands from Treaties 2, 4, 5, 6, 8 and 10, the territories of the Nêhiyawak (Cree), Anihšînâpêk (Saulteaux), Dene, Dakota, Lakota and Nakoda nations, and the homeland of the Métis Nation.

It is APEGS' mission to regulate the professions of engineering and geoscience in the public interest. APEGS is responsible for registration and compliance, member competence, regulation, and developing professional practice.

## PURPOSE

This document provides an overview of and rationales for APEGS' proposed amendments to *The Engineering and Geoscience Professions Act*.

## BACKGROUND

APEGS is reviewing *The Engineering and Geoscience Professions Act* and associated bylaws. The Act has not undergone a comprehensive review since 1997. Over the last 27 years, the professions have evolved, including the public's expectations of how we regulate all members.

The Act and Bylaw Review Task Group (Task Group) was formed in June 2023 and has been working towards proposed amendments to modernize the Act. A comprehensive, proactive review of the Act is an organizational priority and moves us toward a legislative framework that positions APEGS to continue regulating the professions effectively into the future.

It is important to change before change is imposed upon us. Doing so enables APEGS to lead and collaborate on proposed changes. The timing is also right for government to consider changes to our legislative framework, given other government priorities such as the *Labour Mobility and Fair Registration Practices Act*.

We are not alone in changes to our governing legislation. Other self-regulators in Saskatchewan, along with engineering and geoscience regulators throughout Canada, have gone or are going through similar changes, including Chartered Professional Accountants (CPA) of Saskatchewan, Engineers Geoscientists Manitoba (EGM), and the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG). Many of APEGS' proposed changes consider amendments made to *The Accounting Profession Act* in Saskatchewan and *The Engineering and Geoscientific Professions Act* in Manitoba. These are viewed as models of modernization.

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## TIMELINES

APEGS' current plan is to prepare and submit the proposed changes to the Office of the Minister of Highways for consideration during the call for legislation in early 2025. If approved, APEGS hopes the changes will come into effect in early 2026; however, the timeline is subject to change and may be impacted by the provincial election in the fall of 2024. For the remainder of 2024, APEGS will focus on communicating the proposed changes with APEGS members and engaging with interest holders.

## UNCHANGED FOUNDATIONS

The foundations of the Act remain unchanged, including:

- Maintaining the privilege of self-regulation by having independent legislation exclusive to the engineering and geoscience professions in Saskatchewan.
- Unwavering commitment to APEGS' role as a regulator responsible for upholding public interest and safety.
- Maintaining the privilege of an independent council elected by peers who are APEGS members.
- Volunteer opportunities for APEGS members to serve on committees that support self-regulation.
- A governing structure that includes 11 elected members and two public appointees.
- Regulatory bylaws that will not take effect until approved by the minister and published in the Gazette and administrative bylaws that will not take effect until the date specified or they are filed with the Registrar of Corporations.
- Annual Meetings that uphold governing requirements of disclosure and engagement, with participation by members.
- Exclusive use of title with expansion to protect additional titles.
- Enhanced investigation and disciplinary processes.
- The ability to appeal decisions of APEGS investigation, discipline and registration processes to the Court of King's Bench.
- Enforcement for unregistered individuals and firms acting as engineers or geoscientists.

## THEMES OF CHANGE

- 1) **Simplify:** Move specifics from the Act to bylaws and policies.
- 2) **Modernize terminology:** Use terminology that is inclusive, easily understood by the public, and reflects our role as a regulator.
- 3) **Expand entity (corporate) regulation:** Give APEGS scope to audit and enforce standards of practice and investigate and discipline business entities, in addition to individual members.
- 4) **Improve public accountability:** Ensure appropriate public involvement in the governance of APEGS and enhance our protection of and accountability to the public.
- 5) **Modernize registration framework:** Ensure registration categories and processes reflect current public expectations of inclusivity, fairness, transparency, and timeliness.
- 6) **Improve efficiency, effectiveness, and transparency of governance processes:** Improve the council's ability to represent members and maintain strategic oversight, while empowering the executive director and registrar to manage operations through cohesive bylaws and policies, ensuring that the public understands what APEGS is doing to regulate in their best interest.
- 7) **Investigation and discipline transparency:** Improve transparency of processes and provide clarity on roles of APEGS, the council, and the public. This includes the addition of a statutory appeal committee.

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## PROPOSED CHANGES

### 1. Simplify: Move specifics from the Act to bylaws and policies.

**Register:** Move the detailed information that must be contained in the register of engineers and geoscientists, and available to the public, previously found in Section 19 of the Act into the Regulatory Bylaws, but still require the Registrar to keep a register. This update empowers the regulator to share essential information that may become critical to public protection and is in alignment with *The Engineering and Geoscientific Professions Act* in Manitoba.

#### Impact to Members

No change day to day.

#### Overall Impact

Adaptability for increased transparency in member details that are shared publicly.

**Registration Requirements:** Relocate specifics regarding academic requirements, previously defined in Section 20 of the Act, to the Regulatory Bylaws and policy. This adjustment allows for nimble adaptability in defining academic requirements with evolving university programs, emerging disciplines, international agreements, and harmonization efforts with engineering and geoscience regulators across Canada.

#### Impact to Members

No change day to day.

#### Overall Impact

Adapt and efficiently respond to university program changes, emerging disciplines, international agreements, and harmonization across Canada in a timely manner.

**Discipline Fines:** Move the maximum fine value for the disciplinary process, previously defined in Section 35 of the Act, to the Regulatory Bylaws. This enables the regulator to efficiently respond to external influences such as inflation, ensuring the fine values align with current costs, salaries, and economic conditions. The fines should be set at a level that is a deterrent or considered a consequence for contravening the Act, which is significantly different than in 1997 when the maximum \$15,000 fine was last reviewed.

Within the Regulatory Bylaws, APEGS is proposing to raise the maximum fine value to align with current economic conditions and assign separate fines for individual members and firms. To help ensure appropriate proportionality and effectiveness in penalties, the maximum fine for a firm would be larger than the maximum fine for an individual member.

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**Impact to Members**

No change day to day, except if an individual member or firm is found guilty under the discipline process.

**Overall Impact**

Act nimbly and deter individual members and firms from engaging in unethical behaviour by aligning the fine structure with modernized values.

## 2. Modernize terminology: Use terminology that is inclusive and easily understood by the public and reflects our role as a regulator.

**Practice of Professional Geoscience:** Update the definition of practice of professional geoscience previously defined in Section 2, to better encompass areas of practice as they are today and include safeguarding life, health, property, economic interest, the public interest, or the environment. A clear definition of the practice is essential for transparency and accountability to the public. The proposed definition, outlined below, aligns with the definition of “practice of professional geoscience” of Geoscience Canada, Engineers and Geoscientists Manitoba, Geoscience Nova Scotia, and Professional Geoscientists Ontario.

The “practice of professional geoscience” means any act of documenting, analyzing, evaluating, interpreting, or reporting on the earth's materials or on resources, forms or processes, or managing any of the foregoing, that requires the application of the principles of geology, geophysics or geochemistry and that concerns the safeguarding of life, health, property, economic interests, the public interest or the environment.

**Impact to Members**

No change day to day but covers a broader range of practice.

**Overall Impact**

Modernize to encompass the practice of the profession and highlight safeguards.

**Inclusive Language:** In alignment with public expectations of inclusivity in the professions, replace gendered terminology (he/him and she/her) throughout the Act with terms such as “registrant”, “individual registrant”, “firm”, or “they/them”. This revision reinforces inclusion and reflects the diverse membership of the professions.

**Impact to Members**

No change day to day.

**Overall Impact**

Support inclusivity in the professions.

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**Duties and Objects:** Moving from the current four objects, previously defined in Section 5 of the Act, to two duties and two objects. There is a misunderstanding of the meaning and expected actions regarding the term “fostering” in the current object 5(d), and how it is primarily in the public interest, not that of APEGS members. The proposed changes use simpler language to enhance the public’s understanding but maintain the core themes of our current objects. This aligns with other provincial legislation, such as *The Accounting Profession Act* in Saskatchewan. The proposed two duties and two objects are outlined below:

It is the duty of the association at all times:

- (a) to serve and protect the public; and
- (b) to exercise its powers and discharge its responsibilities in the public interest.

The objects of the association are:

- (a) to regulate the practice of the professions and to govern the registrants in accordance with this Act and the bylaws; and
- (b) to assure the public of the knowledge, skill, proficiency, and competency of registrants in the practice of professional engineering and the practice of professional geoscience.

**Impact to Members**

No change day to day.

**Overall Impact**

Simpler language to describe and understand APEGS’ role as a regulator.

**Governance Modernization:** Modernize the terminology used throughout the Act to reference governing people and groups, including Council to Board, President to Chair, and Executive Director to CEO – changing to commonly understood governance and business terminology. This proposed change aims to clarify the organizational structure and governance of APEGS and is aligned with other regulators across Canada.

**Impact to Members**

No change day to day.

**Overall Impact**

Alignment with terminology used within professional business organizations and regulators across Canada.

**Operating Name:** Proposing to change the operating name outlined in Section 3 of the Act, from *Association of Professional Engineers and Geoscientists of Saskatchewan* to *Engineers Geoscientists Saskatchewan*. Association is a collegial term that suggests the organization exists primarily for the benefit of its members rather than the public interest. APEGS also regulates more than just professionals, they regulate members-in-training (interns) as well. This proposed update in operating name more effectively communicates APEGS’ role as a regulator and is in alignment with industry trends observed by other engineering and geoscience regulators across Canada. Currently, Alberta, Northwest Territories and Nunavut, New Brunswick and Saskatchewan are the Canadian engineering and geoscience regulators that use “Association” in their operating name.

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**Impact to Members**

No change day to day.

**Overall Impact**

Removes collegial references and reflect APEGS' role as a regulator.

**Intern:** Use the title intern instead of in-training, throughout the Act, to proactively align with terminology that is becoming more frequently used in the professions across Canada. This term is commonly used for individuals who are not yet professionals but have met the necessary academic requirements to be registered and practice under the supervision of a professional. In Canada, Engineers Geoscientists Manitoba (EGM) and Professional Engineers Ontario (PEO) use the term intern.

As universities commonly use this term for students in a work term, proper use of terminology and titles will be communicated to both students and their employers.

**Impact to Members**

Use of standard titles and abbreviations to titles.

**Overall Impact**

Alignment with terminology emerging across the professions.

### **3. Expand entity (corporate) regulation: Give APEGS scope to audit and enforce standards of practice and investigate and discipline business entities, in addition to individual members.**

**Improved Corporate Regulation:** APEGS is proposing to expand corporate regulation to be proactive in regulating the professions and display an inclusive regulatory approach. This action is supported by the final recommendations from APEGS' Corporate Registrant Task Group in June 2023. The improved corporate regulation includes expanding the types of firms that require a certificate of authorization (licence) and must be registered, enabling APEGS to review professional practice of firms and investigate and discipline business entities.

APEGS is proposing that firms include any of the following that provides professional engineering or professional geoscience services:

- a sole proprietorship.
- two or more individuals holding themselves out as practising in association.
- a partnership.
- a corporation, including Crown corporations.
- Government agencies or ministries.
- educational institutions.
- any other business entity.



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It is important that all entities practising professional engineering or professional geoscience in Saskatchewan are regulated consistently across all industries. Expanding the types of firms that must be registered allows all entities to be more aware of how we regulate and how this relates to and affects the business of their organization.

APEGS will require firms to have documented professional practice standards, and APEGS will be able to review the professional practice of firms through mechanisms such as audits and practice reviews. This will help them create practices that support good professional practice.

With the proposed changes, APEGS will be able to investigate and discipline business entities that fit the definition of firms, as they will be considered registrants. Currently, we are only able to investigate and discipline the individual responsible for the firm's Certificate of Authorization (licence). This proposed change will remove inconsistencies between individuals and firms for these types of processes.

**Impact to Members**

No change day to day for individual members, but there will be additional requirements for corporate members.

**Overall Impact**

Expands the regulatory framework to support all firms undertaking engineering and geoscience work in upholding professional standards.

#### **4. Improve public accountability: Ensure appropriate public involvement in the governance of APEGS and enhance our protection of and accountability to the public.**

**Insurance:** APEGS proposes to require professional liability insurance for registrants, with the details outlined in the Regulatory Bylaw. This proposed change will help ensure that APEGS' professionals are properly insured, protecting professionals and clients in claims for errors or omissions occurring in a project.

**Impact to Members**

Obtain insurance with respect to professional liability claims, if not provided by their firm of employment.

**Overall Impact**

Protect professionals and clients in claims for errors or omissions.

**Recognition and Protection of Titles:** Include recognition and protection of titles (and abbreviations) for interns and licensees to enable enforcement in these areas, which improves public safety.

- Engineering Licensee (Eng.L.) and Geoscience Licensee (Geo.L.)
- Engineering Intern (EIT) and Geoscience Intern (GIT)

Protection of titles aligns with Manitoba's *Engineering and Geoscientific Professions Act*.

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### Impact to Members

Use of standard titles and abbreviations to titles.

### Overall Impact

Enforcement on the use of these titles without registration.

**Exceptions to Scope of Practice:** Modernize exceptions to scope of practice, previously outlined in section 28 of the Act, to reflect current practices and the public’s expectation of the professions, which includes:

- Combining the original intent of subclauses (a), (b), and (c) into a single subclause: *“a person from performing engineering or geoscience work under the direct supervision and control of a professional engineer, professional geoscientist, engineering licensee or geoscience licensee”*. Removing the comprehensive list of engineering or geoscience activities in subclauses (a) and (b) will enhance public protection by minimizing the unintended loopholes in exceptions to scope of practice.
- Removing subclause (d) *“an individual from working on property or premises owned or occupied by that person, if the work is for the sole use of the domestic establishment of that person”*. This issue has been seen in the investigation process. All engineering and geoscience work in Saskatchewan must be performed by or under the direct supervision of a professional engineer or professional geoscientist, engineering licensee or geoscience licensee registered with the association, regardless of whether it occurs on personal property. It is the members’ duty to protect the public; this subclause contradicts that duty.
- Removing subclause (l) *“a person from designing, constructing or installing appliances, works or plants of a total value not exceeding \$30,000”*. The value within this subclause has not been updated since 1997 and is no longer relevant as the exceptions to farm buildings in the building code have been removed. All engineering and geoscience work in Saskatchewan must be performed by or under the direct supervision of a professional engineer or professional geoscientist, engineering licensee or geoscience licensee registered with the association regardless of the scale or value of work.

### Impact to Members

No changes day to day.

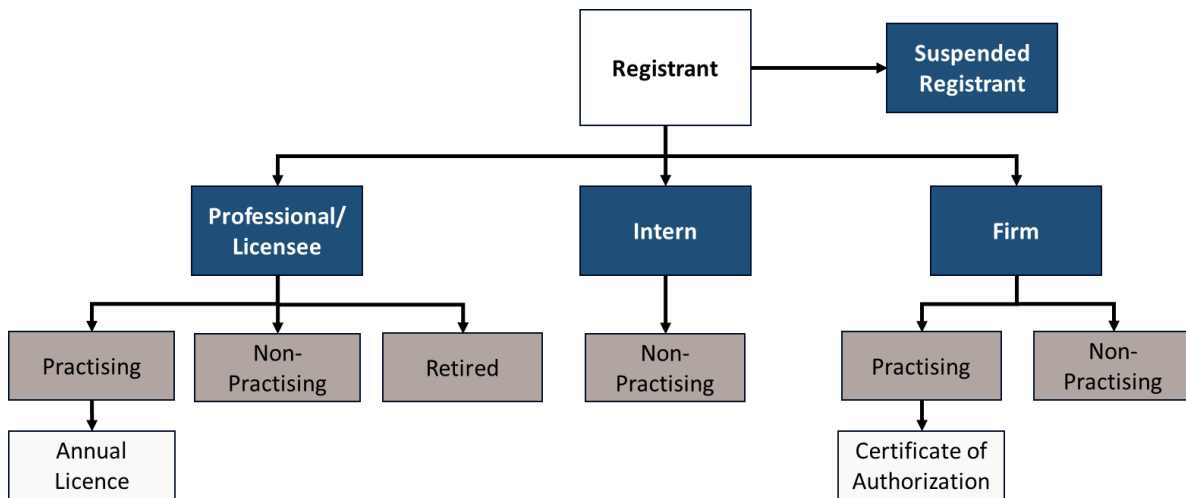
### Overall Impact

Ensuring the exceptions reflect modernized practices and there is a clear understanding of exceptions to the scope of practice.

## 5. Modernize Registration Framework: Ensure registration categories and processes reflect current public expectations of inclusivity, fairness, transparency, and timelines.

**Simplified Registration Categories and Practise Status:** APEGS is proposing to simplify the registration categories and provide clarity on who can practise. “Members” is a collegial term that will be replaced with “registrants” throughout the Act, encompassing both individual registrants (professionals, licensees, interns) and firms. APEGS is also proposing to introduce practise status (practising, non-practising, and retired – a subcategory of non-practising) for registrants, to enhance clarity and transparency for the public regarding who holds a licence and is authorized to practise. These proposed updates establish clearer registration categories and procedures, while allowing flexibility for registrants to return to the profession by confirming competencies. A diagram of the proposed registration categories and associated practise statuses can be found in Figure 1 below but will be more comprehensively defined within the Regulatory Bylaws.

Figure 1: Registration Categories and Status



### Impact to Members

Clearer registration categories and procedures.

### Overall Impact

Transparency to the public on who can practise, and flexibility, while confirming competencies for public protection.

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**Revoking Licence or Registration if Obtained on a Fraudulent Basis:** Permitting the Council (Board) to revoke a licence or registration in cases when the registration or licence was obtained on a fraudulent basis by submitting false academic and/or experience information. This empowers the Council to take immediate actions if there is sufficient evidence of the fraud, rather than going through the investigation and discipline process, ensuring efficiency and timeliness in removing individuals or firms that do not adhere to ethical standards.

<p><b>Impact to Members</b> No changes day to day.</p> <p><b>Overall Impact</b> Mitigate unethical practice by acting efficiently in the public’s interest.</p>
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**6. Improve efficiency, effectiveness and transparency of governance processes:** Improve the ability for the Council to represent member and maintain strategic oversight, while empowering the Executive Director and Registrar to manage operations through a cohesive bylaw and policy framework, ensuring that the public understands what APEGS is doing to regulate in their best interest.

**Bylaw Creation:** Bylaws will be approved and recommended by the Council (Board) to the Government of Saskatchewan and will not need to be confirmed at the Annual General Meeting (AGM); however, the AGM will still involve individual members voting on the audited financials, annual report, motions from the floor, etc. The intent is to enhance clarity regarding the roles and responsibilities of the Council as elected member representatives. The Council holds a fiduciary responsibility to act in the best interest of the public with decisions and actions aimed at upholding public trust in the profession. Empowering the Council to approve and recommend bylaws to the Government, as permitted or required by the Act, will help APEGS to respond nimbly, especially when there is a concern for public safety.

The Council may still consult on the bylaw changes, and transparent communication will be preserved. As before, Regulatory Bylaws will not take effect until approved by the minister and published in the Gazette, and the Administrative Bylaws will not take effect until the specified date, or they are filed with the Registrar of Corporations.

This structure does not remove self-regulation from our professions. APEGS members elect the councillors and authorize them to lead the organization. APEGS continues to retain authority to establish our bylaws and policies and govern our affairs without direct government intervention. Members will also be involved in self-regulation by having oversight on the standards and processes for registration of individuals through operational committees such as the Academic Review Committee and Experience Review Committees. Volunteer committees will make policy recommendations to the Council, outlining day-to-day regulation. This approach allows us to maintain self-regulation which focuses on serving and protecting the public.

This structure will not be unique to APEGS. It aligns with *The Accounting Profession Act* recently updated to support the self-regulation of Chartered Professional Accountants (CPAs) in Saskatchewan and was chosen by government to be included in the new NAPEG Act.

<p><b>Impact to Members</b> Council, elected by APEGS’ members, are empowered to make bylaw decisions.</p> <p><b>Overall Impact</b> Maintaining in self-regulation which focuses on serving and protecting the public.</p>
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## 7. Investigation and discipline transparency: Improve transparency of processes and provide clarity on roles of APEGS, the Council, and the public.

**Appeal Committee:** A new statutory committee, independent of the Council (Board), will review appeals related to decisions of the Registrar and decisions of the Investigation Committee that no further action be taken. The implementation of an Appeal Committee aligns with practices outlined in Manitoba’s *Engineering and Geoscientific Professions Act*.

Currently, appeals of registration decisions and reviews of investigation decisions are conducted by the Council. The Council is also responsible for overseeing and approving registration practices and investigation procedures and can be a complainant for an investigation. To have the Council review challenges to these items can be an actual or perceived conflict of interest. To remove the conflict, a separate appeal committee will be formed with representation from APEGS members and the public and no representation from the Council. This structure will provide an independent appeals review process that allows for greater public representation, transparency, and accountability.

To increase public representation, APEGS will assign individuals from the public to the committee, rather than the public appointees. The ability for a second level of appeal to the Court of King’s Bench remains unchanged.

<p><b>Impact to Members</b> No changes day to day.</p> <p><b>Overall Impact</b> Removes potential conflict of interest in the appeals process and provides greater public representation, transparency, and accountability.</p>
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**Professional Incompetence:** Expand the current definition of professional incompetence, previously defined in Section 29 of the Act, to include “an incapacity or impairment that prevents the registrant from engaging in the practice of professional engineering or practice of professional geoscience with reasonable skill, competence, and safety to the public.”

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The proposed statement aligns with the definition of “incompetent” within *The Professional Governance Act* in British Columbia and the concept of fitness to practice. The topic of “fitness to practice” is becoming more known and accepted throughout the professions in Canada, with the Canadian Engineering Qualification’s Board’s (CEQB) Fitness to Practice Guideline expected to be finalized the summer of 2024. Expanding the definition is important because there may be physical or cognitive circumstances that could prevent an individual member or firm from practising the profession to reasonable standards, potentially affecting public safety.

**Impact to Members**

No changes day to day.

**Overall Impact**

Increased protection of the public by ensuring individual members and firms are fit to practice.

**Investigation:** Allow the Registrar to be a complainant within the investigation process, to efficiently deal with cases that come up during the registration processes. This proposed change will enhance public protection by ensuring that only qualified individuals or firms are practising and aligns with best practices outlined in Manitoba’s *Engineering and Geoscientific Professions Act*.

Provide the Investigation Committee with the power to investigate other matters related to professional misconduct or incompetence that arise in an investigation. This is a best practice outlined in Manitoba’s *The Engineering and Geoscientific Professions Act* to prevent multiple concurrent investigations occurring for the same individual member or firm.

Ensure transparency for the public and educate members that the Investigation Committee has the authority to investigate unlicensed practice when individuals or firms registered with the association are practicing outside of the boundaries of their licence (or lack of licence). This includes cases where a member or firm is practicing outside of their licence scope, a non-practising member or firm engages in practice, or a firm offers services in an area without a designated Responsible Registrant. Such actions may be considered professional misconduct or professional incompetence (depending on the circumstance) and investigated accordingly. Explicitly including unlicensed practice in the Act enhances transparency and accountability.

**Impact to Members**

No changes day to day.

**Overall Impact**

Efficiency in the investigation process to reduce the number of investigations and increased transparency in processes for public protection.

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**Temporary or Preliminary Suspension:** Giving the Council (Board) authority to temporarily suspend the licence of an individual member or firm under investigation while applying for a court injunction. This mechanism would only be used in exceptional circumstances where there is imminent cause for concern for the health and safety of the public and protection of the environment. The Act will specify the duration of the initial suspension, with provisions allowing the Council to seek an extension from the court if necessary. This suspension is temporary while the court injunction process is undertaken.

Applying to the court for licence suspension can be time consuming. During this waiting period, the member under investigation may still be practising, posing risks to the public and environment. Empowering the Council to issue the initial temporary suspension provides a timely mechanism to enhance public protection.

**Impact to Members**

None, unless you are the individual member or firm under investigation.

**Overall Impact**

Take immediate action to protect the health and safety of the public and environment from unethical practice.

**Resolving Summarily:** Empowering the Investigation Committee to resolve matters summarily, where the Investigation Committee, if agreed to by the member, can impose terms or conditions that the member must adhere to for no further action to be taken for the investigation without having to go through the discipline process. This provides an alternative resolution process that would only be used for minor issues that do not pose risks to the protection of the public or environment. This proposed change within the original Section 32 of the Act still allows the complainant to appeal the decision of the Investigation Committee, if resolved summarily, through the Appeal Committee. This method will make the process for minor issues streamlined, more efficient, timely, and effective. The concept aligns with modern regulation practices and is similar to an avenue outlined in Saskatchewan’s *The Accounting Profession Act* and Manitoba’s *Engineering and Geoscientific Professions Act*.

**Impact to Members**

An avenue for complaint resolution, outside of a discipline hearing, for minor issues that do not pose risk to the protection of the public or environment.

**Overall Impact**

Provides an alternate method of resolution to avoid using discipline resources for matters that do not pose risk to the protection of the public or environment, while still upholding accountability.