

NAPEG

NORTHWEST TERRITORIES AND NUNAVUT
ASSOCIATION OF PROFESSIONAL
ENGINEERS AND GEOSCIENTISTS



Complaints Guideline

NORTHWEST TERRITORIES
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What the NAPEG Act says about complaints

*Section 32 of the Engineering and
Geoscience Professions Act, SNWT 2006,
c16, In force May 1, 2008;
SI-003-2008*

- (1) A person who wishes to make a complaint that an act or omission of a practitioner constitutes unprofessional conduct may file a complaint with the Executive Director.
- (2) For greater certainty, a practitioner, member of the Discipline Committee or Council member may file a complaint under subsection (1).
- (3) A complaint respecting the conduct of a practitioner who is no longer registered may be dealt with under this Part if it is filed under subsection (1) within two years after the day on which the practitioner ceased to be registered.
- (4) A complaint filed under subsection (1) must be in writing and must include the complainant's name and postal address.
- (5) The Executive Director shall transmit a copy of each complaint filed under subsection (1) to the Chairperson of the Discipline Committee.
- (6) If the Executive Director has evidence, in the absence of a complaint under subsection (1), that the conduct of a practitioner constitutes unprofessional conduct, the Executive Director shall file a written complaint with the Chairperson of the Discipline Committee.

- (7) On receiving a complaint filed under subsection (1) or (6), the Chairperson of the Discipline Committee shall give the practitioner notice, including a copy of the complaint.

*Section 28 (2) of the Engineering and
Geoscience Professions Act:*

For the purpose of this Part, “unprofessional conduct” includes conduct of a practitioner that

- (a) is detrimental to the best interests of the public;
- (b) contravenes a Code of Ethics established or adopted under the bylaws;
- (c) is detrimental to the standing of the profession; or
- (d) displays a lack of knowledge, skill or judgment in professional practice or in the carrying out of a duty or obligation undertaken in professional practice.

“Practitioner” means a registrant and a permit holder and a person who was formerly a registrant or a permit holder.

“Registrant” means a member, licensee or member-in-training.

A Complaint

- Must be in writing
- Addressed to NAPEG Executive Director
- Signed and include the complainant's name and address
- Name the practitioner complained against
- Provide a full description of the complaint

Complaints regarding registrants of NAPEG

Purpose

This document has been prepared for the information of anyone who may have a complaint regarding the conduct of a practitioner (Registrant or Permit Holder) of the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG).

It provides a summary of NAPEG's function with respect to the conduct of its practitioners and the procedures followed by NAPEG to investigate complaints and administer discipline.

Background

Under the *Engineering and Geoscience Act* of the Northwest Territories and the *Engineers and Geoscientists Act* of Nunavut, NAPEG has been given the responsibility to regulate the practices of professional engineering and professional geoscience and to govern the professions in accordance with the *Acts* and bylaws.

Further, NAPEG has been given the responsibility to establish and maintain standards of knowledge, skill, care and professional ethics among its members, members-in-training and licensees, in order that the interests of the public may be served and protected. One way that NAPEG fulfills its responsibility is through its power to discipline those who are guilty of unprofessional conduct.

Procedures to investigate complaints and decide on their outcome are stipulated by the *Acts*.

Complaint

Complaints are brought to the attention of NAPEG, in writing and addressed to the Executive Director, with a full description of the complaint and includes the signature, name and address of the complainant. The Executive Director transmits the complaint to the Chair of the Discipline Committee. The Chair of the Discipline Committee gives notice to the practitioner and includes a copy of the complaint.

Preliminary Investigation

An Investigative Committee (comprised of one or more members of the Discipline Committee) is appointed to conduct a preliminary investigation of the complaint. The practitioner is given at least 10 days notice that identifies the members of the Investigative Committee and indicating that a Preliminary Investigation will be conducted. The practitioner will be given reasonable opportunity to submit a written statement respecting the complaint. On completing the Preliminary Investigation, the Committee will (a) direct no further action if the complaint does not provide a basis for a finding of unprofessional conduct, (b) issue a reprimand to the practitioner; or (c) direct a Hearing be held in respect of the complaint.

Board of Inquiry

When NAPEG Council receives direction from an Investigative Committee or the Chair of the Discipline Committee to conduct a Hearing, Council appoints a Board of Inquiry consisting of three (3) members of Council. The Board of Inquiry gives the practitioner thirty (30) days notice, identifying the members of the Board, and indicating the time and place at which the Hearing will be held. Hearings must be held in public unless the Board orders that all or part of the Hearing be held in private.

The person who made the complaint will be given the opportunity to express their complaint at the Hearing. Hearings must be conducted in accordance with the Rules of Natural Justice.

The practitioner whose conduct is the subject of inquiry, and any other person the Board of Inquiry considers to have knowledge relevant to the Complaint, is a compellable witness. A witness at a Hearing may be examined on oath or affirmation on all matters relevant to the inquiry.

Decision

If the Board of Inquiry finds the practitioner not guilty of unprofessional conduct, the Board shall dismiss the complaint and give the practitioner and the complainant notice of the dismissal.

If the Board of Inquiry finds that the conduct under inquiry is unprofessional conduct and further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration, the Board may reprimand the practitioner.

If the Board of Inquiry finds the conduct under inquiry is unprofessional conduct and further finds that the conduct is of sufficient gravity or importance as to warrant suspension or termination of the practitioner's registration, the Board may suspend or terminate the practitioner's registration. The Board may order, as a condition of reinstatement, that the practitioner pass examinations, and pass a particular course of study or obtain experience satisfactory to the Board of Examiners. The Board of Inquiry may in addition to a reprimand or in addition to or in place of an order, require a practitioner to pay a fine and/or costs of the Hearing.

Appeal

Any finding or order by a Board of Inquiry may be appealed to the Supreme Court within thirty (30) days after service of the order has been effected.

Other Discipline Processes not a part of this Guideline

- **Alternative Dispute Resolution**
- **Extraterritorial Discipline**

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