

2016 Bylaw Proposal 'E': Council Proposed Changes to Bylaws that provides consistency with the terminology of the new Act and existing Code of Ethics

The changes to The Engineering and Geoscientific Professions Act in November of 2015 included a provision that the terms 'engineer-in-training' and 'geoscientist-in-training' be replaced with 'engineering intern' and 'geoscience intern', respectively. This by-law proposal incorporates those name changes and provides clarity throughout the bylaws by establishing two new terms:

- 'intern' ; which includes 'engineering interns' and 'geoscience interns', and
- 'practitioner' ; which includes members, interns, specified scope of practice licensees, and holders of a certificate of authorization. This term has been used in the Code of Ethics since 2001 and is now incorporated into the bylaws.

(NOTE: the acronyms 'EIT', 'GIT', and 'MIT' will continue to be used as they have in the past. This is addressed in policy)

Bylaw	Current Wording	Proposed Wording	Reason
2.0	In these by-laws: “Act” means The Engineering and Geoscientific Professions Act. “lay councillor” means a person who is appointed to the council pursuant to subsection 8 (2) of the Act. “member-in-training” means a person who is an engineer-in-training or a geoscientist-in-training. “professional member” means a person who is registered as a professional engineer or a professional geoscientist.	In these by-laws: “Act” means The Engineering and Geoscientific Professions Act. “intern” means an engineering intern or a geoscience intern “lay councillor” means a person who is appointed to the council pursuant to subsection 8 (2) of the Act. “member-in-training” means a person who is an engineer-in-training or a geoscientist-in-training. “practitioner” means a member, temporary licensee, engineering intern, geoscience intern, specified scope of practice licensee, or holder of a certificate of authorization of the Association “professional member” means a person who is registered as a professional engineer or a	The new Act has changed the terms 'engineer-in-training' and 'geoscientist-in-training' to 'engineering intern' and 'geoscience intern'. This definition for 'intern' ensures that the bylaws are consistent with the Act. This definition for 'practitioner' has been in use within the Code of Ethics for 15 years. Using it in the bylaws creates consistency between the documents and allows for simplification of many

		professional geoscientist.	bylaws.
4.3.6	The secretary shall send or cause to be sent all notices that are to be sent to the members of the association and council.	The secretary shall send or cause to be sent all notices that are to be sent to practitioners and council.	Although Specified Scope Of Practice Licensees do not require notifications stipulated in the bylaws (since the only required notifications in the bylaws are for AGM, council elections, and bylaw elections, all of which are reserved for members), the Act requires notifications to all license holders for disciplinary procedures, suspension for ProDev non-compliance, etc.
4.5	In addition to the committees established by the Act, the council may, from time to time, appoint boards or committees for the purpose of facilitating the business of the association. Subject to the provisions of the Act appointees to boards and committees may, in addition to professional members, include members-in-training, temporary licensees, specified scope of practice licensees, students and members of the public. When establishing any board or committee, the council shall provide terms of reference for the board or committee which terms shall include: a) the purpose for the committee;	In addition to the committees established by the Act, the council may, from time to time, appoint boards or committees for the purpose of facilitating the business of the association. Subject to the provisions of the Act appointees to boards and committees may, in addition to professional members, include interns, temporary licensees, specified scope of practice licensees, students and members of the public. When establishing any board or committee, the council shall provide terms of reference for the board or committee which terms shall include: a) the purpose for the committee;	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.

	b) the method by which, and by whom, the members are appointed; c) the method by which, and by whom, its chair shall be appointed; and d) the committee's or board's right to establish its own order of agenda.	b) the method by which, and by whom, the members are appointed; c) the method by which, and by whom, its chair shall be appointed; and d) the committee's or board's right to establish its own order of agenda.	
4.5.1	The registration committee appointed under sub-section 14 (1) of the Act shall be comprised of professional members and at least one person who is not, and never has been, a professional member, member-in-training or licensee of the association.	The registration committee appointed under sub-section 14 (1) of the Act shall be comprised of professional members and at least one person who is not, and never has been, a professional member, intern or licensee of the association.	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
4.5.4.2	(f) Following receipt of notices identifying these appointees, the Council shall appoint: i. two Past Presidents of the association, at least one of whom at the time of appointment shall be active in his or her profession; ii. a person who is a resident of Manitoba but who is not, and never has been a member, temporary licensee, holder of a limited scope of practice license, an engineer-in-training or a geoscientist-in-training of the association; iii. a maximum of four other persons who, at the time of appointment, are members of the association.	f) Following receipt of notices identifying these appointees, the Council shall appoint: i. two Past Presidents of the association, at least one of whom at the time of appointment shall be active in his or her profession; ii. a person who is a resident of Manitoba but who is not, and never has been a member, temporary licensee, holder of a limited scope of practice license, an intern of the association; iii. a maximum of four other persons who, at the time of appointment, are members of the association.	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
4.6	Any notice required to be given to members of the association shall be deemed to have been given if:	Any notice required to be given to practitioners shall be deemed to have been given if:	Although Specified Scope Of Practice Licensees do not require notifications stipulated in the bylaws

			(since the only required notifications are for AGM, council elections, and bylaw elections, all of which are reserved for members), the Act requires notifications to all license holders for disciplinary procedures, suspension for ProDev non-compliance, etc.
4.6.1	Nothing in these by-laws prevents the distribution of information to members by electronic or other means where such distribution is deemed by the Secretary to be useful to the members.	Nothing in these by-laws prevents the distribution of information to practitioners by electronic or other means where such distribution is deemed by the Secretary to be useful to the members.	Ensures that this bylaw applies to all practitioners, including licensees; not just members.
4.9	No professional member, member-in-training , temporary licensee, specified scope of practice licensee, serving as an officer, councillor or committee member, other than association employees serving in an ex-officio capacity, shall receive a salary or honorarium for such service.	No professional member, intern , temporary licensee, specified scope of practice licensee, serving as an officer, councillor or committee member, other than association employees serving in an ex-officio capacity, shall receive a salary or honorarium for such service.	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
5.1	The annual general meeting of the professional members of the association shall be held in the Province of Manitoba on any date after September 10th, but prior to October 31st, in each year as council may decide. Temporary licensees, specified scope of practice licensees, members-in-training and students are entitled to attend and participate subject to restrictions in these by-laws. Members of the public,	The annual general meeting of the professional members of the association shall be held in the Province of Manitoba on any date after September 10th, but prior to October 31st, in each year as council may decide. Temporary licensees, specified scope of practice licensees, interns and students are entitled to attend and participate subject to restrictions in these by-laws. Members of the public, subject to	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.

	subject to application to the registrar and the availability of space, are entitled to observe.	application to the registrar and the availability of space, are entitled to observe.	
5.8	The president and the council shall establish the frequency, agenda and procedure of meetings of the council. Special meetings of the council shall be held at the call of the president, or by requisition signed by two councillors. At least 24 hours' notice shall be given of all meetings of the council. Meetings of the council or parts thereof not otherwise declared by the council to be in camera shall be open for professional members, licensees, members-in-training and students to be present as observers, provided that they give 24 hours notice of intention.	The president and the council shall establish the frequency, agenda and procedure of meetings of the council. Special meetings of the council shall be held at the call of the president, or by requisition signed by two councillors. At least 24 hours' notice shall be given of all meetings of the council. Meetings of the council or parts thereof not otherwise declared by the council to be in camera shall be open for professional members, temporary licensees, specified scope of practice licensees, interns and students to be present as observers, provided that they give 24 hours notice of intention.	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
TOC	6.3 Other Requirements 6.3.1 Member-In-Training Requirement 6.3.2 Pre-Registration Program	6.3 Other Requirements 6.3.1 Intern Requirement 6.3.2 Pre-Registration Program	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
6.3.1	Member-In-Training Requirement To be eligible for enrollment as a member-in-training, an applicant must submit evidence to the registration committee that he or she: a) is academically qualified for registration as a professional member;	Intern Requirement To be eligible for enrollment as an intern, an applicant must submit evidence to the registration committee that he or she: a) is academically qualified for registration as a professional member;	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
6.3.2	There shall be a pre-registration program for members-in-training. The requirements of such program shall be set out in the Manual of Admissions and shall include a	There shall be a pre-registration program for interns. The requirements of such program shall be set out in the Manual of Admissions and shall include a requirement to pass an	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.

	requirement to pass an approved professional practice examination.	approved professional practice examination.	
6.4.1	When applying for reinstatement or licensure, a person who has resigned from professional membership in accordance with these by-laws and who is not qualified for registration under sub-section 15 (2) of the Act must comply with the conditions or exemptions set out in the Manual of Admissions.	When applying for reinstatement or licensure, a person who has resigned from professional membership in accordance with these by-laws and who is not qualified for registration under sub-section 15 (2) of the Act must comply with the conditions or exemptions set out in the Manual of Admissions.	Ensures that this bylaw applies to all practitioners, including licensees; not just members.
TOC	<p>6.4 Registration by Reinstatement</p> <ul style="list-style-type: none"> 6.4.1 Resigned in Good Standing 6.4.2.1 Removed for Non-Payment and Registered Elsewhere in Canada 6.4.2.2 Removed for Non-Payment and Not Registered Elsewhere in Canada 6.4.3 Membership Cancelled 	<p>6.4 Registration by Reinstatement</p> <ul style="list-style-type: none"> 6.4.1 Resigned in Good Standing 6.4.2 Removed for Non-Payment and Registered Elsewhere in Canada 6.4.3 Removed for Non-Payment and Not Registered Elsewhere in Canada 6.4.4 Application When Previously Cancelled 	Ensures that this bylaw applies to all practitioners, including licensees; not just members.
6.4.3	<p>Membership Cancelled</p> <p>A person whose name has been removed from the register pursuant to clause 47 (1) (j) of the Act may, subject to any conditions or recommendations contained in the order of the discipline committee, apply for reinstatement. Whether qualified for registration under sub-section 15 (2) of the Act or not, such person shall, when applying for reinstatement or licensure, subject to the provisions of the Manual of Admissions:</p> <p>a) provide evidence of sufficient relevant professional engineering or professional</p>	<p>Application When Previously Cancelled</p> <p>A person whose name has been removed from the register pursuant to clause 47 (1) (j) of the Act may, subject to any conditions or recommendations contained in the order of the discipline committee, apply for reinstatement. Whether qualified for registration under sub-section 15 (2) of the Act or not, such person shall, when applying for reinstatement or licensure, subject to the provisions of the Manual of Admissions:</p> <p>a) provide evidence of sufficient relevant professional engineering or professional</p>	Ensures that this bylaw applies to all practitioners, including licensees; not just members.

	<p>geoscientific work experience;</p> <p>b) subscribe to and agree to abide by the Code of Ethics established under Part XIII;</p> <p>c) pass the association's professional practice test; and</p> <p>d) if so required by the registration committee, pass an approved professional practice examination.</p>	<p>geoscientific work experience;</p> <p>b) subscribe to and agree to abide by the Code of Ethics established under Part XIII;</p> <p>c) pass the association's professional practice test; and</p> <p>d) if so required by the registration committee, pass an approved professional practice examination.</p>	
7.3	<p>Applicants who have 48 months of qualifying work experience and who have satisfied all of the requirements for registration of the Manual of Admissions, other than for the 12 month required period of work experience in a Canadian environment, may be registered as a provisional member until such time as the full work experience requirement is satisfied and on the conditions that:</p> <p>(a) the provisional member does not use the suffix "P.Eng." or "P.Geo.", but may, at his or her option, continue to use EIT or GIT;</p>	<p>Applicants who have 48 months of qualifying work experience and who have satisfied all of the requirements for registration of the Manual of Admissions, other than for the 12 month required period of work experience in a Canadian environment, may be registered as a provisional member until such time as the full work experience requirement is satisfied and on the conditions that:</p> <p>(a) the provisional member does not use the suffix "P.Eng." or "P.Geo.", but may, at his or her option, continue to use</p> <p><u>Engineering Intern, Geoscience Intern or any abbreviation thereof approved by resolution of the council.</u></p>	<p>Ensures that the terminology of the bylaws is consistent with the terminology of the Act.</p>
TOC	<p>7.0 Provision</p> <p>7.1 Professional Members</p> <ul style="list-style-type: none"> 7.1.1 Practising Member 7.1.2 Retired Member 7.1.3 Life Membership 7.1.4 Honorary Life Member <p>7.2 Members on Deferred Dues</p> <p>7.3 Provisional Member</p> <p>7.4 Other</p> <p>7.5 Notice of Delivery</p>	<p>7.0 Provision</p> <p>7.1 Professional Members</p> <ul style="list-style-type: none"> 7.1.1 Practising Member 7.1.2 Retired Member 7.1.3 Life Membership 7.1.4 Honorary Life Member <p>7.2 Members on Deferred Dues</p> <p>7.3 Provisional Member</p> <p>7.4 Other</p> <p>7.5 Notice of Delivery</p>	

	7.6 Requirement to Respond	7.6 Requirement to Respond	
7.5.1 7.5.2 7.5.3	<p>7.5 Notice of Delivery Address</p> <p>7.5.1 Each professional member shall advise the registrar of the address to which the Association is to direct all correspondence to the member.</p> <p>7.5.2 Each professional member shall advise the registrar of any change in the address to which the Association is to direct all correspondence to the member, within 30 calendar days of the effective date of the change of address.</p> <p>7.5.3 Each professional member shall provide the registrar with the name and address of any person designated to receive correspondence from the Association on the member's behalf, with respect to:</p> <ul style="list-style-type: none"> (a) Complaints, charges and disciplinary matters involving the member; (b) Professional liability insurance reports, claims or processes involving the member; and (c) The member's failure to pay monies owing to the association 	(MOVE)	<p>Move to 11.4 (new)</p> <p>This bylaw relates to practice requirements (Bylaw 11), not membership categories (Bylaw 7)</p>
7.6.1 7.6.2 7.6.3	<p>7.6 Requirement to Respond</p> <p>7.6.1 Where the Association makes a written request to a member for a response within a specified period, the member shall provide a written response within the specified time period and shall provide the information, explanation or records in the possession of or under the control of the</p>	(MOVE)	<p>Move to 11.5 (new)</p> <p>This bylaw relates to practice requirements (Bylaw 11), not membership categories (Bylaw 7)</p>

	<p>member. A written request sent to the mailing address of the member, or the member's designate, appearing in the records of the Association shall be deemed to have been delivered three working days following the date of being sent by registered mail, and shall be deemed to have been received by the member.</p> <p>7.6.2 Failure of the member to submit a written response as required under sub-section 7.6.1 may constitute professional misconduct.</p> <p>7.6.3 Where a member fails to respond to a written request as required under sub-section 7.6.1, the person, investigation committee or sub-committee conducting an investigation may proceed with the investigation without the member's response.</p>		
TOC	<p>9.1 Annual Dues</p> <ul style="list-style-type: none"> 9.1.1 Practising Category 9.1.2 Retired Category 9.1.3 Temporary Licence 9.1.4 Specified Scope of Practice <p>Licence</p> <ul style="list-style-type: none"> 9.1.5 Certificate of Authorization 9.1.6 Member-In-Training 9.1.7 Student 9.1.8 Dues Relief 9.1.9 Provisional Member <p>9.2 Fees</p> <ul style="list-style-type: none"> 9.2.1 Member-in-Training 9.2.2 Registration 9.2.3 Specified Scope of Practice 	<p>9.1 Annual Dues</p> <ul style="list-style-type: none"> 9.1.1 Practising Category 9.1.2 Retired Category 9.1.3 Temporary Licence 9.1.4 Specified Scope of Practice <p>Licence</p> <ul style="list-style-type: none"> 9.1.5 Certificate of Authorization 9.1.6 Intern 9.1.7 Student 9.1.8 Dues Relief 9.1.9 Provisional Member <p>9.2 Fees</p> <ul style="list-style-type: none"> 9.2.1 Intern 9.2.2 Registration 9.2.3 Specified Scope of Practice 	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.

	<p>Licence</p> <p>9.2.4 Certificate of Authorization</p> <p> 9.2.4.1 Application</p> <p> 9.2.4.2 Renewal</p> <p>9.2.5 Reinstatement</p> <p>9.2.6 Review of Academic Credentials</p> <p>9.2.7 Examinations</p> <p>9.2.8 Late Payment</p>	<p>Licence</p> <p>9.2.4 Certificate of Authorization</p> <p> 9.2.4.1 Application</p> <p> 9.2.4.2 Renewal</p> <p>9.2.5 Reinstatement</p> <p>9.2.6 Review of Academic Credentials</p> <p>9.2.7 Examinations</p> <p>9.2.8 Late Payment</p>	
9.1.6	<p>Member-In-Training</p> <p>The annual dues to be paid by a member-in-training for any given year shall be a percentage, determined annually by the council, of the annual dues payable by practising professional members.</p>	<p>Intern</p> <p>The annual dues to be paid by an intern for any given year shall be a percentage, determined annually by the council, of the annual dues payable by practising professional members.</p>	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
9.2.1	<p>Member-In-Training</p> <p>The fees and dues applicable to an application for enrollment as a member-in-training, as prescribed under sub-section 19 (d) of the Act, shall comprise a non-refundable admission fee, plus the annual dues for a member-in-training, in amounts set by council annually.</p>	<p>Intern</p> <p>The fees and dues applicable to an application for enrollment as an intern, as prescribed under sub-section 19 (d) of the Act, shall comprise a non- refundable admission fee, plus the annual dues for a member-in-training, in amounts set by council annually.</p>	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
9.2.5	<p>The dues and fees required to accompany an application for reinstatement to any of the categories of professional membership, as provided for in sub-section 24 (2) of the Act, shall comprise:</p> <p>a) a non-refundable admission fee in an amount to be set annually by council;</p> <p>b) the annual dues, pro-rated in accordance with the provisions of the Manual of Admissions;</p>	<p>The dues and fees required to accompany an application for reinstatement to any of the categories of professional membership, as provided for in sub-section 24 (2) of the Act, shall comprise:</p> <p>a) a non-refundable admission fee in an amount to be set annually by council;</p> <p>b) the annual dues, pro-rated in accordance with the provisions of the Manual of Admissions;</p>	Ensures that this bylaw applies to all practitioners, including licensees; not just members.

	c) a non-refundable de-registration fee.	c) a non-refundable de-registration fee. Change 24 (2) to 24(2.1) to reflect re-numbering in the Act	
9.2.8	There shall be a late payment fee applicable when a member or member-in-training fails to pay his or her annual dues within 10 days of the date on which they are payable. The fee shall be set annually by the council.	There shall be a late payment fee applicable when a practitioner's annual dues are not received within 10 days of the date on which they are payable. The fee shall be set annually by the council.	Ensures that this bylaw applies to all practitioners, including licensees.
9.2.10	The Association may, in discretion of the Council, participate in any program providing professional liability insurance to any or all members, members-in training or licensees and the Council may establish fees payable by such members, members-in training or licensees in respect of any such program.	The Association may, at the discretion of the Council, participate in any program providing professional liability insurance to any or all members, intern or licensees and the Council may establish fees payable by such members, interns or licensees in respect of any such program.	Ensures that the terminology of the bylaws is consistent with the terminology of the Act.
10.1	A professional member or member-in-training may, by written notice of resignation, withdraw from membership or enrollment respectively.	A practitioner may, by written notice of resignation, withdraw from the Association.	Ensures that this bylaw applies to all practitioners, including licensees.
	11.1 Use of the Seal 11.2 Charges and Salaries 11.3 Compliance to Practise	11.1 Use of the Seal 11.2 Charges and Salaries 11.3 Compliance to Practise 11.4 Notice of Delivery Address 11.5 Requirement to Respond	
	Moved From 7.5	11.4 Notice of Delivery Address 11.4.1 Each practitioner shall advise the registrar of the address to which the Association is to direct all correspondence to the practitioner.	Ensures that this bylaw applies to all practitioners, including licensees; not just members.

		<p>11.4.2 Each practitioner shall advise the registrar of any change in the address to which the Association is to direct all correspondence to the practitioner, within 30 calendar days of the effective date of the change of address.</p> <p>11.4.3 Each practitioner shall provide the registrar with the name and address of any person designated to receive correspondence from the Association on the practitioner's behalf, with respect to:</p> <ul style="list-style-type: none"> (a) Complaints, charges and disciplinary matters involving the practitioner; (b) Professional liability insurance reports, claims or processes involving the practitioner; and (c) The practitioner's failure to pay monies owing to the association 	
	Moved From 7.6	<p>11.5 Requirement to Respond</p> <p>11.5.1 Where the Association makes a written request to a practitioner for a response within a specified period, the practitioner shall provide a written response within the specified time period and shall provide the information, explanation or records in the possession of or under the control of the practitioner. A written request sent to the mailing address of the practitioner, or the practitioner's designate, appearing in the records of the Association shall be deemed to have been delivered three working days following the date of being sent by registered mail, and shall be deemed to have been received by the</p>	Ensures that this bylaw applies to all practitioners, including licensees; not just members.

		<p>practitioner.</p> <p>11.5.2 Failure of the practitioner to submit a written response as required under sub-section 7.6.1 may constitute professional misconduct.</p> <p>11.5.3 Where a practitioner fails to respond to a written request as required under sub-section 7.6.1, the person, investigation committee or sub-committee conducting an investigation may proceed with the investigation without the practitioner's response.</p>	
15.2.9	The investigation committee may, when consulted, offer advice to professional members, holders of a certificate of authorization, temporary licensees, specified scope of practice licensees or members-in-training on questions of proper professional conduct and the investigation committee shall prepare, or cause to be prepared, a report to the council on advice given from time to time.	The investigation committee may, when consulted, offer advice to practitioners on questions of proper professional conduct and the investigation committee shall prepare, or cause to be prepared, a report to the council on advice given from time to time.	Ensures that this bylaw applies to all practitioners, including licensees.
15.11.1.1	In addition to the annual fee the council shall, when necessary, establish and maintain a special fund for the purpose of administering and enforcing the discipline provisions of these by-laws. The fund shall be established and maintained by assessing the general membership an amount set by the council from time-to-time. Non-payment of this special assessment is deemed to be non-compliance with section 24 of the Act.	In addition to the annual fee the council shall, when necessary, establish and maintain a special fund for the purpose of administering and enforcing the discipline provisions of these by-laws. The fund shall be established and maintained by assessing practitioners an amount set by the council from time-to-time. Non-payment of this special assessment is deemed to be non-compliance with section 24 of the Act.	Ensures that this bylaw applies to all practitioners, including licensees; not just members.
15.11.1.2	The registrar shall disburse such funds as	The registrar shall disburse such funds as	The deleted language is

	<p>may be required for the purpose of investigations conducted by the investigation committee or for the purpose of formal hearings of the discipline committee and appeals therefrom. The fund shall be administered by the registrar, who shall report on it to the general membership at least once a year at the annual general meeting, and an annual auditors' statement shall be prepared on it.</p>	<p>may be required for the purpose of investigations conducted by the investigation committee or for the purpose of formal hearings of the discipline committee and appeals therefrom. The fund shall be administered by the registrar, who shall report on it to the general membership at least once a year at the annual general meeting, and an annual auditors' statement shall be prepared on it.</p>	<p>unnecessary, and suggests that only members are in attendance at the AGM, which is in conflict with Bylaw 5.1</p>
16.0	<p>The council may, from time to time, establish chapters of the association, and adopt a constitution and by-laws for each chapter. The chapter shall comprise professional members, licensees and members-in-training who represent a defined group. Subject to the by-laws of the chapter, members of the public may participate in the activities of the chapter, but shall not have voting privileges.</p>	<p>The council may, from time to time, establish chapters of the association, and adopt a constitution and by-laws for each chapter. The chapter shall comprise professional members, licensees and interns who represent a defined group. Subject to the by-laws of the chapter, members of the public may participate in the activities of the chapter, but shall not have voting privileges.</p>	<p>Ensures that the terminology of the bylaws is consistent with the terminology of the Act.</p>