



2024 By-law Proposals

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Proposal 1 - By-law 1.1 Definition of an Officer

By-law 5.1(a) states:

5.1 Officers

- a) The officers of the association shall be that of president, vice-president, past president, secretary, registrar, and if so determined by the council, a CEO.
- b) The council shall appoint a secretary and registrar and if so determined by the council, a CEO.
- c) The council may also appoint or elect, as applicable, such other officers of the association as the council may determine.
- d) One person may hold more than one office.
- e) Subject to these by-laws and the Act, the council may specify in writing the duties of, and delegate to, such officers such powers as it may deem appropriate.
- f) An officer appointed by the council holds office until the officer's successor is elected or appointed, however, the council may remove any of the secretary, registrar, or CEO without prejudice to that officer's rights under any employment contract.

The definition of "officer" currently references only part (a) of 5.1, but part (c) allows for the council to appoint or elect additional officers. The change in the by-law ensures that all officers are covered by the definition.

Current Wording	Proposed Wording
"officer" means a person holding one of the offices listed in 5.1(a) of these by-laws.	"officer" means a person holding one of the offices listed in 5.1 (a) of these by-laws.

Proposal 2 – By-law 4.19 Chair’s Participation

Meetings of Council follow the procedures of Robert’s Rules of Order. Robert’s Rules state that “If the presiding officer is a member of the assembly or voting body, [they have] the same voting right as any other member...” (Robert’s Rules of Order Newly Revised 12th ed., §4:56).

The proposed change will ensure that the chair can still exercise their rights as a voting member. The conduct for business for Annual General Meetings and Special Meetings is still covered by By-law 13.8.

Current Wording	Proposed Wording
<p>14.19 Chair’s Participation</p> <p>If the chair wishes to enter into any discussion, the chair must relinquish the chair for the duration of such discussion. The chair of a council meeting shall not vote on any motion before the council except in the case of a tie vote, in which case the chair shall cast the deciding vote.</p>	<p>14.19 Chair’s Participation</p> <p>If the chair wishes to enter into any discussion, the chair must relinquish the chair for the duration of such discussion. The chair of a council meeting shall not vote on any motion before the council except in the case of a tie vote, in which case the chair shall cast the deciding vote.</p> <p><u>The chair of a meeting of the council may enter into any discussion and vote on any motion without relinquishing the position of chair.</u></p>

Proposal 3 - By-law 9.1.3 Senior Members

This change means that a member can enter the Senior Member category regardless of how many hours they are working, provided that they meet all other criteria. Senior members will make a declaration during the renewal period and, if they are working less than 300 hours as defined by the by-laws, they will not pay member dues.

Current Wording	Proposed Wording
<p>(a) To be recognized as a senior member, a professional member shall:</p> <ul style="list-style-type: none"> (i) apply to the registrar in writing, requesting to be a senior member; (ii) confirm to the registrar in writing that they are no longer receiving remuneration on a full time or regular basis in the practice of professional engineering and/or professional geoscience, as applicable; (iii) be in good standing (as provided for by the by-laws of the association); and (iv) in the case of a professional engineer, have been registered as a professional member of the association, or as a member of one of the constituent associations of Engineers Canada, for a period of not less than thirty (30) years, or in the case of a professional geoscientist, have practiced or been registered as a professional member of the association for a period of not less than thirty (30) years; <p>(b) Once the conditions provided for in (a) have been met to the satisfaction of the registrar, the applicant shall:</p> <ul style="list-style-type: none"> (i) have their status updated to that of a senior member in the register; (ii) be required to record and report professional development activities with reduced targets, as prescribed by policy set by council; 	<p>(a) To be recognized as a senior member, a professional member shall:</p> <ul style="list-style-type: none"> (i) apply to the registrar in writing, requesting to be a senior member; (ii) confirm to the registrar in writing that they are no longer receiving remuneration on a full time or regular basis in the practice of professional engineering and/or professional geoscience, as applicable; (iii) be in good standing (as provided for by the by-laws of the association); and (iv) in the case of a professional engineer, have been registered as a professional member of the association, or as a member of one of the constituent associations of Engineers Canada, for a period of not less than thirty (30) years, or in the case of a professional geoscientist, have practiced or been registered as a professional member of the association for a period of not less than thirty (30) years; <p>(b) Once the conditions provided for in (a) have been met to the satisfaction of the registrar, the applicant shall:</p> <ul style="list-style-type: none"> (i) have their status updated to that of a senior member in the register; (ii) be required to record and report professional development activities with reduced targets, as prescribed by policy set by council;

<p>(iii) have all of the rights, responsibilities, and privileges conferred upon a professional engineer and/or a professional geoscientist, as applicable, provided for in the Act and these by-laws;</p> <p>(iv) continue to adhere to and abide by all requirements provided for in the Act, these by-laws, and the Code of Ethics;</p> <p>(v) be permitted to clearly identify themselves as “P.Eng.(SM)” and/or “P.Geo.(SM)” on any correspondence prepared or document issued by the senior member in their capacity as a professional engineer and/or professional geoscientist, as applicable.</p> <p>(c) Where a senior member provides annual written confirmation to the association that they are not receiving remuneration on a full time or regular basis in the practice of professional engineering and/or professional geoscience, as applicable, the senior member shall not be required to pay annual dues for that year.</p>	<p>(iii) have all of the rights, responsibilities, and privileges conferred upon a professional engineer and/or a professional geoscientist, as applicable, provided for in the Act and these by-laws;</p> <p>(iv) continue to adhere to and abide by all requirements provided for in the Act, these by-laws, and the Code of Ethics;</p> <p>(v) be permitted to clearly identify themselves as “P.Eng.(SM)” and/or “P.Geo.(SM)” on any correspondence prepared or document issued by the senior member in their capacity as a professional engineer and/or professional geoscientist, as applicable.</p> <p>(c) Where a senior member provides annual written confirmation to the association that they are not receiving remuneration on a full time or regular basis in the practice of professional engineering and/or professional geoscience, as applicable, <u>have not, for remuneration, engaged in the practice of professional engineering and/or professional geoscience, as applicable, for more than 300 hours over the course of the preceding 12 months,</u> the senior member shall not be required to pay annual dues for that year.</p>
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Proposal 4 – By-law 10.1 Dues and Fees

Part (iv) of By-law 10.1 refers to fees relating to late payments as well as professional liability insurance. The by-law change reflects the actual practices of the Association, as Engineers Geoscientists Manitoba does not personally administer professional liability insurance. Instead, the fees collected are used towards a National Secondary Professional Liability Insurance program, which is managed by Engineers Canada on behalf of the Association.

Current Wording	Proposed Wording
<p>By-law 10.1 Dues and Fees</p> <p>...</p> <p>(b) Without limiting the generality of the foregoing, by resolution the council may set and/or impose:</p> <p>...</p> <p>(iv) fees relating to the late payment of any fees or dues owing to the association and professional liability insurance.</p>	<p>By-law 10.1 Dues and Fees</p> <p>...</p> <p>(b) Without limiting the generality of the foregoing, by resolution the council may set and/or impose:</p> <p>...</p> <p>(iv) fees relating to the late payment of any fees or dues owing to the association and professional liability insurance; <u>and</u></p> <p><u>(v) fees relating to any program providing professional liability insurance to any or all members, interns or licensees that the association may, in the discretion of council, participate in.</u></p>

Proposal 5 – By-law 15.7.2 Access to a Professional Members Disciplinary File

In 2023, changes were made to *The Engineering and Geoscientific Professions Act* which introduced a new Appeal Committee. This committee now hears appeals of the Discipline Committee and Registration Committee (previously these appeals were heard by Council).

The proposed change to the by-law will allow to Appeal Committee to access a member’s disciplinary file only while performing the Appeal Committee’s duties.

Current Wording	Proposed Wording
<p>15.7.2</p> <p>No person shall access an intern or professional member’s disciplinary file excepting the registrar, a councillor, a member of the investigation committee, discipline committee, registration committee and their respective legal counsel, in each case only for purpose of performing such person’s or committee’s function under the Act and these by-laws.</p>	<p>15.7.2</p> <p>No person shall access an intern or professional member’s disciplinary file excepting the registrar, a councillor, a member of the investigation committee, discipline committee, registration committee, <u>appeal committee</u> and their respective legal counsel, in each case only for purpose of performing such person’s or committee’s function under the Act and these by-laws.</p>

Proposal 6 – By-law 18.2 Liability Insurance Requirements Professional Members, Temporary Licensees, and SSPL

Currently, a professional member, temporary licensee, or specified scope of practice licensee (SSPL) has the option to either hold professional liability insurance or to notify each client that they do not maintain any professional liability insurance. To better protect the public, clients, and practitioners, this proposed change to the by-laws would ensure that all professional members, temporary licensees, or SSPL who are practising individually hold some form of professional liability insurance.

Practitioners will have until the end of 2025 to comply with the new requirements, and will need to annually declare their compliance during their membership renewal. After that grace period, Professional Members, Temporary Licensees, and Specified Scope of Practice Licensees will be required to hold the same insurance as CoA holders, the details of which are set by Council.

Current Wording	Proposed Wording
<p>18.2 Professional Members, Temporary Licensees, and Specified Scope of Practice Licensees</p> <p>(a) Prior to engaging in the practice of professional engineering and/or professional geoscience in the Province of Manitoba, each professional member, temporary licensee, and specified scope of practice licensee shall:</p> <p style="padding-left: 40px;">(i) have professional liability insurance coverage, either by virtue of an insurance policy issued in the name of the professional member, temporary licensee, or specified scope of practice licensee, or his or her employer; or</p> <p style="padding-left: 40px;">(ii) notify each client that he or she does not maintain any professional liability insurance coverage.</p> <p>(b) If clause (i) above applies, each professional member, temporary licensee, or specified scope of practice licensee shall, no later than 10 days from the date of notification of any change to his or her status</p>	<p>18.2 Professional Members, Temporary Licensees, and Specified Scope of Practice Licensees</p> <p>(a) Prior to engaging in the practice of professional engineering and/or professional geoscience in the Province of Manitoba, each professional member, temporary licensee, and specified scope of practice licensee shall:</p> <p style="padding-left: 40px;">(i) have professional liability insurance coverage by virtue of an insurance policy issued in the name of the professional member, temporary licensee, or specified scope of practice licensee, or his or her employer; or</p> <p style="padding-left: 40px;">(ii) notify each client that he or she does not maintain any professional liability insurance coverage.</p> <p>(b) If clause (i) above applies, eEach professional member, temporary licensee, or specified scope of practice licensee shall, no later than 10 days from the date of notification of any change to his or her status</p>

<p>as an insured or the scope of insurance coverage, notify each current client of same.</p> <p>(c) If clause (i) above does not apply, prior to engaging in the practice of professional engineering and/or professional geoscience, the professional member, temporary licensee, or specified scope of practice licensee shall receive and maintain in his or her records a copy of each written authority so received from each client, pursuant to clause (ii) above, authorizing the delivery of services without professional liability insurance coverage.</p>	<p>as an insured or the scope of insurance coverage, notify each current client of same.</p> <p>(c) If clause (i) above does not apply, prior to engaging in the practice of professional engineering and/or professional geoscience, the professional member, temporary licensee, or specified scope of practice licensee shall receive and maintain in his or her records a copy of each written authority so received from each client, pursuant to clause (ii) above, authorizing the delivery of services without professional liability insurance coverage.</p>
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Proposal 7 – By-law 19.2 – Paying Panel Members for Long Disciplinary Hearings

Occasionally matters of the Discipline Committee (DC) and the Appeal Committee (AC) must proceed to a hearing. Hearings can last multiple days, depending on the complexity of the case. For each hearing, a panel is appointed that consists of both professional members and at least one layperson (meaning an individual who is not and never has been a member, licensee, engineering intern or geoscience intern), who are tasked with attending these multi-day hearings.

Currently, as outlined by By-law 19.2, the only individuals that are allowed to receive any sort of honorarium for committee work are appointed Councillors and laypersons. The proposed addition to the by-law would allow for any DC or AC member to be paid an honorarium and to have their travel expenses covered while they are participating in a hearing, in accordance with Association policy.

The proposed policy can be found below the proposed wording.

Current Wording	Proposed Wording
<p>19.2 Salary and Honorarium</p> <p>a) No practitioner serving as an elected councillor, officer, and/or committee member, as applicable, shall receive a salary or honorarium for such service.</p> <p>b) The amount of any honorarium to be paid to appointed councillors and persons who are not practitioners that are appointed to a committee shall be in accordance with the association’s published policies.</p>	<p>19.2 Salary and Honorarium</p> <p>a) No practitioner serving as an elected councillor, officer, and/or committee member, as applicable, shall receive a salary or honorarium for such service.</p> <p>b) The amount of any honorarium to be paid to appointed councillors and persons who are not practitioners that are appointed to a committee shall be in accordance with the association’s published policies.</p> <p>c) <u>The Council may authorize or provide for:</u></p> <p style="padding-left: 20px;">i. <u>payment of reasonable travel or other expenses incurred by members of the discipline committee or appeal committee;</u> <u>and</u></p> <p style="padding-left: 20px;">ii. <u>payment of an honorarium to members of the discipline committee and appeal committee;</u></p> <p><u>relating to a hearing by the discipline committee held under Section 39(1) of the Act and these by-laws, or a hearing of the appeal committee held under Section 55.1(3) of the Act and these by-laws.</u></p>

Current Wording	Proposed Wording
	<p><u>The amount of any honorarium to be paid to the members of a panel of the discipline committee or appeal committee under this by-law shall be in accordance with the association's policies.</u></p>

If the above by-law proposal passes, the following will be modified in the Engineers Geoscientists Manitoba Council Policy: as well as:

GP-8.4 Discipline Committee Terms of Reference

5 Honoraria

- 5.1 Lay members serving on the Discipline Committee may claim an honorarium of \$250 per day (more than 3.5 hours) or \$125 per part day (of less than 3.5 hours). This honorarium will be paid for in person committee meetings and discipline panel hearings.
- 5.2 Members serving on the Discipline Committee may claim an honorarium of \$250 per day (more than 3.5 hours) or \$125 per part day (of less than 3.5 hours). This honorarium will be paid for discipline panel hearings.
- 5.3 Vehicle usage allowances shall be paid at the Manitoba Government per kilometer rate for the distance travelled by the normal route, round trip, to attend ~~meetings~~ hearings.

GP-8.17 Appeal Committee Terms of Reference

5 Honoraria

- 5.1 Lay members serving on the Appeal Committee may claim an honorarium of \$250 per day (more than 3.5 hours) or \$125 per part day (of less than 3.5 hours). This honorarium will be paid for in person committee meetings and appeal panel hearings.
- 5.2 Members serving on the Appeal Committee may claim an honorarium of \$250 per day (more than 3.5 hours) or \$125 per part day (of less than 3.5 hours). This honorarium will be paid for discipline panel hearings.
- 5.3 Vehicle usage allowances shall be paid at the Manitoba Government per kilometer rate for the distance travelled by the normal route, round trip, to attend ~~meetings~~ hearings.

Proposal 8 – By-law 19.2 – Salary for CEO and Registrar

Prior to the By-law re-write in 2018-2019, the by-laws stated:

*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.*

While the by-law was maintained in principle, the exception for Association employees was dropped. The proposed update ensures that an officer, such as the CEO and Registrar, who may be a practitioner, is allowed to be properly compensated.

Current Wording	Proposed Wording
<p>19.2 Salary and Honorarium</p> <p>a) No practitioner serving as an elected councillor, officer, and/or committee member, as applicable, shall receive a salary or honorarium for such service.</p> <p>b) The amount of any honorarium to be paid to appointed councillors and persons who are not practitioners that are appointed to a committee shall be in accordance with the association’s published policies.</p>	<p>19.2 Salary and Honorarium</p> <p>a) <u>With the exception of the CEO and Registrar of the association, and except as otherwise provided for within these by-laws, No</u> practitioner serving as an elected councillor, officer, and/or committee member, as applicable, shall receive a salary or honorarium for such service.</p> <p>b) The amount of any honorarium to be paid to appointed councillors and persons who are not practitioners that are appointed to a committee shall be in accordance with the association’s published policies.</p>

Proposal 9 – NEW – Minimum Time for Expert Reports

During hearings of the Discipline Committee (DC), both the Investigation Committee (IC) and the Investigated Person may introduce expert evidence. This evidence is critical to the hearing, and it is important that both parties can access and disseminate the evidence prior to the start of the hearing.

This by-law introduces timelines for the IC and the Investigated person to provide their expert reports to the other party, while still allowing some flexibility at the discretion of the DC.

Current Wording	Proposed Wording
N/A	<p><u>15.5.1.5 Unless otherwise agreed by the parties or directed by the discipline committee, if the investigation committee wishes to introduce expert evidence at a hearing, the investigation committee shall, no later than 30 days before the date of the hearing at which the expert evidence is to be introduced:</u></p> <ul style="list-style-type: none"> a) <u>serve the investigated person with a copy of any expert report or a summary of the anticipated evidence of the expert if no report has been produced; and</u> b) <u>serve the investigated person with a copy of the expert’s curriculum vitae, or if one is not available, a summary of the expert’s education, work history and professional qualifications.</u> <p><u>Unless otherwise agreed by the parties or directed by the discipline committee, if the investigated person wishes to introduce expert evidence at a hearing, the investigated person shall, no later than 15 days before the date of the hearing at which the expert evidence is to be introduced:</u></p> <ul style="list-style-type: none"> a) <u>serve the investigation committee with a copy of any expert report or a summary of the anticipated evidence of the expert if no report has been produced; and</u> b) <u>serve the investigation committee with a copy of the expert’s curriculum vitae, or if one is not available, a summary of the expert’s education, work history and professional qualifications.</u> <p><u>The discipline committee may, in its discretion, allow the introduction of expert evidence that is served outside of the aforementioned timelines, and may make any directions it considers necessary to ensure procedural fairness.</u></p>