

ENFORCEMENT REVIEW COMMITTEE

Terms of Reference

Purpose: To obtain compliance with the reserved title and reserved practice provisions of *The Engineering, Geological and Geophysical Professions (EGGP) Act* through an active enforcement and information program.

I Program Goals

1. The engineering, geological and geophysical titles should be reliable signals to the public that the title user is a professional member of APEGGA.
2. Engineering, geological and geophysical services must be provided by professional members, licensees or permit holders of APEGGA or must be under the responsible supervision and control of professional members, licensees or permit holders of APEGGA.

II Committee Activities

1. To pursue title and practice violations in order to obtain compliance with the provisions of the EGGP Act.
2. To support an educational and information dissemination program which will make members and non-members aware of and comply with the EGGP Act.
3. To develop and revise as required for the approval of Council:
 - a) policy positions on enforcement;
 - b) definitions and clarifications relating to terms such as the practice of engineering, geology or geophysics.

III Structure and Operation

1. Membership will consist of no fewer than nine professional members appointed by Council. The membership shall include representation from the three professions. The Council shall designate one member of the Committee as Chair.
2. A member of the Committee may be appointed for a term of not more than three years and may be re-appointed.
3. A quorum of the Committee is the Chair and three of its members.
4. The Chair may designate a member of the Committee as vice-Chair who may exercise all the powers of the Chair in the absence of the Chair.
5. Council may delegate to the Committee matters respecting the enforcement of compliance with Part 1 of the Act and this regulation subject to the directions of Council.
6. The number of meetings per year will be at least three, or more frequently at the call of the chair.

Enforcement Review Committee

7. Method of Obtaining Compliance
 - a) Identify actual and suspected violations of the reserved title provision and/or reserved practice provision by:
 - (i) examining such sources as:
 - institutional use of titles
 - yellow page directories
 - industry registers and directories
 - government use of titles (federal, provincial, local)
 - advertisements
 - news items
 - (ii) responding to membership input regarding possible violations;
 - (iii) initiating and maintaining contact with regulatory bodies, etc.
 - b) Ascertain the facts of each suspected violation and decide whether case is valid.
 - c) Obtain resolution of the valid cases through communicating the requirements of the Act.
 - d) If unsuccessful in (c) prosecute by injunction or by referral to the Office of the Crown Prosecutor. If applicable, pursue a corporate name change pursuant to the terms and conditions of the *Business Corporations Act*.
8. Regular Reporting

Regularly report to Council through the office of the Executive Director with regard to:

 - the number and status of cases under investigation
 - recommendations for changes to policies and procedures for Council approval.

Modified September 2003 - removal of the requirement that there be a Council member on the ERC.
Approved by Council on September 11, 2003