

Draft for Consultation

Your input is requested on the following Framework Element. Engineers Canada is seeking expert feedback and validation regarding fitness to practice. Key questions for consideration:

- What is the appropriate balancing of issues for fitness to practice procedures?
- Does the protection of the public override a registrant's livelihood?
- Is there a right for the regulator to require disclosure of confidential health information?

If you have any questions, or would like to submit your feedback please contact:

Kathryn Sutherland
Vice-President, Regulatory Affairs
Engineers Canada
Kathryn.sutherland@engineerscanada.ca

We welcome your feedback!

Fitness to practice

under revision July 2016

Purpose and policy direction

Procedures that address concerns regarding fitness to practice due to health issues will protect the public interest. Procedures that seek appropriate remedial outcomes will permit registrants to return to practice.

Key considerations

1. Fitness to practice is the ability to practice safely in accordance with accepted standards of practice and to comply with professional obligations.
2. Fitness to practice may be impacted by physical or mental health issues which may arise at any time during a registrant's career.
3. In order to protect the public, engineering regulators require that members be fit to practice at the time of licensure and at all times throughout their careers.
4. Where there is a concern about a registrant's fitness to practice, the engineering regulator should conduct an investigation.
5. Where necessary, legislative authority should be sought so that concerns regarding the fitness to practice can be dealt with through a dedicated process and not through the disciplinary process.
6. Fitness to practice investigations should be conducted in accordance with the principles of natural justice and the applicant/registrant has the right to full disclosure of relevant information in the possession of the regulator and the right to make submissions before a determination is made.

7. Determinations regarding fitness to practice must be based on expert assessments of an individual's physical/mental health.
8. If an applicant is found to be unfit to practice, a licence will not be granted. If a registrant is found to be unfit to practice, the registrant's licence may be suspended. These determinations must be revisited once the individual is able to establish his/her fitness to practice.
9. The goals of the fitness to practice process are the protection of the public and rehabilitation of the individual. There is no punitive or deterrent function.
10. The fitness to practice process is strictly confidential with appropriate levels of privacy protection over health information. Hearings are to be held in private and decisions are not publicly reported however restrictions to practice must be published on the register. However, information may be disclosed in related disciplinary proceedings.