

NEW – Paying Panel Members for Long Disciplinary Hearings

Occasionally hearings of the Discipline Committee require panel members to attend multi-day hearings. This by-law change allows for policy to be made to cover travel and other expenses and to provide an honorarium for said panel members.

Current Wording	Proposed Wording
N/A	<p><u>The Council may authorize or provide for:</u></p> <ul style="list-style-type: none"> a) <u>payment of reasonable travel or other expenses incurred by members of the discipline committee; and</u> b) <u>payment of an honorarium to members of the discipline committee;</u> <p><u>relating to a hearing by the discipline committee held under Section 39(1) of the Act and these by-laws.</u></p> <p><u>The amount of any honorarium to be paid to the members of a panel of the discipline committee under this by-law shall be in accordance with the association's policies.</u></p>

By-law 19.2 Salary and Honorarium

This change allows the CEO and Registrar, who historically has been a practitioner and an officer, to receive a salary. It also allows for other exceptions, such as that for Discipline Committee panel members attending multi-day hearings.

Current Wording	Proposed Wording
<p>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><u>With the exception of the CEO and Registrar of the association, and except as otherwise provided for within these by-laws,</u> No practitioner serving as an elected councillor, officer, and/or committee member, as applicable, shall receive a salary or honorarium for such service.</p>

By-law 10.1 Dues and Fees

This change reflects the actual practices of the Association.

Current Wording	Proposed Wording
<p>Without limiting the generality of the foregoing, by resolution the council may set and/or impose:</p> <p>(iv) fees relating to the late payment of any fees or dues owing to the association and professional liability insurance.</p>	<p>Without limiting the generality of the foregoing, by resolution the council may set and/or impose:</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>

NEW – Minimum Time for Expert Reports

This change ensures that expert evidence is received by all parties in a disciplinary hearing in a timely manner to prevent undue delays and adjournments.

Current Wording	Proposed Wording
N/A	<p><u>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>

By-law 1.1 Definition of an Officer

This change ensures that the definition of an officer includes all parts of By-law 5.1.

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.

Timing of By-law and Council Voting Periods

This change aligns the Council and By-law voting periods.

Current Wording	Proposed Wording
<p>4.4.1 Online vote timing</p> <p>Except as provided in 4.4.2, voting for elected councillors shall be conducted online through a secure portal. The voting period shall commence no earlier than 21 days before the annual general meeting and shall continue for not less than 15 days. The online voting system shall be audited in accordance with the election rules.</p>	<p>4.4.1 Online vote timing</p> <p>Except as provided in 4.4.2, voting for elected councillors shall be conducted online through a secure portal. The voting period shall commence no earlier than 21 days before the annual general meeting and shall continue for not less than 15 14 days. The online voting system shall be audited in accordance with the election rules.</p>
<p>4.4.2(c) Mail voting timing</p> <p>The voting period shall commence no earlier than 21 days before the annual general meeting and shall continue for not less than 15 days.</p>	<p>4.4.2(c) Mail voting timing</p> <p>The voting period shall commence no earlier than 21 days before the annual general meeting and shall continue for not less than 15 14 days.</p>

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 then they will not need to 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; 	<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;
(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;
(iv) continue to adhere to and abide by all requirements provided for in the Act, these by-laws, and the Code of Ethics;
(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.

(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.

(ii) be required to record and report professional development activities with reduced targets, as prescribed by policy set by council;
(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;
(iv) continue to adhere to and abide by all requirements provided for in the Act, these by-laws, and the Code of Ethics;
(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.

(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, 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,~~ the senior member shall not be required to pay annual dues for that year.

By-law 18.2 Professional Members, Temporary Licensees, and SSPL

This change removes the allowance for anyone engaging in the practice of professional engineering or geoscience in Manitoba to not hold professional liability insurance.

Current Wording	Proposed Wording
<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 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</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, 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 as an insured or the scope of insurance coverage, notify each current client of same.</p>

<p>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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By-law 15.7.2 Access to a Professional Member Disciplinary File

This change allows for the newly created Appeal Committee to have access to a member's disciplinary file.

Current Wording	Proposed Wording
<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>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>

By-law 4.19 Chair's Participation

This change allows for the chair's participation in discussion and voting, as per Robert's Rules of Order, in Council meetings. The conduct of business for Annual General Meetings and Special Meetings are still covered by By-law 13.8.

Current Wording	Proposed Wording
<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>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>