

2016 Bylaw Proposal 'C': Council Proposed Change to Bylaw 11 that incorporates Specified Scope of Practice Licensees into ProDev requirements

In recognition of the new Specified Scope Of Practice Licensees, the Continuing Professional Development Reporting Program (ProDev) Guideline has been updated to ensure that Specified Scope Of Practice Licensees must also comply with the ProDev Program. Since the ProDev Guideline has been updated, bylaw 11.3 must also be updated. NOTE: the use of the term 'practitioners' in the new bylaw 11.3 is as defined in Bylaw Proposal E and in the Code of Ethics.

Bylaw	Current Wording	Proposed Wording	Reason
11.3	<p>The Continuing Professional Development Program, approved by the council on June 15, 2011, is hereby adopted as the Continuing Professional Development Program of the Association.</p> <p>Except as detailed in the Continuing Professional Development Program, members in the practicing, honorary life, temporary licensee, and deferred dues categories must, in addition to maintaining competency in their field of practice through continuing professional development as per the Code of Ethics, record and report professional development activity as prescribed by the association's Continuing Professional Development Program. Any Failure to maintain activities as prescribed by the Association's Continuing Professional Development Program may constitute professional misconduct and may be reported to the Investigation Committee.</p>	<p>The Continuing Professional Development Program, approved by the council on June 20, 2016, is hereby adopted and established as the Continuing Professional Development Program of the Association.</p> <p>Except as detailed in the Continuing Professional Development Program, practitioners must, in addition to maintaining competency in their field of practice through continuing professional development as per the Code of Ethics, record and report professional development activity as prescribed by the association's Continuing Professional Development Program. Any Failure to maintain activities as prescribed by the Association's Continuing Professional Development Program may constitute professional misconduct and may be reported to the Investigation Committee.</p>	<p>To include specified scope of practice licensees in the ProDev Program. The new date reflects the change to the Professional Development Reporting Program Guideline, which was updated to also include specified scope of practice licensees.</p> <p>The term 'practitioners' includes Holders of Certificates of Authorization, Retired Members, Members on Leave, and Interns but they are explicitly excluded in the updated ProDev Guideline.</p>

APPENDIX A

Continuing Professional Development Program approved by Council on June 20, 2016

(begins on following page)

Continuing Professional Development Program

| Approved by Council 2016-06-20

PREAMBLE

The following document describes Engineers Geoscientists Manitoba's Continuing Professional Development Program. The program is considered to be consistent with Engineers Canada's Guideline for Continuing Professional Development, as well as existing Continuing Professional Development Programs in other Jurisdictions in Canada. Practitioners have always had an obligation to maintain competency in their field of practice through continuing professional development. From 2004 to 2011, this requirement was confirmed through a declaration of competency that accompanied the annual registration process. Since 2012, the program described in this document has required the reporting of continuing professional development activities.

1 INTRODUCTION

1.1 Professional Development in a Changing Professional Context

In the interests of protecting the health, safety and welfare of the public, it is essential for professionals to engage in lifelong learning. Society's expectations continuously change, and currently the public is demanding greater accountability from professionals.

The *Engineering and Geoscientific Professions Act (the Act)* states that the Association:

12 (1) (j)“... may make, vary or revoke by-laws ... respecting the establishment and maintenance of standards of professional practice and of continuing professional development programs for members, temporary licensees, engineering interns, geoscience interns and specified scope of practice licensees”

and

12 (1) (k)“... may make, vary or revoke by-laws ...respecting the establishment of procedures for monitoring participation in continuing professional development programs by members, temporary licensees, engineering interns, geoscience interns and specified scope of practice licensees”

In addition, the Act provides the following:

Meaning of "continuing professional development requirements"

12.1(1) In this section, "continuing professional development requirements" means the requirements of a continuing professional development program established in accordance with the by-laws.

Compliance and recordkeeping

12.1(2) A member, temporary licensee or specified scope of practice licensee must, in accordance with this section and the requirements established under the by-laws,

(a) comply with the continuing professional development requirements that apply to him or her; and

(b) make and maintain records setting out the details of his or her participation in continuing professional development.

Registrar may require record

12.1(3) The registrar may require a member, temporary licensee or specified scope of practice licensee to provide to the registrar a copy of the records of his or her participation in continuing professional development for any period the registrar specifies.

Record to be provided without delay

12.1(4) A person who is required to provide a copy of a record under subsection (3) must provide it without delay after being informed of the requirement by the registrar.

Suspension for non-compliance

12.2(1) Subject to subsection (2), the council may direct the registrar to suspend the certificate of registration, temporary licence or specified scope of practice licence of anyone who fails to comply with a requirement of section 12.1.

Notice of non-compliance

12.2(2) The registrar must give the person notice that the person's certificate of registration, temporary licence or specified scope of practice licence will be suspended without further notice if the person does not comply with section 12.1 within the notice period consisting of 30 days after the day the notice is given or any longer period that the council permits.

Suspension by registrar

12.2(3) If the person's non-compliance continues after the expiration of the notice period described in subsection (2), the registrar may

(a) suspend the certificate of registration, temporary licence or specified scope of practice licence without further notice; and

(b) cancel the suspension once the registrar is satisfied that the person has complied.

Mandatory continuing professional development (CPD) is common in many professions. In most provinces, the engineering and geoscience regulatory organizations have moved towards mandatory requirements. In some instances, self-regulated professions have had acts enforced in their province that override their own act.

Maintaining autonomy as a self-regulated profession requires proactive measures on the part of the Association to ensure that the public is confident that it is being protected. This continuing competency program achieves this goal.

Engineers Geoscientists Manitoba's continuing competency program, which at present consists of continuing professional development, establishes a continual process and a minimum benchmark of effort. The minimum requirements may not be adequate to maintain or increase competence, so it is up to you to assess your own needs and to plan appropriately.

Recognizing the diversity of Engineers Geoscientists Manitoba's members, the Program provides the flexibility for you to undertake activities that provide the greatest benefit to you in the practice of your profession.

1.2 Application

This program applies to all Practitioners except for the following:

- Holders of certificates of authorization (partnerships, corporations),
- Retired Members,
- Members On Leave,
- Life Members, and
- Interns.

Honorary Life Members who declare themselves as retired from the practice of professional engineering and professional geoscience are also exempted from this program.

If you are newly registered as a professional member or licensee, the requirement to engage in professional development activities begins on the January 1 following the date of your registration.

1.3 Continuing Competency Committee

In accordance with by-law 4.5.3, the Continuing Competency Committee (CCC) is a committee of council, whose composition, rights, purpose, and scope are defined by Council in the Continuing Competency Committee Terms of Reference.

1.4 Interpretation

There are several instances where the Continuing Competency Committee will make interpretations of this Program. In some instances, a member or licensee may request said interpretation while in others the Continuing Competency Committee will determine that their interpretation should be given. These interpretations include, but are not limited to,

- Classification of an activity into a particular category,
- Acceptance of employment activities as Professional Practice, and
- Approval/denial for abatement.

All interpretations made by the CCC shall be published for reference by the membership.

In instances where a [member or licensee](#) has already participated in a CPD activity, and the CCC subsequently interprets the activity as being inappropriate, the activity shall count towards the target of this program. However, once an interpretation is given by the CCC, [members and licensees](#) should not submit reports that contradict this interpretation.

A [member or licensee](#) who is not satisfied with an interpretation given by the CCC may provide a written request for reconsideration. In the reconsideration the CCC may make enquiries with other resources. Any new interpretation is sent forward to the member and published for reference by the membership. If an item has not been resolved through re-interpretation, the [Member or licensee](#) may request advice, in accordance with By-law 15.2.9.

1.5 Modifications

This Program has been brought into force by the by-laws of the Association. It will remain in force until a by-law change is made that adopts a replacement Program. If a revised program is adopted in the future, the targets of this Program shall be applied to the portion of a reporting period that includes the year that the new Program is approved and any previous years.

2 ABATEMENT/EXEMPTION FROM THE PROGRAM

2.1 Application for an Abatement

2.1.1 Conditions

If you file an application to the Continuing Competency Committee, it may grant you an abatement of the requirements of the Program in the form of reduced number of minimum PDHs required. You may also be granted a temporary exemption from the program. In either scenario, the Continuing Competency Committee may place restrictions on your right to practise. At all times you may continue to use your professional designation, [or licensee designation](#) since you are still [a member or a licensee](#) and remain bound by the Act, By-Laws and Code of Ethics. If you are granted abatement from the program, you may not act as a Responsible Member for an [Engineers Geoscientists Manitoba](#) Certificate of Authorization.

If your work meets the legal definition of engineering or geoscience, or if you have technical influence over the professions, you are considered to be engaged in the practice and cannot be exempted. The legal definitions of the practices of engineering and geoscience appear in Article 1 of the Act, as well as on the Application for Abatement of the Continuing Competency Program. If you continue to influence the practice of engineering or geoscience in a broader sense, you may apply for abatement, but you are encouraged not to. You may continue to submit [Continuing Professional Development \(CPD\)](#) hours if you intend to resume practice. The period for which the abatement is effective will be determined by the Continuing Competency Committee.

2.1.2 Resuming Unrestricted Practice

If you

- have been granted abatement and intend to resume unrestricted practice, or
- are a Retired Member [or Member On Leave](#) and intend to become a Practising Member, you must immediately notify the Registrar and submit an Application for Resumption of Practice to the Continuing Competency Committee. On considering the application, the Continuing Competency Committee may advise you to comply with certain conditions that it might determine necessary prior to resuming unrestricted practice. When you have received the

Committee's acceptance to resume active practice, you are required to engage in professional development activities beginning on your resumption date.

If you have been exempted from the program for two years or less, there are no conditions to be met. However, you will be required to meet the minimum 240 hours in three years including the exempted period, unless the CCC advises you otherwise.

If you have been registered in another jurisdiction with a mandatory CPD program during the time when an exemption or abatement is in effect, there are also no conditions, regardless of the length of time you have been exempt. In any case, you are still required to notify [Engineers Geoscientists Manitoba](#) as noted above.

2.2 Participation in another CPD Program

If you are currently registered in another province or territory with a mandatory CPD program and are reporting your Continuing Professional Development to that province's association, you may make a declaration stating that you will adhere to that program. If you make such declaration, you are exempt from the requirements of the Program. An exemption created by a declaration stating compliance with another program is effective for the Calendar year in which it was submitted, but may be renewed for additional yearly periods. To continue the exemption, you must submit a new declaration annually.

3 THE RECORDING/REPORTING PROCESS

A successful plan for continuing professional development should consider your scope of practice and duties, your current level of knowledge and skills, your short term needs and objectives, as well as long range plans. You should select meaningful activities that will be of benefit to your practice. They should have a clear purpose and objective that will maintain, improve or expand the skills or knowledge in pursuit of your chosen field.

3.1 CPD Requirements

To meet the requirements of the Continuing Professional Development (CPD) Program, you are required to:

1. maintain a detailed record of CPD activities,
2. report the summary of your CPD hours, and
3. submit the detailed activity record on request.

3.2 Recording Activities

You are required to maintain a detailed record of your professional development activities. For maintaining this record manually, The Detailed Activity Record spreadsheet may be helpful.

Several examples are made available. You must retain them for at least three years.

Your detailed activity record must include the following information:

- the date(s) the activity occurred
- a description/title of the activity
- the organizer/provider of the activity (if applicable)
- the CPD category in which the activity belongs
- the number of Professional Development Hours (PDHs) you claimed for the activity

3.3 Reporting

Reporting may be done using the on-line forms or using manual forms. In either case a complete summary of Continuing Professional Development must be submitted by the end of the Calendar year.

3.4 Verifying the CPD Activities

[Engineers Geoscientists Manitoba's](#) Continuing Competency Committee is responsible for administering the Continuing Professional Development program. It may ask to review your professional development activities in detail. In that regard, you should retain documents to verify attendance at courses, seminars, etc. in case you are asked to produce those.

In the event of a review, you will be asked to submit your Detailed Activity Records for the previous three years. The detailed information should match the categories and hours you claimed in the CPD Reporting you had submitted previously.

You will be advised as to the outcome of the review, whether your activities comply with the requirements of the program, or whether some modification is necessary, or whether the Continuing Competency Committee will refer the matter to the Investigation Committee.

4 MINIMUM REQUIREMENTS

4.1 Numerical & Diversity Requirements

A credible program must define minimum levels of effort. The unit of measure for this effort is a Professional Development Hour (PDH). There is flexibility in terms of the number of professional development categories and the period over which the minimum may be attained. The requirements are as follows:

- You must maintain a total of at least 240 PDHs over three years,
- You must include activities in at least three of the six categories in each calendar year, and
- You can not claim more than the maximum PDHs allowed in each category.

4.2 Categories

The following are the six categories in which you may earn credit for professional development:

- Professional Practice
- Formal Activity
- Informal Activity
- Participation
- Presentations
- Contributions to Knowledge

4.2.1 Professional Practise

Active professional practise is a significant factor in maintaining and improving your skills, either where you are actually practising according to the legal definition or “influencing” the practice of the professions. “Influencing” means having some effect on how the professions are practised without necessarily performing technical work.

15 hours of work equals one PDH.

A maximum of 150 PDHs over a three year period may be claimed in this category.

4.2.2 Formal Activity

You should strive to include some formal activities in your continuing professional development program. Formal activities are often for academic credit and may include an evaluation process. Where there is no evaluation, credit may be claimed in this category for activities that are over half a day in length. For example, formal activities include:

- professional development programs, courses and seminars
- courses offered by universities, technical institutes, colleges, suppliers, employers or technical societies
- courses offered in traditional classroom settings, by correspondence, by video or online

Each hour of course attendance equals one PDH.

One CEU (for courses offering Continuing Education Units) equals 10 PDHs

A maximum of 90 PDHs over a three year period may be claimed in this category.

4.2.3 Informal Activity

Informal activities are usually shorter in duration and do not involve any evaluation, but nevertheless expand your knowledge, skills and judgment. They include:

- self-directed study
- attendance at conferences and industry trade shows
- seminars, technical presentations, talks and workshops (if half a day or less)
- attendance at meetings of technical, professional or managerial associations or societies
- structured discussion of technical or professional issues with one's peers

Each hour of informal activity equals one PDH.

A maximum of 90 PDHs over a three year period may be claimed in this category.

4.2.4 Participation

Activities that promote peer interaction and provide exposure to new ideas and technologies both enhance the profession and serve the public interest. These activities include:

- serving on [Engineers Geoscientists Manitoba's](#) Council or as a member of an [Engineers Geoscientists Manitoba](#) committee#
- appointment as a mentor to a Member-in-Training, less experienced professional member or technologist
- service on public bodies that draw on professional expertise (i.e. planning boards, development appeal boards, investigative commissions, review panels or community building committees)
- service on standing or ad-hoc committees of a technical or professional nature or managerial associations and societies
- activities that contribute to the community which require professional and ethical behaviour, but not necessarily the application of technical knowledge – including active service for charitable, community, religious or service organizations, coaching league sports teams, or elected public service on municipal, provincial or federal levels or school boards.

Each hour of participation activity equals one PDH.
 A maximum of 60 PDHs over a three year period may be claimed in this category.

4.2.5 Presentations

Eligible presentations are those of a technical or professional nature that are discretionary, that is, outside your normal job functions. Presentations might occur:

- at a conference, meeting, course, workshop or seminar
- either within a company or at an event sponsored by a technical or professional organization.

Multiple deliveries of the same presentation count for only one presentation.

Each hour of preparation and delivery earns one PDH.

A maximum of 60 PDHs over a three year period may be claimed in this category.

4.2.6 Contributions to Knowledge

Activities which expand or develop the technical knowledge base in the professions are recognized. Contributions may include:

- Development of published codes and standards
- Patents
- Publication of papers in a peer-reviewed technical journal
- A thesis at the Masters or Ph.D. level
- Publication of a book
- Publication of articles in non-reviewed journals or an internal company report
- Reviewing articles for publication
- Editing papers for publication

Each hour of preparation or development equals one PDH

A maximum of 90 PDHs over a three year period may be claimed in the Contributions to Knowledge category.

4.2.7 Summary

Category	Hours	Maximum Over a 3 Year Period
Professional Practice	15 hours = 1 PDH	150 PDHs
Formal Activity	1 hour = 1 PDH 1 CEU = 10 PDHs	90 PDHs
Informal Activity	1 hour = 1 PDH	90 PDHs
Participation	1 hour = 1 PDH	60 PDHs
Presentations	1 hour = 1 PDH	60 PDHs
Contributions to Knowledge	1 hour = 1 PDH	90 PDHs

4.3 **Members and Licensees** in Management Positions

As noted in section 2, if your work does not fall within the legal definitions of engineering or geoscience and you do not have influence over the professions, you can still maintain your registration. One option is to apply for abatement from the CPD program. Another option is to enter the Retired Member or Member On Leave category and be exempted from the requirements of the CPD program.

If your work does fall within those definitions and you are influencing the profession, you are considered to be engaged in professional practice and cannot be exempted.

There are a number of non-technical professional development activities that can qualify for the required minimum of 240 professional development hours (PDHs).

Firstly, 50 of those PDHs per year would come from your everyday job function. The balance of the 30 PDHs could conceivably come from activities in which you already engage, including formal and informal activities, participation and presentations. For example, if you attend conferences, workshops, meetings of managerial or professional organizations (including Engineers Geoscientists Manitoba) or if you engage in self-study such as reviewing journals pertinent to your job, you can claim those hours under the “informal” category. If you serve on public boards or committees, or on committees of professional or managerial societies, or if you mentor less-experienced professional members, those hours qualify under the “participation” category.

If you prepare and give presentations outside your normal job function at meetings, workshops or seminars, either within or outside your firm, such time qualifies for the “presentation” category. There are also activities such as industry or institutional courses that exceed a half-day in length which would count as “formal” PDHs. Development of published codes or standards, publishing or reviewing or editing articles for publication can be claimed as “contributions to knowledge.”

4.4 **Members and Licensees** on Dues Relief

If you are a member or licensee who is unemployed, ill or disabled, on parental leave or enrolled in certain full-time educational programs, you may have applied for and been granted dues relief. Unless you have filed for application for abatement from the CPD Program and have been granted special consideration by the Continuing Competency Committee you still have an obligation to comply with the CPD program.

5 ROLE OF THE EMPLOYER

Engineers Geoscientists Manitoba encourages employers to support the continuing professional development efforts of their member employees. Discuss your professional development objectives with your employer or mentor. Through discussion and mutual agreement, you and your employer can decide on professional development activities and the type and level of employer support.

Among other things, employer support can include:

- consultation during development of your program
- provision of learning opportunities
- assistance in developing job expectations and responsibilities
- periodic review of your performance and progress
- assistance in documenting activities and levels of effort through company performance management systems
- financial support of activities

- release time to participate in activities.

Ultimately, however, the responsibility for continuing professional development and maintaining competency rests with you.

6 CONSEQUENCES OF NON-COMPLIANCE

In accordance with the provisions of Part 4.1 of the *Engineering and Geoscientific Professions Act*, failure to report continuing professional development activities in a timely manner may result in an administrative suspension.

In addition, the By-laws provide that if you do not satisfy the CCC that you are complying with these program requirements, it may be considered professional misconduct and the matter may be referred to the Investigation Committee.

7 FURTHER INFORMATION

If you have specific questions about the Continuing Professional Development program, please contact the following:

Engineers Geoscientists Manitoba's Director of Professional Standards