



The Association of
PROFESSIONAL ENGINEERS
of the Province of
Prince Edward Island

By-Laws
and
Code of Ethics

(Revised 2013)

ENGINEERING PROFESSION ACT - 1990
BY-LAWS AND CODE OF ETHICS
REVISED 2013

1. Interpretation
 - 1.1 Act
 - 1.2 Words and Terms

2. Membership
 - 2.1 Classification
 - 2.1.1 Members
 - 2.1.2 Honorary Life Members
 - 2.1.3 Non-Practising Membership
 - 2.1.4 Retired Membership

 - 2.2 Application for Membership or Enrolment
 - 2.2.1 Members & Engineers-in-Training
 - 2.2.2 Processing Applications
 - 2.2.3 Mobility of Professional Engineers in Canada
 - 2.2.4 Reinstatement - Good Standing
 - 2.2.5 Reinstatement - Not in Good Standing
 - 2.2.6 Required Examinations
 - 2.2.7 Acknowledgement of and Decision on Applications

 - 2.3 Registration
 - 2.3.1 Academic Requirements
 - 2.3.2 Experience Requirements
 - 2.3.3 Accredited Engineering Programs
 - 2.3.4 Eligibility of an E.I.T. for Registration
 - 2.3.5 Compliance with Prof. Development Program
 - 2.3.6 Provisional Membership

 - 2.4 General
 - 2.4.1 Members Privileges, Eligibility to Vote and Hold Office
 - 2.4.2 Issuing of Act and By-Laws
 - 2.4.3 Certificate and Seal
 - 2.4.4 Recording of Address
 - 2.4.5 Exemption from the Act

3. Licensing
 - 3.1 Application
 - 3.2 Term of Licence
 - 3.3 Non-Issuance
 - 3.4 Certificate and Seal
 - 3.5 Compliance with Professional Development Program
 - 3.6 Provisional Licensure

4. Practice by Firms
 - 4.1 Application
 - 4.2 Member or Licensee
 - 4.3 Current Information

5. Fees and Dues
 - 5.1 How and When Established
 - 5.2 Classes of Fees
 - 5.3 Classes of Dues
 - 5.4 Date Due and Payable
 - 5.5 Loss of Good Standing
 - 5.6 Removal from Register
 - 5.7 Refund of Fees and Dues
 - 5.8 Honorary Life Members
 - 5.9 Abatement of Dues
 - 5.10 Waiving of Dues
 - 5.11 Reinstatement Conditions
 - 5.12 Renewal Date - L.T.P. and C.O.A.
 - 5.13 Special Assessments

6. Management
 - 6.1 Administration
 - 6.1.1 Role of Council
 - 6.1.2 Administrative Officers
 - 6.1.3 Election of Officers
 - 6.1.4 Appointment of Officers
 - 6.1.5 Appointment of Executive Director
 - 6.1.6 Remuneration
 - 6.1.7 Expenses
 - 6.1.8 Offices
 - 6.1.9 Seal of the Association
 - 6.1.10 Fiscal Year

- 6.2 Duties of Officers
 - 6.2.1 President
 - 6.2.2 Vice-President
 - 6.2.3 Other Officers
 - 6.2.4 Secretary
 - 6.2.5 Administrative Support
 - 6.2.6 Acting Secretary
 - 6.2.7 Treasurer
 - 6.2.8 Bonding of Treasurer
 - 6.2.9 Registrar
 - 6.2.10 Executive Director

- 6.3 Financial and Signing Authority
 - 6.3.1 Banking
 - 6.3.2 Investing
 - 6.3.3 Purchasing Authority
 - 6.3.4 Borrowing Authority
 - 6.3.5 Signing Authority
 - 6.3.6 Auditing

7. Meetings

- 7.1 Meetings of Council
 - 7.1.1 Regular Meetings
 - 7.1.2 Special Meetings
 - 7.1.3 Notice of Meetings
 - 7.1.4 Chairing of Meetings
 - 7.1.5 Quorum for Meetings
 - 7.1.6 Agenda for Meetings
 - 7.1.7 Resolution in Writing
 - 7.1.8 Parliamentary Procedure
- 7.2 Meetings of the Association
 - 7.2.1 Annual Meeting
 - 7.2.2 Special Meetings
 - 7.2.3 Business at Special Meetings
 - 7.2.4 Notice of Meetings
 - 7.2.5 Quorum
 - 7.2.6 Chairing of Meetings
 - 7.2.7 Parliamentary Procedure
 - 7.2.8 Voting
 - 7.2.9 Order of Business for Annual Meeting

- 8. Council
 - 8.1 Election of Council
 - 8.1.1 Council
 - 8.1.2 Election and Term of Office
 - 8.1.3 Nominations for Council
 - 8.1.4 Nominees for President and Vice-President
 - 8.1.5 Nominating Committee Responsibilities
 - 8.1.6 Nominations by Members
 - 8.1.7 Review of Nominations by Council
 - 8.1.8 Election Ballot
 - 8.1.9 Election of Council
 - 8.1.10 Counting of Ballots
 - 8.1.11 Scrutineers' Report
 - 8.1.12 Recount of Ballots
 - 8.1.13 Tied Voting
 - 8.1.14 Electronic Voting
 - 8.2 Council Vacancies
 - 8.2.1 Resignations
 - 8.2.2 President
 - 8.2.3 Vice-President
 - 8.2.4 Councillors
- 9. Committees
 - 9.1 Nominating Committee
 - 9.1.1 Composition
 - 9.1.2 Vacancies
 - 9.1.3 Terms of Reference
 - 9.1.4 Limitation of Term of Committee
 - 9.2 Executive Committee
 - 9.2.1 Composition
 - 9.2.2 Duties
 - 9.3 Act Enforcement Committee
 - 9.3.1 Membership
 - 9.3.2 Term of Office
 - 9.3.3 Duties
 - 9.3.4 Act Enforcement Officer (A.E.O.)
 - 9.3.5 Qualifications of A.E.O.
 - 9.3.6 Powers and Procedures of A.E.O.
 - 9.3.7 Remuneration of A.E.O.
 - 9.3.8 Termination of Services of A.E.O.

- 9.4 Discipline Committee
 - 9.4.1 Appointment
 - 9.4.2 Seniority
 - 9.4.3 Lay Person
 - 9.4.4 Advisors
 - 9.4.5 Summons
 - 9.4.6 Evidence

- 9.5 Engineering Qualifications Committee
 - 9.5.1 Appointment
 - 9.5.2 Duties
 - 9.5.3 Academic Qualifications of Applicants

- 9.6 Professional Development Committee
 - 9.6.1 Appointment
 - 9.6.2 Professional Development Program
 - 9.6.3 Compliance with the Program

- 9.7 Other Committees
 - 9.7.1 Appointment of Other Committees
 - 9.7.2 President Ex Officio
 - 9.7.3 Chair and Acting Chair
 - 9.7.4 Meeting Time
 - 9.7.5 Voting
 - 9.7.6 Quorum
 - 9.7.7 Cancellation or Adjournment of Meetings

- 9.8 Reports

- 10. Amendments to the By-Laws
 - 10.1 Procedure
 - 10.2 Members' Proposals
 - 10.3 Voting by Letter Ballot
 - 10.4 Approval by Lieutenant-Governor-in-Council

- 11. Cooperation with Other Organizations

- 12. Protection of Officers

- 13. Standards of Practice

- 14. Code of Ethics
 - 14.1 Foreword
 - 14.2 Professional Life
 - 14.2.1 Co-operation
 - 14.2.2 Advertising
 - 14.3 Relations with the Public
 - 14.3.1 Extension of Public Knowledge
 - 14.3.2 Regard for Safety of Life and Health
 - 14.3.3 Ex Parte Statements
 - 14.3.4 Expressions of Opinion
 - 14.4 Relations with Clients and Employers
 - 14.4.1 Professional Conduct
 - 14.4.2 Fairness and Justice
 - 14.4.3 Declaration of Status
 - 14.4.4 Regard for Safety
 - 14.4.5 Presentation of Consequences
 - 14.4.6 Engagement of Experts or Specialists
 - 14.4.7 Compensation
 - 14.4.8 Commissions or Allowances
 - 14.4.9 Conflict of Interest
 - 14.4.10 Disclosure of Interest
 - 14.4.11 Competency
 - 14.4.12 Signing and Sealing
 - 14.5 Relations with Engineers
 - 14.5.1 Protection of Profession
 - 14.5.2 Credit for Engineering Work
 - 14.5.3 Adequate Compensation
 - 14.5.4 Provision of Opportunity for Engineering Employees
 - 14.5.5 Professional Reputation
 - 14.5.6 Under bidding
 - 14.5.7 Unfair Competition
 - 14.5.8 Conformity with Ethical Practices

BY-LAWS

1. INTERPRETATION

- 1.1 "ACT" means the Prince Edward Island Engineering Profession Act.
- 1.2 Words and terms appearing in the By-laws shall, unless the context otherwise requires, have the same meaning as is given to said words and terms in the Act.

2. MEMBERSHIP

2.1 Classification

- 2.1.1 **Members** shall be persons registered as members of the Association. To be eligible for registration applicants shall fulfil the academic and experience requirements of the Engineering Profession Act and these By-laws and shall demonstrate, in a manner satisfactory to Council, a knowledge of professional practice, the Engineering Profession Act and these By-laws.
- 2.1.2 **Honorary Life Members** shall be persons who are eminent in the engineering profession and who have provided outstanding service to the profession and have been elected to honorary life membership by unanimous vote of Council. Candidates may be proposed by any Member by written submission. Honorary Life Members shall not be entitled to practise unless they are registered or licensed but may enjoy all the other rights and privileges of membership. Residence in Prince Edward Island is not required for the conferring or retention of Honorary Life Membership. .
- 2.1.3 (a) **Non-Practising Membership** in the Association may be granted by the Council to an engineer who has satisfied the qualifications for registration under the Act, and who satisfies Council that he or she does not engage in the practice of engineering and further undertakes to refrain from engaging in the practice of engineering at any time while registered as a Non-Practising Member.
- (b) Non-Practising Members may be exempted from the requirements of the Professional Development Program. Non-Practising Members shall pay full dues and fees, shall have the right to vote and may enjoy all the other

rights and privileges of membership except the holding of office in the Association.

- (c) Non-Practising Members may resume active practice upon notifying the Association and demonstrating sufficient professional development activity in the individual's scope of practice as determined by Council and upon payment of the current year's dues.

2.1.4 (a) **Retired Membership** in the Association may be granted by the Council to any Member who has retired from and has undertaken not to engage in the practice of engineering and has no employment income from any source. Members must make written application for Retired Member status.

- (b) Retired Members are exempted from the requirements of the Professional Development Program. Retired Members are not entitled to vote at annual or special membership meetings or by letter ballot unless the Member is a member of Council. Retired Members may vote at all Committee meetings. Retired Members may enjoy all the other rights and privileges of membership in the Association upon payment of annual dues as prescribed by Council.

- (c) Retired Members may resume active practice upon notifying the Association and demonstrating sufficient professional development activity in the individual's scope of practice as determined by Council and upon payment of the current year's annual Member dues.

2.2 Application for Membership or Enrolment

2.2.1 Application for registration as a Member or enrolment as an Engineer-in-Training shall be made to the Registrar on a form prescribed by the Council and shall be accompanied by the credentials, fees and dues as prescribed by this Act and By-laws.

2.2.2 The application shall be presented by the Registrar to the Engineering Qualifications Committee. The Committee shall deal with the application in the manner provided by Section 9.5 hereof, and shall submit its findings to the Council which shall dispose of the applications by resolution.

- 2.2.3 The Association in common with all other provincial and territorial associations/ordre of professional engineers in Canada is a signatory to the Agreement on Mobility of Professional Engineers Within Canada and, consequently, deals with applications for transfer or a licence to practise from members of other engineering associations/ordre in accordance with the terms of the Agreement. The Agreement provides that any professional engineer registered with another association/ordre party to this Agreement shall be accepted for registration or licensing provided that the requirements and conditions for acceptance specified in the Agreement have been fulfilled.
- 2.2.4 Applicants who have been previously registered but have resigned in good standing may reapply in the manner prescribed for new applicants. For such applicants the registration fee required under Section 5.2 may be waived at the discretion of Council.
- 2.2.5 Applicants who have been previously registered but whose names have been removed from the Register because of arrears in dues or failure to comply with the requirements of the Professional Development Program, or who are not in good standing for some other reason, shall submit a letter to Council signifying their desire to be reinstated. Subject to the applicant complying with Section 5.11 and all other requirements of the Act and By-laws for registration, reapplication for registration may be permitted.
- 2.2.6 Applicants may, at the discretion of Council, be required to write any examination deemed necessary to confirm the candidates' abilities in engineering theory and professional practice.
- 2.2.7 The Registrar shall acknowledge receipt and shall advise the applicant by letter of the Council's decision on the application.

2.3 Registration

- 2.3.1 The academic requirements for registration may be satisfied by graduation from an accredited engineering program or by satisfactory completion of a program of examinations assigned by the Engineering Qualifications Committee. In the case of graduation from an accredited engineering program the date of completion of the requirements for graduation shall be designated the "academic requirements completion date". In all

other cases the Committee shall determine the "academic requirements completion date".

- 2.3.2 Registration applicants who are graduates of an accredited engineering program shall have completed at least four years of engineering experience acceptable to Council, of which at least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination. Any other applicants shall have completed at least five years of engineering experience acceptable to Council, of which at least one year shall have been gained in a Canadian environment, and shall have passed the National Professional Practice Examination. All engineering experience shall be verified by references from engineers who are familiar with the work performed. Applicants must have gained at least one year of engineering work experience before attempting the National Professional Practice Examination.

A minimum of three years of the required period of acceptable engineering experience must be completed after the "academic requirements completion date". A maximum of one year of pre-graduation engineering work experience gained following the completion of at least two years of an accredited engineering program may qualify for up to one year of the minimum four year work experience requirement. Experience gained through the completion of a post-graduate degree (Masters, Ph.D) in an area consistent with the field of academic qualification may qualify for up to one year of the minimum four year experience requirement.

- 2.3.3 Accredited engineering programs shall be such programs as are recognized by the Canadian Council of Professional Engineers.
- 2.3.4 An Engineer-in-Training who has completed the required period of engineering work experience may apply for registration. Council shall have the authority to limit the period of time for which a person may remain enrolled as an Engineer-in-Training.
- 2.3.5 All applicants for registration or enrollment, except Non-Practising Members, shall follow and comply with the requirements of the Professional Development Program, and submit all necessary forms to document and substantiate compliance with the Program as and when required to do so under the terms of the Program unless exempted therefrom.

- 2.3.6 An applicant who has been adjudged by the Engineering Qualifications Committee to have satisfied the requirements for registration other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted Provisional Membership of the Association.

A Provisional Member shall be entitled to engage in the practice of engineering subject to entering into a Collaborative Agreement between himself/herself and a collaborator who is accepted by the Engineering Qualifications Committee as being suited to fill that role.

The collaborator must be a Member of the Association of Professional Engineers of Prince Edward Island and normally be in the same discipline as the applicant as well as part of the same work team. The collaborator will be required to provide advice on the Canadian environment and its implications with respect to design and construction and to ensure that the applicant becomes familiar with all National and Provincial Regulations and Codes relevant to his/her discipline. The onus is on the applicant to provide a signed Collaborative Agreement for the approval of the Engineering Qualification Committee.

Provisional Members:

- Will be subject to the undernoted conditions until they are removed by Council on the recommendation of the Engineering Qualification Committee;
- Will receive a Certificate of Provisional Membership that will acknowledge the existence of a Collaborative Agreement and which will expire after one year from the date of issue but may be renewed for a maximum of one additional year;
- Will be required to pass the National Professional Practice Examination;
- Will have the right of access to member benefits;
- Will not be issued with a stamp or be permitted to stamp drawings or documents or independently accept responsibility for engineering work; and
- Will not be eligible to vote in Association elections or to hold office in the Association.

2.4 General

- 2.4.1 Individuals registered as Members or Honorary Life Members and in good standing with the Association shall be eligible to vote and to hold office. Non-Practising members shall be eligible to vote but not to hold office.
- 2.4.2 All Members or Engineers-in-Training shall upon registration or enrolment be issued with a copy of the Engineering Profession Act and By-laws.
- 2.4.3 Upon registration a Member shall be issued with a certificate and seal and it shall be the responsibility of the Member to ensure the safekeeping of that seal. The certificate and seal shall remain the property of the Association and upon the removal of a Member's name from the register the certificate and seal of the said Member shall forthwith be returned to the Association.
- 2.4.4 Each person registered or enrolled with the Association shall provide the Secretary with a mailing address and shall promptly notify the Secretary of any change of address. The mailing of a notice to the last recorded address shall be deemed to constitute service of notice for any Association purpose.
- 2.4.5 Persons not registered, licensed to practise, or enrolled under the provisions of this Act may apply the practice of engineering to a project where such engineering does not involve the safety of other persons and the value of the project does not exceed two hundred and fifty thousand dollars (\$250,000).

3. LICENSING

- 3.1 Application for a licence to practise shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.
- 3.2 A licence to practise shall be valid for the calendar year in which it is issued.
- 3.3 A licence to practise will not be granted to a resident of Prince Edward Island.
- 3.4 Upon granting a licence to practise the Association shall issue the Licensee with a certificate and seal.

3.5 All applicants for a Licence to Practise shall follow and comply with the requirements of the Professional Development Program and shall submit all necessary forms to document and substantiate compliance with the Program as and when required to do so under the Program.

3.6 An applicant for a licence to practise engineering who has been adjudged by the Engineering Qualifications Committee to have satisfied the requirements for licensing other than the one year of experience in a Canadian environment and the passing of the National Professional Practice Examination may, at the discretion of Council, be granted a Provisional Licence and shall be known as a Provisional Licensee.

A Provisional Licensee shall be entitled to engage in the practice of engineering subject to entering into a Collaborative Agreement between himself/herself and a collaborator who is accepted by the Engineering Qualifications Committee as being suited to fill that role.

The collaborator must be a Member of the Association of Professional Engineers of Prince Edward Island and normally be in the same discipline as well as part of the same work team. The collaborator will be required to provide advice on the Canadian environment and its implications with respect to design and construction and to ensure that the applicant becomes familiar with all National and Provincial Regulations and Codes relevant to his/her discipline. The onus is on the applicant to provide a signed Collaborative Agreement for the approval of the Engineering Qualifications Committee.

Provincial Licensees:

- Will be subject to the undernoted conditions until they are removed by Council on the recommendation of the Engineering Qualification Committee;
- Will receive a Provisional Licence that will acknowledge the existence of a Collaborative Agreement and which will expire after one year from the date of issue but may be renewed for a maximum of one additional year;
- Will be required to pass the National Professional Practice Examination; and
- Will not be issued with a stamp or be permitted to stamp documents or independently accept responsibility for engineering work.

4. PRACTICE BY FIRMS

- 4.1 Application for a Certificate of Authorization shall be in the form prescribed by Council and shall include fees and dues as prescribed by the By-laws.
- 4.2 Prior to issuing a certificate of authorization, Council shall be satisfied that the applicant has a Member or Licensee who is in charge of the practice of engineering on its behalf.
- 4.3 Prior to undertaking the practice of engineering in any calendar year any holder of a certificate of authorization shall submit to the Registrar, in the form prescribed by Council, current information updating that contained in its original application. Annual dues shall accompany the submission. Upon approval of the submission by Council, the Association shall issue evidence of validation which shall be attached to the certificate of authorization.

5. FEES AND DUES

- 5.1 Fees and annual dues shall be established by the Council annually on or before October 31 of each year, and shall take effect when approved by a two-thirds majority of the Members present at the Annual Meeting of that year or at a special meeting of Members called for the purpose of such approval. In the absence of approval at the Annual Meeting or special meeting of the fees and dues established by Council, the fees and annual dues payable for the preceding year shall continue to apply until an amendment is approved.

5.2 Classes of Fees

The **classes** of fees charged by the Association shall be as follows:

- Registration fee for a Member
- Registration fee for a Provisional Member
- Registration fee for a Licensee
- Registration fee for a Provisional Licensee
- Registration fee for an Engineer-in-Training
- Transfer fee for membership where the applicant is a member of another Association of Professional Engineers in Canada
- Stamp or Seal
- Assessment of Qualifications (Non Canadian)
- Writing the National Professional Practice Examination
- Certificate of Authorization.

5.3 **Classes of Dues**

The **classes** of dues charged by the Association shall be as follows:

- Member (includes C.C.P.E. assessment)
- Provisional Member
- Non-Practising Member
- Retired Member
- Engineer-in-Training (to be credited towards membership dues when eligible for membership)
- Licence to Practise (Licensee)
- Provisional Licence to Practise (Provisional Licensee)

Note: All of the above include the relevant C.C.P.E. dues.

- 5.4 The annual dues shall be for the calendar year and are due and payable in advance on or before the first day of January of the year for which they are applicable.
- 5.5 A Member, or an Engineer-in-Training shall cease to be in good standing when his or her annual dues are three months or more in arrears or when he or she has failed to submit prior to March 31 an Activity Summary showing compliance with the Professional Development Program in the previous year or when the Member or Engineer-in-Training has been found guilty of an offence which is relevant to suitability to engage in the practice of engineering.
- 5.6 Members and Engineers-in-Training whose annual dues are four months or more in arrears or who are over four months in arrears in the submission of an Activity Summary showing compliance with the Professional Development Program in the previous year shall, subject to the prescribed notification and endorsement of the action by Council, have their names removed from the Register. The Registrar shall give such persons ten days notice of intended removal by registered mail addressed to the last known address of Member or Engineer-in-Training.
- 5.7 Any fees and dues except those for administration of examinations and assessment of qualifications shall be refunded to an applicant whose application for membership, licence to practise, or enrolment as an Engineer-in-Training has been refused.

- 5.8 Honorary Life Members shall be entitled to enjoy all the rights and privileges of the Association without payment of fees or dues.
- 5.9 Council may abate the dues for Members or Engineers-in-Training
- (a) who are not practising and are registered as full-time students in a program leading to an advanced degree; or
 - (b) who are incapacitated and thus do not intend to practise; or
 - (c) who are unemployed; or
 - (d) who are on parental leave and are not practising.
- 5.10 Council may waive the dues, for the year of transfer, of an applicant for registration by transfer, provided the fee for transfer of membership is paid.
- 5.11 Those whose names have been removed from the Register or enrolment list because of arrears in dues or failure to comply with the requirements of the Professional Development Program and who are permitted by Council in accordance with Section 2.2.5 to reapply for registration or enrollment will be required to comply with any applicable conditions imposed by the Professional Development Program and may be required to pass the National Professional Practice examination and shall be assessed fees and dues consisting of:
- (a) dues in arrears for the year of removal;
 - (b) dues for the current year; and
 - (c) fee for registration as a new member.
- 5.12 A licence to practise or a certificate of authorization which is not renewed for the year by the last day of January shall be deemed to have lapsed and application for a new licence or certificate as the case may be, together with fees and dues in accordance with Sections 5.2 and 5.3, shall be required for reinstatement.
- 5.13 Assessments of Members for payments, other than annual dues, required to cover ordinary, special or extraordinary expenditures necessary to further any of the objects of the Association, may be made after approval by two-thirds majority of the Members voting by letter ballot following the passing of a resolution for such assessment by the Association or Council.

6. MANAGEMENT

6.1 Administration

- 6.1.1 The affairs of the Association shall be administered by Council in accordance with the Engineering Profession Act and these By-laws.
- 6.1.2 The administrative officers of the Association shall be the President, Vice-President, Secretary, Treasurer, Registrar and the Executive Director.
- 6.1.3 The President and Vice-President shall be elected in accordance with these By-laws.
- 6.1.4 The Secretary, Treasurer, and Registrar shall be appointed by Council. The services of the Secretary, Treasurer, or Registrar may be terminated by a majority vote of the Members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of the meeting.
- 6.1.5 The Executive Director shall be appointed by Council for such term and conditions as may be agreed upon between the parties. The Agreement shall be in writing and signed by both parties. The services of the Executive Director may be terminated by a majority vote of the members of Council present at a meeting of Council called for the purpose of considering such termination. Notice of the meeting shall be sent to members of Council at least fourteen days prior to the date of such meeting.
- 6.1.6 Council shall establish the remuneration for each office at the beginning of each year, or from time to time as deemed in the best interests of the Association.
- 6.1.7 Council may authorize the payment of expenses for appointed officers or members of Council or any committee for travel, accommodations and such other items as may be deemed in the best interests of the Association.
- 6.1.8 Council shall obtain, equip and furnish offices as necessary to carry on the business of the Association.

- 6.1.9 The seal of the Association shall be applied to all certificates of registration or licences, and to all deeds, agreements, or other instruments. Such documents shall be countersigned by the appropriate officers as designated by Council.
- 6.1.10 The Association's fiscal year shall begin on the first day of November and end on the thirty-first day of October in the following calendar year.

6.2 Duties of Officers

- 6.2.1 The President shall
- (a) preside at all meetings of the Association and Council;
 - (b) be responsible for directing the affairs of the Association in accordance with the Engineering Profession Act and these By-laws; and
 - (c) be an ex officio member of all committees of the Association, except the Act Enforcement Committee.
- 6.2.2 The Vice-President shall in the absence of the President, have the authority and responsibilities of the President.
- 6.2.3 The Secretary, Treasurer, Registrar and Executive Director shall be responsible to Council for the duties assigned by the Engineering Profession Act and these By-laws and such other duties as may be assigned to them by Council. The Secretary, Treasurer, Registrar and Executive Director shall not be eligible to vote at meetings of Council unless they are elected members of Council.
- 6.2.4 The duties of the Secretary shall include
- (a) acting as Secretary and recording the minutes for all meetings of the Association and Council, and conducting the correspondence in accordance with the decisions taken and policies established at such meetings;
 - (b) acting as Secretary for the executive committee and such other committees as Council may direct;
 - (c) receiving all applications for registration, enrolment, certificate of authorization, or licensing together with all supporting documents;
 - (d) cooperating and coordinating with the Registrar;
 - (e) having custody of the seal of the Association; and
 - (f) prior to each annual meeting, submitting to Council a list, certified by the Registrar, of all Members in good standing.

- 6.2.5 The Secretary may, with the approval of the Council and at the expense of the Association, engage administrative support services on a full time or part time basis.
- 6.2.6 In the unavoidable absence of the Secretary the presiding officer shall appoint an Acting Secretary.
- 6.2.7 The duties of the Treasurer shall include
- (a) collecting of all money due the Association;
 - (b) certifying of all bills or vouchers before presentation to Council for payment;
 - (c) keeping of proper records showing the source and disposition of all income;
 - (d) the submission at the annual meeting of a financial statement for the most recent fiscal year, duly certified by the auditors of the Association and such other reports as may be requested by Council; and
 - (e) other duties and associated tasks that may be assigned by Council.
- 6.2.8 The Treasurer, if deemed necessary by the Council, shall be bonded by an approved surety company to the satisfaction of the Council and at the expense of the Association.
- 6.2.9 The duties of the Registrar shall include
- (a) receiving and presenting to the Engineering Qualifications Committee all applications for membership, licence to practise, enrolment as an engineer-in-training or certificate of authorization, and keeping a full and correct record of such applications and the Council's resolutions on each application;
 - (b) keeping a register in which shall be entered the full name, address and date of registration of every Member, Licensee and Engineer-in-Training;
 - (c) issuing all certificates of registration, licence to practise, enrollment as an engineer-in-training and certificates of authorization;
 - (d) recording in the Register the names of Members, Licensees, Engineers-in-Training and holders of Certificates of Authorization removed, with the date and reason for removal; and
 - (e) preparation and certification of a list of all Members and Honorary Life Members eligible to vote and to hold office and Non-Practising Members entitled to vote,, for use at the annual meeting and for the conduct of elections.

- 6.2.10 The duties of the Executive Director shall include
- (a) the administration of the office of the Association; and
 - (b) such tasks as may be assigned by Council including filling the offices of Secretary, Treasurer, and Registrar when Council so directs.

6.3 Financial and Signing Authority

- 6.3.1 All money received on behalf of the Association shall be deposited to the credit of the Association in a chartered bank or trust company approved by Council. All payments shall be made by cheque duly signed by the authorized signing officers as designated by Council.
- 6.3.2 The purchase or sale of investments of the Association shall be approved by Council. Investment in securities shall be registered in the name of the Association or trustee appointed by Council, and shall be kept in a safety deposit box in a chartered bank or trust company.
- 6.3.3 The purchase of real estate or capital equipment to the value of \$10,000 may be undertaken in any year on the authority of Council, provided that such expenditure has not previously been rejected at an annual or special meeting of the Association. Expenditures on real estate or capital equipment in excess of \$10,000 in any year must have prior approval at an annual or special meeting of the Association.
- 6.3.4 Council shall have the authority to borrow money on behalf of the Association up to the amount of \$10,000. Any motion to borrow money in excess of \$10,000 shall be approved by a two-thirds affirmative vote of the Members at an annual or special meeting, or shall be sent out for letter ballot to all Members of the Association. Authority to borrow in excess of \$10,000 shall become effective only if at least two-thirds of those voting cast their ballots in the affirmative.
- 6.3.5 Signing officers for the Association shall be the Treasurer, President, and the Vice-President. The signatures of any two signing officers shall be required for negotiable instruments and banking requirements.

- 6.3.6 A firm of chartered accountants to audit the books of the Association shall be appointed at each annual meeting. The audit shall include an examination into the financial condition of the Association, the preparation of a balance sheet, income statements and any other required reports. The audited statements shall be submitted by the Treasurer to Council for approval before presentation to the annual meeting.

7. MEETINGS

7.1 Meetings of Council

- 7.1.1 At least four regular meetings of the Council shall be held in each fiscal year at such time and place in Prince Edward Island as the President shall determine.
- 7.1.2 Special meetings of the Council shall be called by the Secretary on the written requisition of any four members of the Council at such time and place within Prince Edward Island as is designated in the requisition.
- 7.1.3 Notice of both regular and special meetings on the Council shall be sent by the Secretary to all members of the Council at least seven days in advance of the holding of such meeting. Such notices may be waived by the consent of four members of Council.
- 7.1.4 The President of the Association shall chair every Council meeting. If the President is absent or unable to chair a meeting the Vice-President shall preside. If both the President and the Vice-President are absent or unable to chair the meeting, the Members present shall choose one of themselves to chair the meeting.
- 7.1.5 The majority of members of the Council shall constitute a quorum for the transaction of business at a meeting of the Council.
- 7.1.6 Council shall determine its meeting agenda. Agenda items shall include but not necessarily be limited to the following:
- (a) read, ensure accuracy, and confirm the minutes of the last Council meeting;
 - (b) business arising out of the minutes;
 - (c) deal with correspondence;
 - (d) receive and consider committee reports;

- (e) deal with Engineering Qualifications Committee recommendations regarding applications for membership, licence to practise, engineer-in-training and certificate of authorization;
- (f) consider and approve accounts;
- (g) other business.

7.1.7 A resolution assented to and adopted in writing by a majority of members of the Council, although not passed at a Council Meeting, shall be of the same force and effect as if it had been duly passed at a Council Meeting.

7.1.8 Meetings of the Council shall be conducted in accordance with parliamentary procedure.

7.2 Meetings of the Association

7.2.1 The annual meeting of the Association shall be held at such time and place as may be fixed by the Council. The length of time between meetings shall not be longer than (15) fifteen months.

7.2.2 Council may call a special meeting of the Association at any time, and shall call a special meeting within sixty days of receipt of a written request to do so from ten or more members. The notice of special meeting shall state the specific objects thereof.

7.2.3 Business at special meetings of the Association shall be restricted to that stated in the notice of the meeting.

7.2.4 Notice of all meetings of the Association setting out the place and date thereof and business to be transacted shall be sent to the membership not more than three weeks and not less than one week prior to such meeting.

7.2.5 Ten Members shall constitute a quorum at all meetings of the Association.

7.2.6 The President of the Association shall chair every meeting of the Association. If the President is absent or refuses to chair the meeting, the Vice-President shall preside. If both the President and Vice-President are absent or refuse to chair the meeting, the Members present shall choose one of themselves to chair the meeting.

- 7.2.7 All meetings of the Association shall be conducted in accordance with parliamentary procedure. A simple majority is required for motions to carry at such meetings. The chair shall have the same voting rights as other Members and when a vote is equal shall have a casting vote.
- 7.2.8 Only a Member, Honorary Life Member or Non-Practising Member shall be entitled to vote at a meeting of the Association.
- 7.2.9 Order of business at the annual meeting of the Association shall, unless otherwise decided by a vote of the meeting, be as follows:
- (a) minutes of the last annual meeting and any special meeting held since the last annual meeting;
 - (b) business arising from the minutes;
 - (c) address by the President;
 - (d) report of Council by Secretary;
 - (e) report of the Registrar;
 - (f) financial reports by the Treasurer;
 - (g) report on C.C.P.E.;
 - (h) reports of committees;
 - (i) ratification of the actions of Council;
 - (j) report of scrutineers;
 - (k) disposal of ballots;
 - (l) installation of new officers;
 - (m) election of Nominating Committee;
 - (n) approval of the budget;
 - (o) appointment of auditors; and
 - (p) new business.

8. COUNCIL

8.1 Election of Council

- 8.1.1 The Council shall consist of the President, the Vice-President, the Past-President and four Councillors.
- 8.1.2 The President and the Vice-President shall be elected by the vote of the total membership and shall hold office for one year. Two Councillors shall be elected annually by a vote of the total membership for a term of two years.
- 8.1.3 The nominating committee shall ensure that there are sufficient nominations to fill each vacant position on Council but shall not make any other nomination for the office of President where the

Vice-President accepts the position, in which case the Vice-President shall be the only committee nominee.

- 8.1.4 Nominees for President shall be Members who have previously served at least two full years on Council. Nominees for Vice-President shall be Members who have previously served at least one full year on Council.
- 8.1.5 At least sixty days before the annual meeting, the nominating committee shall submit in writing to the Secretary a list of those nominated for election to Council. It shall not include the name of any Member who is known to be unwilling or unable to accept office if elected.
- 8.1.6 Nominations for any office may be made by Members providing such nominations are made in writing and filed with the Secretary at least sixty days before the annual meeting. The written submission shall include the name of the Member placed in nomination, the office for which the nomination is made, and the signatures of at least five Members in support of the nomination. The submission shall also include a written statement from the nominee confirming agreement to stand for election to the office for which the nomination is made.
- 8.1.7 At the first Council meeting after the receipt thereof the Secretary shall submit to Council for its approval the list of nominees submitted by the Nominating Committee. If for any reason the nominating committee fails to fulfill properly all or any of the requirements of its office, the Council may complete all or any of these requirements.
- 8.1.8 Council shall then instruct the Secretary to prepare an election ballot. The names on the ballot shall include those nominees as approved by Council in accordance with Section 8.1.7 as well as any nominees submitted by the membership in accordance with Section 8.1.6. The ballot shall be prepared so that Members will be instructed to vote for not more than one Member for President, one Member for Vice-President and two Members for Councillors.
- 8.1.9 Election of Council shall be by secret ballot. A copy of the ballot, bearing an impress of the seal of the Association, shall be sent to each Member no later than fourteen (14) days before the annual meeting. Ballots shall be received for counting at the office of the Association until 15:00 local time four (4) days before the date set for the annual meeting.

- 8.1.10 All valid ballots received from Members shall be handed by the Secretary to the three scrutineers appointed by Council. The scrutineers shall analyze the vote and notify the candidates in camera, not less than one day before the annual meeting. The ballots shall be filed with the Secretary who shall retain them until their disposal is authorized by motion of the annual meeting.
- 8.1.11 The scrutineers' report shall be delivered in a sealed envelope to the chairperson of the annual meeting. It shall contain the names of the successful candidates, the total number of valid ballots received and the number of spoiled ballots. The chairperson of the annual meeting shall then declare such Members duly elected to their respective offices.
- 8.1.12 If the annual meeting orders a recount of ballots the chairperson shall appoint three new scrutineers and a recount of the ballots shall be made. Candidates may be present or be represented at such a recount. The results of the recount shall be final.
- 8.1.13 In the case of a tie vote for any office, the tie shall be broken by a secret ballot of all Members present at the annual meeting and eligible to vote.
- 8.1.14 Notwithstanding subsections (8.1.9-12), the voting referred to in subsection (8.1.9-12), may be conducted by electronic or other alternative means or combination of means authorized by resolution of the Council, in which event all other requirements of this Section shall apply with necessary adaptations.

8.2 Council Vacancies

- 8.2.1 A Member shall be deemed to have resigned from the Council:
- (a) on the death of the Member;
 - (b) when the Member's written resignation filed with the Secretary is approved by Council;
 - (c) when the Member has been absent for more than three consecutive meetings of the Council without the consent of the Council;
 - (d) when the Member ceases to be a resident of Prince Edward Island;
 - (e) when the Member has resigned as a Member of the Association;
 - (f) when the Member's certificate of registration has been suspended or cancelled.
- 8.2.2 When the office of the President is vacant, the Vice-President

shall assume the duties and functions of President for the remainder of that term of office. This condition shall not constitute a vacancy in the office of Vice-President.

- 8.2.3 A vacancy in the office of Vice-President may be filled by appointment by Council. The appointment shall be for the remainder of that term of office for which the Vice-President had been elected. The appointment of a Council Member to the office of Vice-President shall constitute a vacancy in the Council.
- 8.2.4 Vacancies in the office of Councillors shall be filled by appointment by Council. The appointed Council Member(s) shall hold office until the next regular election of Council Members. Where the term of office so filled would have extended beyond the date of the next regular election of Council Members, the office shall be filled by election at the next regular election of Council Members for the remainder of that term of office.

9. COMMITTEES

9.1 Nominating Committee

- 9.1.1 A Nominating Committee shall be named each year to nominate Members for election to Council. The Past-President of the Association shall chair the Nominating Committee. The balance of the Committee shall consist of two Members elected by a vote of the Members present at the annual meeting of the Association.
- 9.1.2 Vacancies in the Nominating Committee may be filled by appointment by Council.
- 9.1.3 The terms of reference of the Nominating Committee shall be as outlined in Section 8.1.5.
- 9.1.4 A Member shall not serve on the Nominating Committee for more than two consecutive terms.

9.2 Executive Committee

- 9.2.1 The Executive Committee of Council shall consist of the President, the Past-President, the Vice-President and the Executive Director.

- 9.2.2 The Executive Committee shall
- (a) deal with matters of Association business arising between regular meetings of Council;
 - (b) select, direct and coordinate other committees of Council;
 - (c) act or report on any matters referred to it by Council; and
 - (d) inform and/or make recommendations to Council concerning matters not included in the scope of activity of other committees.

9.3 Act Enforcement Committee

- 9.3.1 The Council shall appoint an Act Enforcement Committee consisting of at least three Members and such additional members as deemed necessary by Council. Council Members are not eligible to be members of this Committee.
- 9.3.2 The term of office of members of the Act Enforcement Committee shall be as determined by Council.
- 9.3.3 The Act Enforcement Committee shall consider and investigate
- (a) complaints regarding the conduct of any Member, Licensee, Engineer-in-Training or holder of a certificate of authorization; and
 - (b) suspected violations of the Engineering Profession Act or By-laws.
- 9.3.4 Council shall appoint a person to be known as Act Enforcement Officer which person shall:
- (a) act as Secretary to the Committee, including keeping minutes thereof and conducting the correspondence in accordance with the directives of the Committee;
 - (b) make such site visits or other inspections as the Committee may direct subject to guidelines established by Council; and
 - (c) perform such other duties as the Committee, acting within its mandate, may direct.
- 9.3.5 The Act Enforcement Officer shall have a full knowledge of this Act and By-laws, be familiar with standard procedures for investigation and reporting, and be able to exercise good judgment when dealing with act enforcement matters.

- 9.3.6 For the purpose of conducting an investigation pursuant to Sub-Section 15.(2) of the Act, the Act Enforcement Officer may, by an order approved by the Council and issued under the seal of the Association, require the attendance of witnesses and the production of plans, books, papers, documents or things.
- 9.3.7 Remuneration of the Act Enforcement Officer shall be such amount as Council shall from time to time establish.
- 9.3.8 The services of the Act Enforcement Officer may be terminated by a majority vote of the Members of Council.

9.4 Discipline Committee

- 9.4.1 Council shall appoint a Discipline Committee consisting of the President, Past-President, Vice-President and two Members of Council with seniority and one lay person who is not a professional engineer.
- 9.4.2 Seniority shall be determined by the length of time the Council member has served on Council. In the event of a tie in seniority for a Committee member, the Council shall select the committee Member by a vote.
- 9.4.3 The lay person appointed annually by Council shall be a respected member of the community, and shall indicate acceptance of serving on this Committee.
- 9.4.4 The Committee may engage advisors having applicable experience or expertise for purposes of any particular hearing or matter being considered by the Committee.
- 9.4.5 For the purpose of any hearing, the Committee may by summons require the attendance before it of any person whose evidence may be material to the subject matter of the hearing.
- 9.4.6 All evidence given at hearings of the Discipline Committee shall be retained in a safe manner as determined by the Discipline Committee.

9.5 Engineering Qualifications Committee

- 9.5.1 Council shall appoint an Engineering Qualifications Committee consisting of at least three Members and shall designate which of the Members is to chair the Committee. The Council may at any time fill any vacancies on the Committee and replace any Member thereof, or add to its number.
- 9.5.2 The Committee shall:
- (a) consider all applications for membership, licence to practise, enrolment as an engineer-in-training and certificate of authorization submitted to it by the Registrar and not previously disposed of by Council;
 - (b) report to Council its findings as to whether or not each applicant is qualified in accordance with the requirements of the Act;
 - (c) cooperate with the Canadian Engineering Accreditation Board in accordance with regulations and agreements approved by Council.
- 9.5.3 The Engineering Qualifications Committee may require any examination deemed necessary in order to confirm the candidates' academic qualifications in engineering theory or special subjects in the uniform syllabus of examinations. Examinations will normally be assigned from the CCPE List Confirmatory Program, Non-List Confirmatory Program or National Technical Examination Program but other examinations may be utilized at the discretion of the Engineering Qualification Committee. Such examinations may be conducted at any academic or technical institution recognized by Council or by special examiners appointed by the Engineering Qualifications Committee.

9.6 Professional Development Committee

- 9.6.1 Council shall appoint a Professional Development Committee consisting of at least three members, and shall designate which of the members is to be chair of the Committee. The Council may, at any time, fill any vacancies on the Committee, and replace any member thereof or add to its number.
- 9.6.2 The Committee shall develop and update as necessary a program of professional development designed to improve the proficiency of engineers in all matters relating to the practice of engineering.

9.6.3 The Professional Development Committee will require Members, Engineers-in-Training and Licensees to maintain, submit and, if requested to do so, substantiate records to show compliance with the Professional Development Program.

9.7 Other Committees

9.7.1 The Council may from time to time appoint from the membership of the Association such other Committees as it deems necessary and may assign to such Committees any of its powers; provided that such Committees shall conform to any regulations imposed upon them by Council.

9.7.2 The President shall be an ex officio Member of all such other Committees.

9.7.3 Each Committee shall elect a chairperson, unless an appointment has been made by Council. In the absence of the chair, the Committee shall appoint an Acting Chair, with all the functions and powers of the chairperson.

9.7.4 A Committee may meet at such time as it sees fit.

9.7.5 Questions arising at any meeting of a Committee shall be determined by the majority of those present, and in case of equality of votes, the chairperson shall have the casting vote.

9.7.6 The majority of any Committee shall constitute a quorum.

9.7.7 If, within one half hour after time appointed for a meeting a quorum is not present, the meeting may be cancelled or adjourned.

9.8 Reports

Each Committee shall submit a yearly report to Council at a Council meeting prior to the annual meeting and shall submit such other reports as may be requested by Council.

10. AMENDMENTS TO THE BY-LAWS

- 10.1 A proposed new by-law or the amendment or repeal of an existing by-law shall be presented in writing to the Council signed by at least five Members, or approved by resolution of the Association or Council.
- 10.2 Members' proposals shall be considered by Council, and the Members submitting the proposed amendments shall be notified by Council of acceptance or of suggested changes to their proposed amendments within sixty days of receipt of the proposed amendments. The proposers shall then notify the Secretary in writing whether they wish to withdraw their proposed amendments, accept any changes suggested by Council, or insist on the original form of the proposed amendments. If such final decision by the proposers is received in writing by the Secretary more than sixty days prior to the date fixed for the next annual meeting of the Association, the proposed amendments shall be submitted to the annual meeting for approval prior to their being sent to letter ballot. If the schedule with respect to the annual meeting is not fulfilled, the proposed amendments may, at the discretion of Council, be held over to a special meeting or to the next annual meeting if no special meeting is called.
- 10.3 If approved at the Annual Meeting, the proposed new by-law(s) or amendment or repeal of existing by-law(s) shall be sent by the Secretary in the form of a letter ballot to every Member of the Association who is in good standing, and the ballot shall be returnable at a date to be fixed by Council. Immediately after such date, scrutineers appointed by Council shall count the ballots and report the results to Council, which shall declare the proposed new by-law(s) or amendment or repeal of existing by-law(s) to be ratified and in full force and effect if supported by at least two-thirds of the valid ballots received. .
- 10.4 Any By-laws or regulations made under this Act shall be subject to the approval of the Lieutenant-Governor-in-Council.

11. COOPERATION WITH OTHER ORGANIZATIONS

Council shall be empowered to cooperate and enter into agreements with other Associations or institutes of engineering whose aims and objectives for the promotion of the engineering profession are similar to those of the Association.

12. PROTECTION OF OFFICERS

The Association shall hold harmless the members of Council, members of committees, officers, employees or appointees of Council from any and all actions, claims, demands or suits arising out of the performance of their duties under the Engineering Profession Act and these By-laws.

13. STANDARDS OF PRACTICE

All Members of the Association and others licensed to practise shall at all times conduct their practice of engineering, their relationship with members of the public, clients, professional associates, and members of their profession in accordance with the "Code of Ethics" appended hereto.

14. CODE OF ETHICS

14.1 Foreword

Honesty, justice, and courtesy form a moral philosophy which, associated with mutual interest among people, constitute the foundation of ethics. Engineers should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding their conduct and way of life. It is their duty to practise the profession according to this Code of Ethics.

As the keystone of professional conduct is integrity, engineers will discharge their duties with fidelity to the public, their employers, and clients, and with fairness and impartiality to all. It is their duty to interest themselves in public welfare, and to be ready to apply their special knowledge for the benefit of mankind. They should uphold the honor and dignity of the profession and also avoid association with any enterprise of questionable character. In dealings with other fellow engineers they should be fair and tolerant.

14.2 Professional Life

- 14.2.1 Engineers will cooperate in extending the effectiveness of the engineering profession by interchanging information and experience with other engineers and students and by contributing to the work of engineering societies, schools, and the scientific and engineering press.
- 14.2.2 Engineers will not advertise their work or merit in a self-laudatory manner, and will avoid all conduct or practice likely to discredit or do injury to the dignity and honour of the profession.

14.3 Relations with the Public

- 14.3.1 Engineers will endeavour to extend public knowledge of engineering.
- 14.3.2 Engineers will have due regard for the safety of life and health of the public and employees who may be affected by the work for which they are responsible.
- 14.3.3 Engineers will not issue ex parte statements, criticisms, or arguments on matters connected with public policy which are inspired or paid for by private interests, unless it is indicated on whose behalf the statements are made.
- 14.3.4 Engineers will refrain from expressing publicly opinions on engineering subjects unless they are informed as to the facts relating thereto.

14.4 Relations with Clients and Employers

- 14.4.1 Engineers will act in professional matters for clients or employers as faithful agents or trustees.
- 14.4.2 Engineers will act with fairness and justice between the client or employer and the contractor when dealing with contracts.
- 14.4.3 Engineers will make their status clear to clients or employers before undertaking engagements if they may be called upon to decide on the use of inventions, apparatus, or any other thing in which they may have a financial interest.
- 14.4.4 Engineers will guard against conditions that are dangerous or threatening to life, limb, or property on work for which they are responsible, or if they are not responsible, will promptly call such conditions to the attention of those who are responsible.

- 14.4.5 Engineers will present clearly the consequences to be expected from deviations proposed if their engineering judgment is overruled by non-technical authority in cases where they are responsible for the technical adequacy of engineering work.
- 14.4.6 Engineers will engage, or advise clients or employers to engage, and will cooperate with, other experts and specialists whenever the clients' or employers' interests are best served by such service.
- 14.4.7 Engineers will not accept compensation, financial or otherwise, from more than one interested party for the same service, or for services pertaining to the same work, without the consent of all interested parties.
- 14.4.8 Engineers will not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers in connection with work for which they are responsible.
- 14.4.9 Engineers will not be financially interested in bids as or of contractors on competitive work for which they are employed as engineers unless they have the consent of the client or employer.
- 14.4.10 Engineers will promptly disclose to clients or employers any interest in a business which may compete with or affect the business of the client or employer. They will not allow an interest in any business to affect their decisions regarding engineering work for which they are employed, or which they may be called upon to perform.
- 14.4.11 Engineers shall only take such work as they are competent to perform by virtue of their training and experience.
- 14.4.12 Engineers shall not sign or seal drawings, specifications, plans, reports or other documents pertaining to engineering works or systems unless actually prepared by them or under their direct supervision or verified by them.

14.5 Relations with Engineers

- 14.5.1 Engineers will endeavour to protect the engineering profession collectively and individually from misrepresentation and misunderstanding.

- 14.5.2 Engineers will take care that credit for engineering work is given to those to whom credit is properly due.
- 14.5.3 Engineers will uphold the principle of appropriate and adequate compensation for those engaged in engineering work, including those in subordinate capacities, as being in the public interest and maintaining the standards of the profession.
- 14.5.4 Engineers will endeavour to provide opportunity for the professional development and advancement of engineers in their employ.
- 14.5.5 Engineers will not directly or indirectly injure the professional reputation, prospects, or practice of other engineers. However, if they consider that an engineer is guilty of unethical, illegal, or improper practise, they will present the information to the proper authority for action.
- 14.5.6 An engineer will not compete with another engineer on the basis of charges for work by underbidding, through reducing normal fees after having been informed of the charges named by the other.
- 14.5.7 An engineer will not use the advantages of a position to compete unfairly with another engineer.
- 14.5.8 An engineer will not become associated in responsibility for work with engineers who do not conform to ethical practises.

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