

# Public guideline on good character

Public guideline on good character - Dec 2024

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## Notice

### Disclaimer

Engineers Canada's national guidelines and Engineers Canada papers were developed by engineers in collaboration with the provincial and territorial engineering regulators. They are intended to promote consistent practices across the country. They are not regulations or rules; they seek to define or explain discrete topics related to the practice and regulation of engineering in Canada.

### **The national guidelines and Engineers Canada papers do not establish a legal standard of care or conduct, and they do not include or constitute legal or professional advice**

In Canada, engineering is regulated under provincial and territorial law by the engineering regulators. The recommendations contained in the national guidelines and Engineers Canada papers may be adopted by the engineering regulators in whole, in part, or not at all. The ultimate authority regarding the propriety of any specific practice or course of conduct lies with the engineering regulator in the province or territory where the engineer works, or intends to work.

### About this Engineers Canada paper

This national Engineers Canada paper was prepared by the Canadian Engineering Qualifications Board (CEQB) and provides guidance to regulators in consultation with them. Readers are encouraged to consult their regulators' related engineering acts, regulations, and bylaws in conjunction with this Engineers Canada paper.

### About Engineers Canada

Engineers Canada is the national organization of the provincial and territorial associations that regulate the practice of engineering in Canada and license the country's 295,000 members of the engineering profession.

### About the Canadian Engineering Qualifications Board

CEQB is a committee of the Engineers Canada Board and is a volunteer-based organization that provides national leadership and recommendations to regulators on the practice of engineering in Canada. CEQB develops guidelines and Engineers Canada papers for regulators and the public that enable the assessment of engineering qualifications, facilitate the mobility of engineers, and foster excellence in engineering practice and regulation.

### About Equity, Diversity, and Inclusion

By its nature, engineering is a collaborative profession. Engineers collaborate with individuals from diverse backgrounds to fulfil their duties, tasks, and professional responsibilities. Although we collectively hold the responsibility of culture change, engineers are not expected to tackle these issues independently. Engineers can, and are encouraged to, seek out the expertise of Equity, Diversity, and Inclusion (EDI) professionals, as well as individuals who have expertise in culture change and justice.

## 1 Introduction

*"Within the character of the citizens lies the welfare of the republic." - Marcus Tullius Cicero (106-43 BC)*

This guideline was developed to help define what is meant by "good character" and explain why it is important within the engineering profession in Canada and in the best interest of the public.

Good character is a requirement for registrants\* of every regulator in Canada [1]. Character is defined as "1. the collective qualities or characteristics, especially mental and moral, that distinguish a person or thing. 2. moral strength. 3. reputation" [2]. Good character connotes moral and ethical strength and includes traits such as integrity, candour, honesty and trustworthiness.

The evaluation of character, and the agreement of what is considered to be of good or bad character is subjective and fluid. Some behaviours and attitudes that were once tolerated or even encouraged are no longer considered acceptable. Our evaluation of character is influenced by social mores, which vary based on culture and location, and change with time.

This guideline explains why good character is important within the engineering profession and in the best interest of the public, what types of behaviours are considered good or bad character, and how regulators assess the character of applicants for licensure and registrants.

*It is important to note that this guideline does not establish a specific standard or level of good character that must be achieved. Applicants or registrants are not required to prove that they possess all traits of good character; instead, the aim is to ensure that there is no reasonable belief that they lack these traits. Additionally, character assessments of applicants or registrants by regulators are only based on the information that is available or submitted to them.*

## 2 Importance

The purpose of regulating the practice of engineering in Canada is to safeguard life, health, property, economic interests, the public welfare and the environment [3]. In Canada, provincial and territorial governments have recognized engineering as a profession and have given registrants the privilege of the exclusive right to practise engineering, and with it, the responsibilities of self-regulation.

Through regulation of the practice of professional engineering, the public trusts that registrants have the technical and ethical competence to serve society and have an obligation to put the public interest first. As the public may lack specialized engineering knowledge, they typically form opinions about registrants based on interpretation of character and the quality of engineering practices. In order to maintain public trust, individual registrants must demonstrate good character, in addition to adhering to their jurisdiction's Code of Ethics. Demonstration of good character includes conduct within a professional capacity and may also include personal conduct.

The engineering profession understands that public trust is carefully conferred and must be protected; trust is fragile and easily lost. The regulators seek to ensure, in the best interest of the public, that:

- i. All applicants are of good character before admitting them; and,
- ii. All registrants maintain their good character and uphold the reputation of the profession.

This requirement is not unique. In fact, self-regulated professions (e.g., healthcare professions, law, accounting, etc.) in Canada typically have similar obligations, for similar reasons. Self-regulation is not possible without trust, and the simplest way to gain and maintain that trust is through the good character of individual registrants.

## 3 Defining good character

### 3.1 Definition

"Good character" is generally held to comprise three elements:

- i. The ability to tell the difference between right and wrong;
- ii. The courage to do what's right, no matter the personal consequences; and
- iii. The ability to assess these issues, within the context of the practice of the profession, in the best interests of the public as a whole.

### 3.2 Traits of good character

Making an assessment of an individual's character can be difficult unless you can observe them making the types of decisions described above. Despite these limitations, these observations can be made in various environments, including in virtual and non-professional environments. It is therefore helpful to define traits of good character which can more easily be observed and evaluated.

Common traits of good character include, but are not limited to [4]:

- » **Trustworthiness:** A trustworthy person is honest, transparent, and reliable. They do what they say they'll do. They have the courage to do the right thing, and they don't deceive, misrepresent themselves, cheat, or steal.
- » **Respect:** Showing respect means being considerate of others and not promoting or allowing discriminatory behaviour. It also means using courtesy and treating others with dignity (e.g., with regard to gender identity, sexual orientation, Indigenous identity, age, racial identity, ethnic background, visible or invisible disability, body shape and size, family status, educational experience, etc.). A respectful person makes decisions that show they value their health and the health of others, treating people and property with care.
- » **Responsibility:** Being responsible means understanding the consequences of our actions, being accountable for our choices and decisions, as well as their impacts, without blaming others for our actions (this includes having the ability to accept the processes of legal or administrative systems, and abiding by the results). Responsible people try to do their best, show humility, are able to accept

criticism, and persevere even when things don't go as planned.

- » **Fairness:** Being fair means treating others equitably without favoritism or discrimination, being open-minded to different perspectives, empathetic, and listening to others. It means not taking advantage of others, and not blaming them for results outside their control.
- » **Integrity:** Having integrity means having the ability to tell right from wrong, making ethical choices, and having the courage to do what is right to ensure the wellbeing and safety of others. Individuals who have integrity uphold high ethical standards, show respect for the rule of law, including principles (i.e., underlying guidelines that influence actions and decisions that are consistent with moral and ethical standards) and human rights regulations, and act in the interest of the common good. They conduct themselves with honesty and candour.

While not an exhaustive list, these traits are indicators which would lead one to believe that an individual possesses good character. There are many other traits of good character such as inclusivity, transparency, awareness of biases, honesty, empathy and compassion for human life and welfare, open-mindedness, etc.

Individuals who advocate for the safety and health of communities they work, live, and engage with, including physical, social, and psychological, are deemed to be of good character as they demonstrate and embody many of the above traits. On the other hand, individuals who commit crimes of moral turpitude (see Appendix A) or violate the Canadian Human Rights Act (see Appendix B) may reveal that they do not exhibit these traits, which would prompt an investigation of the individual's character (see Appendix C).

## 4 Assessing character

### 4.1 Applicants for licensure

To assess the character of applicants, the regulators may employ tools such as:

- » Character references;
- » Character-related questions on the application form;
  - » Declaration of applications, licensure or disciplinary findings in other jurisdictions
  - » Declaration of accuracy of application information submitted
- » Requiring applicants to pass a Professional Practice Examination which includes questions on law and ethics; and/or
- » Criminal background checks.

As stated in the introduction, assessment of character can be subjective, so it is important to consider information from several sources when making an evaluation. A negative finding in any one area does not mean that applicants will be denied licensure, merely that more investigation or a more thorough evaluation may be necessary.

The assessment tools listed below offer the following types of information.

#### 4.1.1 References

Depending on the jurisdiction, applicants may be required to provide character references from engineers or others, who can attest to the applicant's behaviours first-hand. These references are asked to comment on specific traits, such as integrity, honesty, and trustworthiness, etc. Because the evaluation of character is subjective, more than one reference is necessary. Examples of the types of inappropriate behaviour that could be raised in these assessments include harassments, discrimination, intimidation, or bullying, of peers, subordinates, clients or supervisors.

#### 4.1.2 Application form

Questions on the application form cover a variety of topics including previous investigations, censure, penalties or disqualification in other jurisdictions or regulatory bodies for negligence, unprofessional or unskilled practice, criminal offenses, etc. A declaration of accuracy of submitted information is typically required.

#### 4.1.3 Professional practice examination

The professional practice exam is required by the regulators to determine if an applicant has a good grasp of legal and ethical matters. In cases where applicants do not successfully complete the professional practice

exam, this could indicate that they are not well equipped to deal with ethical issues that arise in professional practice.

#### **4.1.4 Criminal background check**

Given that the purpose of requiring good character is to ensure that registrants maintain the trust that the public have placed in them, crimes of moral turpitude, defined as “conduct that is considered contrary to community standards of justice, honesty or good morals” should be the primary areas of concern for regulatory bodies in Canada. Appendices A and B contain lists of crimes that involve moral turpitude and human rights violations.

### **4.2 Registrants**

Once applicants are registered as professionals with the regulator, they are expected to maintain their good character and uphold a high standard of professional conduct. It is through the discipline process that registrants are held to account for their behaviour. Most regulators do not automatically subject registrants to investigation due to criminal offences. However, anyone, including members of the public, may file a complaint against a registrant, and conviction of a criminal offence would be grounds for a complaint and, subsequently, an investigation. Appendix C provides information about character investigations.

Since regulators are concerned foremost with safety and the public interest, and secondly with the reputation of the profession, crimes that put into question whether a registrant can uphold those values are considered the most significant. Crimes of moral turpitude can therefore be the grounds for a finding of “conduct unbecoming a member” or its equivalent.

Similarly to the assessment of applicants for licensure, character references can be used during discipline and investigation processes: typically, more than one individual is asked to comment on their own personal observations of behaviour, based on the complaint.

## **5 Examples**

The following examples illustrate how character has been evaluated by engineering regulators in Canada. Terminology, processes, and outcomes may vary between jurisdictions.

### **5.1 Applicants for registration**

#### **5.1.1 Criminal background checks**

An applicant was enrolled in the engineer-in-training program. It was later discovered that the applicant did not accurately provide the mandatory criminal record information as required on the application form. The regulator’s Registration Committee investigated the matter, conducted an interview with the applicant, and subsequently denied the application for registration based on the grounds of a lack of good character for the following reasons:

- »The applicant did not accept responsibility for the crimes that were committed;
- »The applicant made false statements on the application form; and
- »The applicant was not candid in the interview.

#### **5.1.2 History of bad character**

A former registrant, who had been written off for non-payment of dues, applied for reinstatement. In the interim between being written off and the application being reconsidered, the individual was subject to disciplinary action. In considering the application for reinstatement, the Registration Committee noted the number of disciplinary orders that the registrant had been subject to in the past and determined that an interview would be necessary. The individual was asked to provide a background on the disciplinary matters, evidence of rehabilitation, and methods of avoiding future complaints from the public but did not comply. The application for registration was subsequently denied on the grounds of a lack of good character for the following reasons:

- »The applicant did not take responsibility for the actions that resulted in multiple disciplinary actions;
- »The applicant did not have a plan to avoid repetition of these actions; and
- »The applicant had a disregard for his duty to uphold and enhance the honour, integrity, and dignity of

the engineering profession.

### 5.1.3 Falsification of documents

An applicant was enrolled in the engineer-in-training program when it was discovered that the marks on the applicant's undergraduate transcript from outside of Canada had been falsified in order to gain entry into a postgraduate engineering program in Canada. The Registration Committee required the engineer-in-training to swear an affidavit that the engineer-in-training had never forged or altered or used a forged or altered degree or transcript of other document or otherwise misrepresented their credentials in any way for the purpose of gaining entry into an academic program or in connection with the application to the regulator. The engineer-in-training was unable to swear the affidavit, as they confirmed that they had falsified the bachelor's marks to gain entry into the postgraduate program. The Registration Committee advised the engineer-in-training that if the regulator receives an application for registration as an engineer from them:

- » This situation will be considered with respect to the 'Good Character' requirement;
- » The regulator will ask what has been done to mitigate the situation; and
- » Council may hold a hearing for suitability for registration under the regulator's good character requirement.

### 5.1.4 Validator fraud in Competency-Based Assessment (CBA) system

An applicant was enrolled in the engineer-in-training program. The CBA system detected fraudulent activity and alerted the regulator that the applicant may have provided falsified validator information. The Registration Committee contacted the applicant to discuss the potential validator fraud that has been detected. The applicant did not cooperate, and did not provide reasonable explanation or verifiable evidence of a real validator. The application for registration was subsequently denied on the grounds of a lack of good character for the following reasons:

- » The applicant provided falsified information within the CBA system; and
- » The applicant did not accept responsibility for their actions.

## 5.2 Registrants

The following examples illustrate how character has been used in the investigation and discipline of registrants of engineering regulators in Canada.

### 5.2.1 Lack of trustworthiness

A registrant was found guilty of having signed and sealed blank sheets of paper. The registrant was given a three-month suspension and ordered to write and pass the Professional Practice Examination.

### 5.2.2 Lack of trustworthiness and fairness

A registrant who was a Field Engineer with the Ministry of Forests, responsible for awarding engineering contracts, was found to have set up a company in his wife's name, bid on Ministry jobs, and done work on Ministry time. The registrant was suspended for a period of 14 months.

### 5.2.3 Lack of respect, compassion or integrity

i. A registrant who had concerns about the structural integrity of a bridge wrote emails stating that the responsible bridge engineer was incompetent. This statement was unfounded and lacked evidence. For these reasons, the registrant was suspended until such time as they were willing to provide an apology for the conduct.

ii. A registrant was found to have discriminated against a woman graduate engineer, having used derogatory terms to address her and making statements such as "You can dance on tables for me, but you will never work for me." The registrant was found guilty of professional misconduct in that his actions were "disgraceful, dishonourable and unprofessional". The registrant's licence was suspended for twelve months, and was not to be reinstated until he took a course related to gender sensitivity, and paid for the costs of the Discipline hearing.

iii. A registrant was found guilty of unprofessional conduct for having repeatedly yelled at a woman



colleague, despite written communication from the colleague indicating that the behaviour upset her and was contributing to health problems. The colleague eventually quit as a result of the abusive behaviour. A Discipline panel concluded that this behaviour was “sufficiently extreme so as to reflect badly on the Member and on the profession” and therefore constituted unprofessional conduct. In response to this charge, and to four other charges brought at the same time, related to inflated and inconsistent billing as well as improper and wrongful filling of liens, the registrant was found to have acted dishonourably, disgracefully and to have shown a lack of integrity. In order to protect the public, preserve the integrity of the profession, deter others from engaging in similar disreputable business practices and denounce the conduct, the registrant was fined \$5,000 and his licence was suspended for a period of 8 months.

#### 5.2.4 Lack of responsibility

A registrant was served with a Notice of Hearing to address six allegations of unprofessional conduct. The registrant refused to attend the disciplinary hearing and suggested that the Hearing Panel had no jurisdiction to proceed. The Hearing Panel determined that it did have the jurisdiction to proceed, and the hearing proceeded in the registrant’s absence. The registrant made accusations regarding employees and representatives of a regulator of incompetence, stupidity, misconduct, collusion, conspiracy to cover up illegal activity, and suggestions of responding to political interference. These accusations were found to be groundless and showed a blatant disrespect for the registrant’s regulator, and that this conduct harmed the honour, dignity, and reputation of the regulator by rejecting and insulting the authority of the regulator and by attempting to limit or restrict the regulator’s public duty to carry out its investigation of the complaints against the registrant. After receiving submissions from the Investigative Committee and the registrant, the Hearing Panel found that “the registrant was ungovernable, and could not be permitted to remain as a Member of the profession”. The registrant’s license was revoked, being permanently ineligible for registration with the regulator, was ordered to pay a fine of \$10,000, as well as the costs of the proceedings.

#### 5.2.5 Criminal convictions

Information was received by a regulator that a registrant had been charged and convicted of possession of child pornography. An investigation was initiated by the regulator. The registrant signed a “resignation agreement” with the Investigation Committee, resigning his registration and agreeing not to apply for reinstatement for at least seven years. It was stated that if the registrant were to apply for reinstatement, he would have to satisfy Council that he was of good character and good repute and that his conviction did not render him unsuitable before he could be reinstated.

## Appendix A

The following is a list of crimes that involve moral turpitude, as defined by the United States Department of State Foreign Affairs Manual<sup>†</sup>. These crimes demonstrate conduct that is considered contrary to community standards of justice, honesty or good morals. Conviction of any of these crimes would normally be cause for an investigation of an individual’s character.

### Crimes against Property

#### Fraud:

- » Making false representation;
- » Knowledge of such false representation by the perpetrator;
- » Reliance on the false representation by the person defrauded;
- » An intent to defraud;
- » The actual act of committing fraud.

#### Evil intent:

- » Arson;
- » Blackmail;
- » Burglary;
- » Embezzlement;
- » Extortion;
- » False pretenses;
- » Forgery;

- »Fraud;
- »Larceny (grand or petty);
- »Malicious destruction of property;
- »Receiving stolen goods (with guilty knowledge);
- »Robbery;
- »Theft (when it involves the intention of permanent taking);
- »Transporting stolen property (with guilty knowledge).

#### Crimes committed against governmental authority

- »Bribery
- »Counterfeiting
- »Fraud against revenue or other government functions
- »Mail fraud
- »Perjury
- »Harboring a fugitive from justice (with guilty knowledge)
- »Tax evasion (willful)

#### Crimes committed against a person, family relationship, and sexual morality

- »Abandonment of a minor child (if willful and resulting in the destitution of the child);
- »Assault (this crime is broken down into several categories, which involve moral turpitude):
  - »Assault with intent to kill, commit rape/sexual assault, commit robbery or commit serious bodily harm
  - »Assault with a dangerous or deadly weapon
- »Bigamy;
- »Paternity fraud;
- »Contributing to the delinquency of a minor;
- »Gross indecency;
- »Incest (if the result of an improper sexual relationship);
- »Kidnapping;
- »Lewdness;
- »Manslaughter:
  - »Voluntary
    - »Involuntary (where the statute requires proof of recklessness, which is defined as the awareness and conscious disregard of a substantial and unjustified risk which constitutes a gross deviation from the standard that a reasonable person would observe in the situation. A conviction for the statutory offense of vehicular homicide or other involuntary manslaughter only requires a showing of negligence will not involve moral turpitude even if it appears the defendant in fact acted recklessly)
- »Mayhem;
- »Murder;
- »Pandering;
- »Prostitution;
- »Rape (including "Statutory rape" by virtue of the victim's age) and sexual assault.

#### Attempts, aiding and abetting, accessories and conspiracy

- »An attempt to commit a crime deemed to involve moral turpitude;
- »Aiding and abetting in the commission of a crime deemed to involve moral turpitude;
- »Being an accessory (before or after the fact) in the commission of a crime deemed to involve moral turpitude;
- »Taking part in a conspiracy (or attempting to take part in a conspiracy) to commit a crime involving



moral turpitude where the attempted crime would not itself constitute moral turpitude.

## Appendix B

The following is a list of prohibited grounds of discrimination, as defined by the Canadian Human Rights Act. Human rights violations would normally be cause for an investigation of an individual's character.

Canadian human rights violations

- »Discrimination on the grounds of:
  - »Race;
  - »National or ethnic origin;
  - »Colour;
  - »Religion;
  - »Age;
  - »Sex;
  - »Sexual orientation;
  - »Gender identity or expression;
  - »Marital status;
  - »Family status;
  - »Genetic characteristics;
  - »Disability; and
  - »A conviction for which a pardon has been granted or a record suspended.

## Appendix C

The following principles are intended to outline how engineering regulators may investigate potential bad character. These principles are not designed to establish a registrant's good character.

Character investigations of registrants

Generally, a registrant's character is only investigated when there are indications of bad character. This will typically include circumstances that provide reasonable grounds to believe that a registrant will not act or has not acted, and/or will not practise, or has not practised, engineering in accordance with their respective Engineering Act(s), Bylaws, Regulations or Code(s) of Ethics. Regulators may also conduct character investigations following a complaint or report against a registrant and/or are presented with evidence of unprofessional conduct, professional incompetence, unskilled practice, crimes of moral turpitude, and/or violations of the Canadian Human Rights Act.

Most regulators will also investigate circumstances where they have reason to believe that an individual (it is important to note that this list is not exhaustive, and additional circumstances may prompt regulatory investigation):

1. Has contravened any statute<sup>‡</sup> related to the practice of engineering;
2. Has committed a criminal offence for which they did not receive a discharge, and a record suspension has not been granted pursuant to the Criminal Records Act (including conviction<sup>§</sup>, discharge<sup>\*\*</sup>, and record suspension<sup>††</sup>). It is up to each regulator to decide what type of finding is used as the trigger for character investigations;
3. Has been found to be at fault in a civil action relating to negligence in professional practice or a civil action which remains unsatisfied or undischarged;
4. Willfully obtains or attempts to obtain registration/licensure or renewal of registration/licensure by cheating, fraud, or forgery, including making any material misrepresentation;
5. Is being investigated by other jurisdictions or regulatory bodies.

The initiation of a character investigation does not necessarily result in a decision to proceed with disciplinary or enforcement action. It is up to each regulator to decide what actions are taken based on their findings.

The following are considered best practices and represent considerations that should guide investigations of character in situations such as those mentioned above:

1. Character determinations should be conducted objectively, openly, and transparently. This requires that the Regulator have adequate training and criteria to identify and evaluate how past behaviour or conduct is considered in the investigation.
2. Fair treatment and due process should be afforded to all individuals involved.
3. All evidence considered in character assessments should be validated or corroborated.
4. Registrants and applicants should be informed of any complaint(s) against them, subsequent investigations, and provided an opportunity to respond.
5. Consideration of any conduct tending to put character in question should include, but need not be limited to:
  1. The nature of the conduct and the parties involved;
  2. The length of time elapsed since the conduct;
  3. The individual's attitude toward the conduct;
  4. Any rehabilitative treatment undergone since the conduct;
  5. Whether the conduct would constitute a breach of bylaws or regulations;
  6. Any explanation provided by the individual; and
  7. Any extenuating circumstances contributing to the conduct.
6. Confidentiality of all parties should be respected by the regulatory body, with information disclosed only as necessary or as required by law.
7. Although individuals can undergo personal growth and work towards overcoming past character flaws, the mere passage of time alone, without evidence of personal growth and work to overcome past character flaws, does not automatically indicate the resolution of those character defects.
8. Determinations of character should be free from discrimination on any basis as specified in the Canadian Human Rights Code and any other Human Rights Code(s) that apply in the particular jurisdiction. Freedom from discrimination should consider biases that can affect individuals involved in the character assessment process or be embedded into systems and structures.

## References

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## Endnotes

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[2] Barber, Katherine (ed.), Canadian Oxford Dictionary. Oxford University Press Canada, 1998.

[3] Engineers Canada, Guideline on the Practice of engineering in Canada, online, <https://engineerscanada.ca/public-guideline-on-the-practice-of-engineering-in-canada>. Retrieved January 5, 2023.

[4] Engineers Canada, Guideline on the Code of Ethics, online, <https://engineerscanada.ca/publications/public-guideline-on-the-code-of-ethics#-fundamental-principles>. Retrieved May 9, 2022.

## Notes

\* "Registrant" means an individual registered with an engineering regulator, and can include but is not limited to engineers, engineers-in-training, members-in-training, engineering interns, permit holders, and

licensees.

<sup>†</sup> The US definition of crimes that involve moral turpitude is used throughout Canada.

<sup>‡</sup> “Statute” means a law passed by the legislative branch of a government (i.e., Engineering Acts, By-laws, guidelines and rules).

<sup>§</sup> A “**conviction**” is a finding of guilt after trial or through a guilty plea. A conviction appears on a person’s criminal record.

<sup>\*\*</sup> A “**discharge**” is a finding of guilt, but not a conviction. Discharges are granted most often where the offender has no previous criminal record, and the offence is minor. Discharges do not always appear on a person's criminal record. For example, a discharge would appear on a criminal record check done for the purpose of working with vulnerable persons. A person who receives a discharge can honestly say that they have never been convicted of a criminal offence.

<sup>††</sup> A “**record suspension**” (formerly called a pardon) allows people who were convicted of a criminal offence to have their criminal record sealed so that the conviction will not show up on a criminal record search. A record suspension is granted pursuant to the Criminal Records Act, a discharge is granted by a Judge.