

# Permit to Practice Policies

## GENERAL INFORMATION

Professional Engineers and Geoscientists Newfoundland and Labrador (PEGNL) is an organization constituted by Provincial Statute for the regulation of the practices of engineering and geoscience. As steward of the *Engineering and Geoscientists Act, 2008* (the Act) it is the responsibility of PEGNL to register only qualified persons and to ensure the competent and ethical practice of the professional services that they provide. The Act requires that a professional member, partnership or corporation that provides the services of a professional member directly to the public have a Permit to Practice. The requirements concerning the Permit to Practice are described in Article 12 of the Act and in Regulations 9 through 12.

## THE PERMIT TO PRACTICE SIGNIFIES THAT

- a) The organization maintains a structure that fosters professional practice;
- b) The work is carried out by skilled licensed professionals, qualified by virtue of training and experience and certified by PEGNL to practice in the disciplines contained in the documents;
- c) The business of the organization is carried out in accordance with the Code of Ethics;
- d) Sufficient quality control procedures are in place to produce complete and accurate documents free of substantial technical errors or omissions;
- e) The organization is professionally responsible for the integrity of all stamped documents generated from completed work; and
- f) The organization has Professional Liability Insurance (PLI) in place.

## POLICIES

1. Effective control of the quality of professional practice in partnerships, corporations and other such entities requires that the employer of professionals provide the atmosphere and organizational structure necessary for the proper practice of the professions. This involves three distinct levels and types of responsibility:

- Management

The Chief Executive Officer (CEO) or equivalent or Authorized Designate undertakes to maintain an organization in which the practice of the professions can be conducted in accordance with the intent of the Act including the Code of Ethics.

- Member(s) in Responsible Charge (MIRC) Assuming Responsibility for the Professional Practice

The MIRC is an employee of the organization who is a licensed and practicing member of PEGNL and who undertakes to provide responsible direction and personal oversight in a specific

discipline of professional practice in which the member is personally competent. The Member in Responsible Charge agrees to conduct the professional practice for which he or she has assumed responsibility in strict accordance with the requirements of relevant legislation. See 6 below.

- Members Performing or Supervising the Work

The individual PEGNL-licensed member, in accordance with the Code of Ethics, undertakes only such work as he or she is competent to perform or supervise by virtue of his or her training and experience. This member assumes full professional responsibility for the work.

2. An individual who is a professional member or licensee of PEGNL who provides professional services to the public in his or her own name or through a company requires a Permit to Practice even if the member is the only member of the organization.
3. If a parent company or joint venture group holds a Permit to Practice, any subsidiary of that company that provides professional services to the public must also hold a permit if the subsidiary is a separate entity with a distinct name.
4. To apply for a Permit to Practice, an individual, partnership or other entity must:
  - a. make application including submission of all forms and payment of prescribed fees;
  - b. present at least one Member in Responsible Charge in each discipline of professional practice for which the Permit is sought.
  - c. provide proof of current professional liability insurance in the form and amount prescribed by PEGNL.

The approval of the Permit to Practice is subject to PEGNL's Registration Guidelines, as administered by PEGNL's Registration Committee.

5. The Member(s) in Responsible Charge must be qualified by training and experience in the disciplines of engineering or geosciences for which they take responsibility and must be available to the extent necessary to direct and oversee the activities of that discipline. A Permit Holder must have at least one member in responsible charge for each discipline in which the firm provides services. Larger organizations with more than one functional division which are spread geographically over several operating centers (including those outside Newfoundland and Labrador) are encouraged to name as many professional members as necessary to provide responsible direction and oversight to the professional practice engaged in.
6. The Member in Responsible Charge assumes responsibility for a specific discipline or portion thereof and jointly with the CEO or equivalent must maintain an organizational environment in which the practice in that discipline can be conducted in accordance with the Act & Regulations, including:
  - a. Ensuring all those who practice Engineering and Geoscience are licensed

- b. Ensuring titles are assigned appropriately
  - c. Ensuring company standards at least meet the professions' standards
  - d. Ensuring both permit and member seals are on all professional documents.
  - e. Ensuring that all practicing members in the MIRC's discipline are generally competent to do so
7. Permit Holders are issued a permit stamp. All final plans, specifications, reports or documents of a professional engineering or geoscience nature must have the permit stamp affixed and either signed by a Member in Responsible Charge or the member number of the MIRC inserted. In addition, all documents must have the member stamp signed and dated by the professional member who takes professional responsibility for the work.
8. The permit stamp must be signed by (or the member number inserted) for the Member in Responsible Charge who is assuming responsibility for the discipline in which the work was performed. It is the intent that details regarding permit stamp custody and specific signing authority within the organization are matters to be addressed by the CEO (or equivalent) or Authorized Designate who signs the Application for Permit to Practice on behalf of the Permit Holder.
9. The three types of professional members noted above; Permit Holders, Members in Responsible Charge, and Member Supervising or Performing the Work, each through their responsibilities are required to meet professional standards and are therefore subject to allegations by the public and to PEGNL's disciplinary processes.

## Permit to Practice FAQs

### WHO REQUIRES A PERMIT TO PRACTICE?

All professional members, partnerships, corporations and other such entities, which provide the services of engineering or geosciences to the public require a Permit to Practice. *The Engineering and Geoscientists Act, 2008* does not differentiate between sizes of organizations so a Permit to Practice is required by a one person firm. However, if the one person firm has only one client, and if the one person is working as a contractual employee of that client, PEGNL will not require a Permit to Practice.

### WHY IS A PERMIT TO PRACTICE REQUIRED?

The purpose of the *Engineering and Geoscientists Act, 2008* (the Act) is to regulate the practices of engineering and geoscience for the protection of the public. The Permit to Practice is an instrument of quality control through which PEGNL exercises its mandate under the Act to influence the quality of professional practice conducted within the organizational structure of an organization. The Permit Holder is a corporate member of PEGNL bound by the same Code of Ethics as individual professional members. Given that 'employer' interests may sometimes be inconsistent with Professional Ethics, individual members may find themselves in a situation where their duty to their employer conflicts with their duty to the profession and the public interest. The Permit to Practice is intended to address this potential conflict by making employers corporately responsible for the engineering work that they carry out. The Permit to Practice holder, be it a person, partnership, corporation or other association of persons is bound by the legislation including the Code of Ethics and is subject to the PEGNL disciplinary process.

### WHAT ARE THE REQUIREMENTS FOR A PERMIT TO PRACTICE?

To qualify for a Permit to Practice, a member, partnership or other entity must:

- a) make application including submission of all forms and payment of prescribed fees;
- b) present at least one Member in Responsible Charge in each discipline of professional practice for which the Permit is sought.
- c) provide proof of current professional liability insurance in the form and amount prescribed by PEGNL.

### WHAT IS A MEMBER IN RESPONSIBLE CHARGE (MIRC)?

A MIRC is a professional engineer or geoscientists who is licensed and in good standing with PEGNL and who is employed by the firm holding the Permit to Practice. The MIRC undertakes to provide responsible direction for a specific discipline of the professional practice performed by the organization as described on the application form. The MIRC has been authorized by both PEGNL and the Permit Holder to assume this role. The MIRC agrees to conduct the professional practice for which he or she has assumed responsibility in strict accordance with the requirements of relevant legislation including ensuring that

all practicing engineers and geoscientists are registered with PEGNL, ensuring titles are assigned appropriately, ensuring company standards at least meet the professions' standards and ensuring that both permit and member stamps are on all professional documents.

### **DOES THE MEMBER IN RESPONSIBLE (MIRC) CHARGE HAVE TO SUPERVISE THE WORK?**

The MIRC is responsible for overseeing that portion of the practice discipline for which responsibility is being taken. This will not necessarily involve direct supervision of the work of another professional member. Professional members are individually responsible for the work that they do themselves or directly supervise. The appropriate level of supervision will be determined by the MIRC and will vary depending upon many factors including the familiarity of the professional member performing or supervising the work with technical matters or corporate quality control procedures.

### **HOW MUCH PROFESSIONAL LIABILITY INSURANCE (PLI) IS NEEDED?**

The minimum PLI coverage is \$250,000 per claim and \$500,000 in the aggregate.

### **HOW DO I APPLY?**

1. An application for a Permit to Practice is made by completing the form entitled "Application for a Permit to Practice". In completing the form it is the responsibility of the applicant's Chief Operating Officer (or equivalent) or designate to ensure that the members selected to be responsible for the professional practices are qualified and have organizational authority to direct and control the overall quality of services being provided.
2. Include valid Certificate of Professional Liability Insurance
3. Include form completed and signed by Chief Operating Officer (or equivalent)
4. Include separate form completed and signed by each Member in Responsible Charge
5. Application fees must accompany the application.

### **WHAT ARE THE FEES AND ANNUAL COSTS?**

The application fee is \$220 + HST

Annual Dues are as follows:

Permit to Practice – 1 discipline - \$564 + HST

Permit to Practice – 2 disciplines - \$764 + HST

Permit to Practice – 3 or more disciplines - \$1,031 + HST

Should cancellation of a Permit to Practice occur due to non payment of annual dues or failure to complete the Annual Report contained in the annual renewal form, a \$220.00 reinstatement fee is payable in addition to any other outstanding dues.