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## **General Principles of Engineering Ethics & Statutes for Alberta Professional Engineers**

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Gilbert Gedeon, P.E.

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Continuing Education and Development, Inc.

P: (877) 322-5800  
[info@cedengineering.ca](mailto:info@cedengineering.ca)

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# Chapter 1

## Overview of Alberta Engineering Ethics, Laws and Rules

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### Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

### The Association of Professional Engineers and Geoscientists of Alberta

APEGA stands for the Association of Professional Engineers and Geoscientists of Alberta. Founded in 1920, it is the official regulatory and licensing body responsible for governing the practices of engineering and geoscience in the province of Alberta to protect public safety.

APEGA has the authority to implement the provisions of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11, as amended (the "Act"). Pertinent excerpts of the Act present the laws of professional conduct and responsibility for Alberta professional engineers, geoscientists, and engineering and geoscience firms. APEGA has also adopted a Code of Ethics in accordance with the Act for Alberta professional engineers, geoscientists, and members-in-training.

### APEGA Code of Ethics

The APEGA Code of Ethics is established through provincial legislation set by the Government of Alberta, but it is managed and enforced by APEGA. It presents a broader understanding of the code of professional conduct, responsibility and ethics. It is designed to provide the engineer with positive stimulus for ethical conduct as well as helpful guidance and advice concerning the primary and basic obligations of engineers.

All APEGA permit holders, licensed professionals, and members-in-training must adhere to a strict Code of Ethics. While all the rules of conduct are important, protecting the public interest is always paramount.

The code is founded on the core concepts of integrity, competence, dignity, and devotion to service, which must always guide professional conduct.

The Alberta Engineering Code of Ethics is presented in Chapter 2.

## **Engineering and Geoscience Professions Act**

The Government of Alberta uses self-governance to regulate the engineering and geoscience professions. This means that professional engineers and geoscientists, instead of a government organization, regulate the professions.

It is through the Engineering and Geoscience Professions (EGP) Act that the Association of Professional Engineers and Geoscientists of Alberta (APEGA) was created. APEGA is the regulator that makes sure engineering and geoscience professionals in Alberta carry out their work according to the requirements in the Act.

Selected provisions of the Engineering Profession Act and By-Laws that are most relevant to professional engineers are presented in Chapter 3 below.

## **Discipline Decisions & Orders**

APEGA members and permit holders are required to practise engineering and geoscience skilfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations. APEGA has the power to investigate complaints against members and permit holders, which is explained in Part 5 of the Engineering and Geoscience Professions Act.

Ensuring that members and permit holders are disciplined when they fail to meet these obligations is critical to APEGA's success as a regulator. Investigation and enforcement—followed by, when necessary, judgement based on a fair hearing of the facts—are requirements of ours in service to the public interest.

Recent discipline decisions and recommended discipline orders (formerly called stipulated orders) are published on this page. In some instances, names and other identifying information are removed as per the order.

Selected disciplinary case studies illustrating the application of the Engineering Profession Act and By-Laws are presented in Chapter 4 below.

# Chapter 2

## Alberta Code of Ethics

### **Code of Ethics (established pursuant to section 20(1)(k) of the Engineering and Geoscience Professions Act)**

*The following are from the Code of Ethics (established pursuant to section 20(1)(k) of the Engineering and Geoscience Professions Act). If you wish to review the complete Engineering and Geoscience Professions General Regulation, please visit the website of Association of Professional Engineers and Geoscientists of Alberta at:*

<https://www.apega.ca/about-apega/publications/engineering-and-geoscience-professions-act>

### **Preamble**

Professional engineers and geoscientists shall recognize that professional ethics is founded upon integrity, competence, dignity and devotion to service. This concept shall guide their conduct at all times.

### **Rules of Conduct**

1. Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.
2. Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.
3. Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.
4. Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.
5. Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.

## **Interpretation of Rules of Conduct**

The below paragraph helps with interpretation of the Rules of Conduct. Check chapter 4 for case studies that are based on real-life examples and recommended discipline orders.

### **Rule 1: Ethical Responsibilities to the Public and the Environment**

“Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.”

- **Prioritizing Public Health, Safety, and Welfare**

Engineers have a fundamental responsibility to place the health, safety, and welfare of the public above all other considerations. This duty also includes protecting the environment and minimizing risks arising from engineering activities. When the interests of employers or clients conflict with public welfare, engineers must communicate their concerns, recommend corrective action, and clearly explain the potential social and environmental consequences of professional decisions.

- **Serving the Public Interest**

Protecting the public interest requires engineers to safeguard life, health, property, and the environment through competent and ethical practice. Public interest extends beyond regulatory compliance and includes sustainability, community well-being, economic considerations, technological advancement, and the interests of future generations. Engineers should evaluate both the immediate and long-term impacts of their work and exercise professional judgment whenever existing standards or regulations do not adequately protect the public. Financial or organizational pressures must never compromise public safety or welfare.

- **Environmental Responsibility**

Engineers are expected to consider environmental impacts throughout the entire life cycle of a project rather than simply meeting minimum regulatory requirements. This includes protecting ecosystems, conserving natural resources, supporting sustainable development, and minimizing adverse environmental effects. Professionals should remain informed about environmental legislation and sustainability practices and consult qualified specialists whenever additional expertise is required.

- **Safe Workplaces**

Engineers are responsible for promoting workplaces that are physically and psychologically safe. This involves identifying hazards, assessing and mitigating risks, complying with occupational health and safety requirements, providing appropriate safety measures, and encouraging open communication. A positive workplace culture allows individuals to report hazards, concerns, or mistakes without fear of retaliation, improving safety, collaboration, and professional performance. Where serious risks remain unresolved, engineers should report them through the appropriate organizational or regulatory channels.

- **Whistleblowing**

When internal efforts fail to resolve serious threats to public safety or the environment, engineers have an ethical responsibility to report these risks to the appropriate authority. This obligation applies where there is potential for injury, environmental harm, or other significant public risks. Professionals who make such disclosures in good faith should be protected from retaliation.

- **Professional Leadership**

Professional leadership extends beyond formal management roles. Engineers are expected to demonstrate integrity, accountability, competence, and ethical decision-making while promoting collaboration, inclusion, and respect within their organizations. They should encourage knowledge sharing, support professional development, and foster an environment where ethical concerns can be raised openly. Effective leadership strengthens public confidence in the profession and improves the quality and safety of engineering practice.

- **Emerging Technologies**

As technology evolves, engineers must maintain competence in emerging technologies relevant to their field. They are responsible for evaluating the technical, ethical, environmental, and societal implications of these technologies and communicating associated risks and benefits to employers and clients. Where regulations or standards have not yet fully developed, engineers should apply sound professional judgment and due diligence to ensure that innovation continues to protect the public interest.

## **Rule 2: Professional Competence**

“Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.”

- **Competence and Knowledge**

Licensed professionals should only undertake work within their area of competence, based on their education, experience, knowledge, and professional judgment. While they are encouraged to develop new skills, they must be transparent about any limitations and address competency gaps before accepting assignments. They should also assess their own capabilities and seek qualified specialists when additional expertise is required.

- **Scope of Responsibility**

Before accepting an assignment, professionals should clearly define and document the scope of work, including responsibilities, deliverables, timelines, and procedures for handling scope changes. Any necessary services outside the agreed scope should be communicated to the client, and the required expertise should be accurately represented.

- **Presentation of Qualifications**

Professionals must represent their qualifications, experience, and professional titles truthfully in all forms of communication. Exaggerating credentials or misrepresenting expertise is inconsistent with ethical professional practice.

- **Providing Advice**

Engineering or geoscience advice should only be provided by practising licensed professionals and must be based on adequate knowledge, experience, and sound professional judgment. Professionals should avoid offering opinions outside their area of competence or using their professional designation to support unrelated views.

- **Authentication and Validation**

Licensed professionals may authenticate only work that falls within their area of competence and that they have prepared, supervised, or thoroughly reviewed. Authentication represents acceptance of professional responsibility and remains a

legal obligation regardless of contractual arrangements. Professionals cannot avoid accountability by including disclaimers or limitations in authenticated work.

- **Engaging Experts**

Professionals should recognize the limits of their expertise and engage qualified specialists whenever additional knowledge is required. The use of external expertise should follow applicable professional standards and serve the best interests of the public, employers, and clients.

- **Continuing Professional Competence**

Maintaining professional competence requires continuous learning, self-assessment, and participation in professional development activities. Engineers are expected to keep their knowledge and skills current to ensure competent, ethical, and effective practice throughout their careers.

### **Rule 3: Integrity, Honesty, Fairness, and Objectivity**

“Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.”

- **Practising the Professions**

Engineering professionals are expected to act with integrity, honesty, fairness, and objectivity in all aspects of their work. This includes reporting errors, communicating project risks, treating others respectfully, and making unbiased decisions. While considering the interests of employers and clients, professionals must always prioritize the public interest, comply with the Code of Ethics, and respect human rights.

- **Conflict of Interest**

Professionals should identify and disclose any actual, potential, or perceived conflicts of interest that could influence their judgment. Personal, financial, or business interests should not interfere with professional responsibilities, and gifts or benefits that may compromise independence should be avoided.

- **Bias in Professions**

Bias can affect professional judgment, decision-making, and workplace relationships. Engineers should recognize and address their own biases through self-awareness, continuous learning, and respectful collaboration to promote fairness, inclusion, and objective decision-making.

- **Expressing Opinions in Public**

When communicating professionally or publicly, engineers should clearly distinguish facts from opinions and identify whether they are speaking personally or on behalf of an organization. Professional opinions should be accurate, objective, and presented in language appropriate for both technical and non-technical audiences.

- **Maintaining and Disclosing Confidential Information**

Confidential information obtained through professional work must be protected and used only for its intended purpose. It may only be disclosed with the client's consent, when required by law, or when necessary to protect public safety. Where disclosure is required, only the essential information should be shared, and affected parties should be informed whenever appropriate.



- **Professional Recommendations**

Engineers should clearly explain the consequences of rejecting or overruling their professional recommendations. If disagreements remain unresolved and public safety may be at risk, they have an ethical duty to take appropriate action, including notifying the relevant authorities when necessary. Professionals should also remain open to constructive discussion and alternative viewpoints.

- **Compensation for Professional Services**

Professionals should receive fair compensation that reflects their expertise and responsibilities. They should compete ethically, avoid underbidding or providing unpaid services solely to obtain future work, and promote equitable compensation and equal opportunities for individuals performing comparable work.

#### **Rule 4: Statutes, Regulations, and Bylaws**

“Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.”

- **Being Aware of the Law**

Licensed professionals, permit holders, and members-in-training must understand and comply with the laws, regulations, and professional standards relevant to their practice. Since legal requirements differ across jurisdictions, professionals should remain informed of applicable legislation, regulatory requirements, and the consequences of non-compliance.

Professional practice is governed by the **Engineering and Geoscience Professions (EGP) Act**, the **General Regulation**, and the **Code of Ethics**. Only licensed professionals with practising status may provide professional engineering or geoscience services. In addition to these requirements, professionals should follow applicable practice standards and guidelines to ensure ethical and competent practice.

Professionals are also responsible for ensuring that all necessary permits, approvals, and authorizations are obtained before work begins. Where legal requirements are unclear or overlap, they should exercise professional judgment and seek guidance from qualified experts or regulatory authorities when necessary.

- **Making Employers and Clients Aware of the Law**

Engineers have a responsibility to help employers, clients, and those under their supervision understand and comply with applicable legal and regulatory requirements. When proposed activities conflict with legislation or professional obligations, they must advise the relevant parties and explain the legal requirements, including matters such as authentication, permits, approvals, and compliance with the **Engineering and Geoscience Professions Act**.

#### **Rule 5: Upholding Honour, Dignity, and Reputation of the Profession**

“Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions, and thus the ability of the professions to serve the public interest.”

- **Discrimination and Human Rights**

Engineering professionals must respect the dignity, rights, and diversity of others while complying with applicable human rights legislation. They are expected to treat all individuals fairly, avoid discrimination, and maintain the integrity and public

reputation of the profession through ethical and respectful conduct.

- **Reconciliation and the Professions**

Professionals should recognize the historical and ongoing impacts of engineering activities on Indigenous communities and support reconciliation through meaningful consultation, respect for Indigenous rights, and consideration of the social impacts of projects. Continuous learning on Indigenous issues is an important part of responsible professional practice.

- **Conduct Towards Others**

Engineers should interact with colleagues, clients, and employers with respect, fairness, and professionalism. They must acknowledge the contributions of others, avoid plagiarism, and communicate directly before questioning another professional's work or competence. Where serious concerns exist, they should report them through the appropriate professional channels.

- **Reviewing the Work of Others**

Reviews of another professional's work should be objective, fair, and based on complete information. Whenever possible, the original professional should be informed and given an opportunity to respond. Exceptions may apply where confidentiality or legal requirements prevent disclosure, but public safety must always take priority.

- **Off-Duty Conduct**

Professionals are expected to act responsibly both inside and outside the workplace. Personal conduct, including online behaviour, should not damage public confidence in the profession. Any criminal convictions or findings of professional misconduct must be reported as required.

- **Supervision**

Individuals who are not licensed to practise independently must work under the supervision of a licensed professional. Effective supervision includes mentoring, knowledge sharing, fair assignment of responsibilities, and supporting ongoing professional development to ensure competent and ethical practice.

- **Advertising and Marketing Professional Services**

Professional services should be promoted honestly, accurately, and without exaggeration. Advertising should avoid misleading claims, unfair comparisons, or misuse of professional titles and logos, while complying with applicable laws and maintaining the reputation of the profession.

# Chapter 3

## Selected Provisions of the Engineering And Geoscience Professions Act and By-Laws

### Engineering And Geoscience Professions Act (Current as of December 7, 2023) and By-Laws

*The following are excerpts from the Engineering Profession Act (Current as of December 7, 2023) and the By-Laws of the Association of Professional Engineers and Geoscientists of Alberta. If you wish to review the complete Engineering and Geoscience Professions Act and By-Laws, please visit the website of APEGA at:*

<https://www.apega.ca/about-apega/publications/engineering-and-geoscience-professions-act>

#### Definitions

1 In this Act,

(p) “permit holder” means a partnership or other association of persons or a corporation that holds a permit under this Act but does not include an ASET permit holder as defined in section 86.4;

(q) “practice of engineering” means

(i) reporting on, advising on, evaluating, designing, preparing plans and specifications for or directing the construction, technical inspection, maintenance or operation of any structure, work or process

(A) that is aimed at the discovery, development or utilization of matter, materials or energy or in any other way designed for the use and convenience of humans, and

(B) that requires in that reporting, advising, evaluating, designing, preparation or direction the professional application of the principles of mathematics, chemistry, physics or any related applied subject, or

(ii) teaching engineering at a university

(u) “profession” means the profession of engineering or geoscience, as the case may be;

(v) “professional engineer” means an individual who holds a certificate of registration to engage in the practice of engineering under this Act but does not include

(i) a professional licensee (engineering), or

(ii) a professional technologist as defined in section 86.4(m);

## **Part 1 Scope of Practice**

### **Exclusive scope of the practice of engineering**

2(1) Except as otherwise provided in this Act, no individual, corporation, partnership or other entity, except a professional engineer, a licensee so authorized in the licensee's licence, a permit holder so authorized in its permit or a certificate holder so authorized in the certificate holder's certificate, shall engage in the practice of engineering.

(2) No individual, corporation, partnership or other entity, shall engage in both the practice of engineering and the practice of architecture as defined in the Architects Act, or hold out that it is entitled to engage in both the practice of engineering and the practice of architecture unless it holds a certificate of authorization under this Act or the Architects Act permitting it to do so.

(3) A professional engineer, licensee, permit holder or joint firm may engage in the practice of surveying other than land surveying as defined in the Land Surveyors Act.

### **Exclusive use of name engineer**

3(1) Subject to section 3.1, no individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall

(a) use

(i) the title "professional engineer", the abbreviation "P. Eng." or any other abbreviation of that title,

(i.1) repealed 2011 c3 s5,

(ii) the word "engineer" in combination with any other name, title, description, letter, symbol or abbreviation that represents expressly or by implication that the individual, corporation, partnership or other entity is a professional engineer, licensee or permit holder, or

(b) represent or hold out, expressly or by implication, that the individual, corporation, partnership or other entity

(i) is entitled to engage in the practice of engineering, or

(ii) is a professional engineer, licensee or permit holder.

(2) No individual, corporation, partnership or other entity, except a professional engineer, licensee or permit holder entitled to engage in the practice of engineering, shall affix the stamp or seal of a professional engineer or licensee or the permit number of a permit holder or allow that stamp, seal or permit number to be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless

(a) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the supervision and control of, and

(b) the stamp, seal or permit number is affixed with the knowledge and consent or in accordance with the direction of the professional engineer or licensee to whom or the permit holder to which the stamp, seal or permit number was issued.

(3) Notwithstanding subsection (2), a professional engineer, licensee or permit holder may affix a stamp, seal or permit number, as the case may be, to a plan, drawing, detail drawing, specification, other document or reproduction prepared by other persons if the professional engineer, licensee or permit holder completes a thorough review of and accepts professional responsibility for that plan, drawing, detail drawing, specification, other document or reproduction.

## **Part 2 Association**

### **Association of Professional Engineers and Geoscientists**

10(1) The Association of Professional Engineers, Geologists and Geophysicists of Alberta is continued as a corporation with the name "Association of Professional Engineers and Geoscientists of Alberta".

(2) The abbreviated form of the name of the Association is A.P.E.G.A. or APEGA.

(3) No person other than the Association shall use the abbreviated form of the name of the Association or any other abbreviation alone or in combination with any other word or name in a way that represents expressly or by implication that the person is a member of or connected in any way with the Association.

## **Part 3 Regulations and Bylaws**

### **Council regulations**

19(1) The Council may make regulations

(a) respecting the establishment of categories of and conditions respecting the enrolment of engineers-in-training, geoscientists-in-training, examination candidates and students;

(b) respecting the academic qualifications of and experience requirements for applicants for registration as professional engineers or geoscientists;

(c) governing the evaluation by the Council, the Board of Examiners, the Practice Review Board, the Appeal Board or a committee established by any of them of the academic qualifications of and experience requirements for applicants for registration to engage in the practice of engineering or geoscience and the examination of those applicants with respect to those qualifications or requirements;

(d) respecting the eligibility of applicants generally for registration to engage in the practice of engineering or geoscience;

(e) respecting the powers, duties and functions of the Practice Review Board, including but not limited to the referral of matters by that Board to the Council or the Investigative Committee and appeals from decisions of that Board;

(f) respecting the appointment of members of the Appeal Board, other than the public member;

(g) prescribing the number of members that constitutes a quorum of the Council, the Investigative Committee, the Appeal Board, the Practice Review Board, the Board of Examiners or the Discipline Committee;

- (h) governing the establishment of boards or committees of professional members and respecting the delegation of powers of the Council to those boards or committees or the Practice Review Board;
- (i) prescribing technical standards for the practice of the profession;
- (j) establishing and providing for the publication of a code of ethics respecting the practice of the profession, the maintenance of the dignity and honour of the profession and the protection of the public interest;
- (k) governing the names under which professional members, licensees, permit holders and certificate holders may engage in the practice of the profession;
- (l) governing, subject to this Act, the operation and proceedings of the Appeal Board, the Board of Examiners and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of any of those Boards, and the appointment to any of those Boards of members by virtue of their office and prescribing their powers, duties and functions;
- (m) respecting the procedures of the Discipline Committee, of the Practice Review Board, of the Investigative Committee and of the Appeal Board in matters relating to the conduct or practice of professional members, licensees, permit holders or certificate holders, whether or not a complaint has been made;
- (n) respecting the establishment by the Council of a compulsory continuing education program for professional members and licensees;
- (o) governing the publication of a notice of the suspension or cancellation of the registration of a professional member, licensee, permit holder or certificate holder in a form and manner prescribed by the Council;
- (p) respecting committees of inquiry for reinstatement under Part 5;

## **Bylaws**

20(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members of the Council by virtue of their office, the Discipline Committee, the Practice Review Board, the Appeal Board, the Board of Examiners and any other committee established by the Council and prescribing their powers, duties and functions;

- (e) prescribing those areas of the professions of engineering and geoscience from which members of the Board of Examiners shall be appointed by the Council;
- (f) respecting the appointment, functions, duties and powers of a Chief Executive Officer of the Association;
- (g) respecting the establishment of districts and branches of the Association and their operation;
- (h) providing for the division of Alberta into electoral districts and prescribing the number of Council members to be elected from each district;
- (i) providing for the appointment of a Deputy Registrar who has all of the powers and can perform all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent, or unable to act or when there is a vacancy in the office of Registrar;
- (j) establishing classes or categories of membership in the Association in addition to professional engineers and professional geoscientists and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (k) providing for the appointment of acting members of the Council and procedures for the election or appointment of professional members to fill vacancies on the Council;
- (l) prescribing the number of professional members that constitutes a quorum at meetings of the Association;
- (m) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (n) prescribing fees and expenses payable to members of the Association for attending to the business of the Association;
- (o) respecting the establishment and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that the Council considers appropriate;
- (p) governing the information to be engraved on stamps and seals issued to professional members, licensees and restricted practitioners;
- (q) respecting permit numbers issued to permit holders;
- (r) respecting the fixing of fees, dues and levies payable to the Association;
- (s) respecting the costs payable by any person on the conclusion of a hearing or review by the Practice Review Board or under Part 5;
- (t) respecting the establishment, content and maintenance of registers of professional members, licensees, permit holders and certificate holders and of

records of other classes or categories of membership to be kept by the Registrar;

(u) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the bylaws;

(v) requiring professional members, licensees, permit holders and certificate holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;

(w) prescribing the form of a certificate of registration, a licence, a permit, a certificate of authorization and an annual certificate;

(x) respecting the expiry of annual certificates, annual licences, permits and other authorizations.

## **Part 5 Discipline**

### **Definitions**

42 In this Part,

(a) “conduct” includes an act or omission;

(b) “investigated person” means a professional member, licensee, permit holder, certificate holder or member-in-training with respect to whose conduct an investigation is held under this Part;

(c) “practice of the profession” means practice of engineering or practice of geoscience, as the case may be.

### **Complaints**

43(1) A person may complain to the Registrar, or to a person who is authorized in writing by the Registrar to receive complaints, about the conduct of a professional member, licensee, permit holder, certificate holder or member-in-training, and the complaint shall be dealt with in accordance with this Part and the regulations.

### **Determination of unprofessional conduct and unskilled practice**

44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board

(a) is detrimental to the best interests of the public,

(b) contravenes a code of ethics of the profession as established under the regulations,

(c) harms or tends to harm the standing of the profession generally,

(d) displays a lack of knowledge of or lack of skill or judgment in the practice of the profession, or



- (e) displays a lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession,

Whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

(2) If an investigated person fails to comply with or contravenes this Act, the regulations or the bylaws, and the failure or contravention is, in the opinion of the Discipline Committee, of a serious nature, the failure or contravention may be found by the Discipline Committee to be unprofessional conduct whether or not it would be so found under subsection (1).

### **Notice of preliminary investigation**

48 The Registrar shall forthwith send notice in writing to the investigated person that a preliminary investigation is being conducted.

### **Evidence**

58(1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, any member of the Appeal Board, the Discipline Committee or the Practice Review Board is conferred with the power of a commissioner for oaths under the Notaries and Commissioners Act.

### **Powers of the Discipline Committee**

63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of the investigated person for a specified period;
- (c) suspend the registration of the investigated person either generally or from any field of practice until
  - (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or
  - (ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;
- (e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person
  - (i) practise under supervision,
  - (ii) not engage in sole practice,
  - (iii) permit periodic inspections by a person authorized by the Discipline

Committee, or

(iv) report to the Discipline Committee on specific matters;

(f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;

(g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;

(h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;

(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;

(j) cancel the registration of the investigated person;

(k) any other order that it considers appropriate in the circumstances.

### **Order to pay costs or a fine**

64(1) The Discipline Committee may, in addition to or instead of dealing with the investigated person in accordance with section 63, order that the investigated person pay

(a) all or part of the costs of the hearing in accordance with the bylaws,

(b) a fine not exceeding \$10 000 to the Association, or

(c) both the costs under clause (a) and a fine under clause

(b), within the time fixed by the order.

(2) If the investigated person ordered to pay a fine, costs, or both, under subsection (1) fails to pay the fine, costs, or both, within the time ordered, the Discipline Committee may suspend the registration of that person until the person has paid the fine, costs or both.

(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

## **Part 1 Membership in the Association of Engineering And Geoscience Professions General Regulation**

### **Division 5 Professional Members**

#### **Eligibility**

13(1) A person who meets the following requirements and applies to the Registrar for registration is entitled to be registered as a professional member:

(a) the applicant is a Canadian citizen or is lawfully admitted to Canada for

permanent residence;

(b) the applicant is of good character and reputation;

(c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the practice of engineering or geoscience, which has been demonstrated by passing an examination that is prescribed by the Board of Examiners;

(d) the applicant demonstrates to the Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant to responsibly practise the profession of engineering or geoscience;

(e) the applicant meets one of the following requirements:

(i) the applicant is enrolled as a member-in-training and has obtained at least 4 years of experience in work of an engineering or geoscientific nature that is acceptable to the Board of Examiners;

(ii) the applicant is enrolled as a student under section 6(b)(ii) and

(A) has completed all examinations prescribed by the Board of Examiners, and

(B) has obtained at least 8 years of experience in work of an engineering or geoscientific nature that is acceptable to the Board of Examiners, at least one year of which is obtained after completion of the examinations referred to in paragraph (A);

(iii) the applicant is admitted as an examination candidate and

(A) has completed the examinations referred to in section 8(b), and

(B) has obtained at least 4 years of experience in work of an engineering or geoscientific nature that is acceptable to the Board of Examiners;

(iv) the applicant is not in a register or record referred to in subclause (i), (ii) or (iii), but has the combined academic qualifications and experience acceptable to the Board of Examiners that would be required for registration as a professional member had the applicant progressed through one of those registers or records.

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional member if

(a) the applicant is of good character and reputation, and

(b) the applicant is registered and in good standing with a professional regulatory organization under an Act of another province or territory of Canada to perform an occupation that, in the opinion of the Board of Examiners, is substantially equivalent, in terms of scope of practice and competencies, to that of a professional member.

# Chapter 4

## Review of Disciplinary Cases

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APEGA members and permit holders are required to practise engineering and geoscience skilfully, ethically, and professionally. They must meet all prescribed requirements and follow all applicable legislation and regulations. APEGA has the power to investigate complaints against members and permit holders, which is explained in Part 5 of the Engineering and Geoscience Professions Act.

Recent discipline decisions and recommended discipline orders (formerly called stipulated orders) are presented below. In some instances, names and other identifying information are removed as per the order.

**CASE Number 24-41:** Withheld, P.Eng.

**VIOLATION:** Unprofessional conduct by failing to declare a conflict of interest (Engineering and Geoscience Professions Act, s. 44(1); APEGA Code of Ethics, Rule 5)

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### Case Review:

A professional engineer was hired as a contractor and subsequently as a full-time emissions engineer for a company where a family member already worked as a project manager. The family member had previously forwarded the engineer's resume, recommending them for the role. At the time of hiring, the engineer failed to disclose this family relationship, which was a requirement under the employer's Code of Business Ethics. In April 2023, the engineer was terminated after the employer discovered the undisclosed relationship.

### Board Decision:

The APEGA Discipline Committee ordered that the engineer receive a formal reprimand and pay a \$500 fine. Additionally, the engineer is required to review the APEGA Practice Guideline on Ethical Practice within six months and successfully complete an approved course in Ethical Practice within 12 months. Failure to meet these educational deadlines will result in a minimum 30-day suspension from the practice of engineering. The Committee opted to publish the decision without identifying the engineer by name due to the lack of risk to public safety and the engineer's current financial burden.

**CASE Number 25-19:** Geoffrey Wensel, P.Eng. (resigned)

**VIOLATION:** Unprofessional conduct and unskilled practice, resolved by a Recommended Discipline Order (Engineering and Geoscience Professions Act, s. 44(1))

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**Case Review:**

Following a May 2025 Consent Order with Engineers and Geoscientists British Columbia (EGBC) regarding numerous design errors and inadequacies in a residential project involving steel moment frames, Mr. Wensel came to APEGA's attention. He admitted to undertaking work without sufficient knowledge or expertise in structural design and to withholding relevant documents during the EGBC investigation, which constitutes unprofessional conduct in Alberta.

**Board Decision:**

By a Recommended Discipline Order with APEGA, Mr. Wensel was formally reprimanded and agreed not to apply for reinstatement of his licensure for a period of one year. If he applies and is approved for reinstatement, his practice will be heavily restricted; he is prohibited from engaging in structural steel engineering independently and must practice under the direct supervision and control of an approved APEGA licensed professional engineer for a minimum of 12 months.

**CASE Number 24-29:** Christopher Hahn, P.Eng.

**VIOLATION:** Unprofessional conduct; unskilled practice; breach of Rules of Conduct 1 and 2 (Engineering and Geoscience Professions Act, s. 44(1))

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**Case Review:**

Christopher Hahn was the subject of a disciplinary process resulting in a January 2023 Settlement Agreement with the Nebraska Board of Engineers and Architects. He admitted to professional misconduct and incompetence related to his structural engineering analysis and design of a roof addition for a cooling tower in Omaha, Nebraska. Following the Nebraska settlement, which included a cease-and-desist order for providing structural engineering services, along with fines and costs, APEGA initiated an investigation to evaluate any risk to the public in Alberta.

**Board Decision:**

Mr. Hahn admitted that his conduct was detrimental to the best interests of the public and constituted unprofessional conduct under the EGP Act. The APEGA Discipline Committee ordered that he be formally reprimanded and indefinitely restricted from engaging in any scope of structural engineering practice unless directly supervised by a qualified APEGA-registered engineer. Mr. Hahn must bear all costs related to this supervision and will remain restricted until he can demonstrate satisfactory competency to the discipline manager. The matter and its outcome will also be published by APEGA.

# Appendix A

## References

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APEGA. *General Regulation and Code of Ethics*

<https://www.apega.ca/about-apega/publications/engineering-and-geoscience-professions-act>

Professional Practice Guidelines. *Ethical Practice*

[https://www.apega.ca/docs/default-source/pdfs/standards-guidelines/ethical-practice.pdf?sfvrsn=78261e0b\\_16](https://www.apega.ca/docs/default-source/pdfs/standards-guidelines/ethical-practice.pdf?sfvrsn=78261e0b_16)

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<https://kings-printer.alberta.ca/documents/Acts/E11.pdf>

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APEGA. *Practice Standards, Bulletins, And Guidelines*

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