



# Engineers Yukon

## **MANDATORY PERMIT TO PRACTICE**

(Effective January 1, 2003)

### **GENERAL INFORMATION**

The Association of Professional Engineers of Yukon (Engineers Yukon) is an organization constituted by Territorial Statute for the regulation of the practice of engineering. As steward of the Engineering Professions Act it is the Association's responsibility to register only qualified persons and to control the quality of the professional services that they provide.

The Engineering Professions Act also requires that the partnerships, corporations and other such entities, which practice engineering, have a Permit to Practice. The requirements concerning Permit to Practice are described in Articles 14 through 24 and in Regulations 14 through 19.

### **HISTORY**

Enabling legislation under the Engineering Professions Act (1995) and accompanying Regulations, allows Engineers Yukon to issue a Permit to Practice. After first receiving direction and formal consent from its members at the Engineers Yukon 2002 Annual General Meeting as well as at a Special Meeting of members, Council began a regulatory provision that all partnerships, corporations and other such entities, practicing engineering in the Yukon first obtain a Permit to Practice. The purpose of the Engineering Professions Act and that of Engineers Yukon is to protect the public. If engineering work fails, public safety is at risk, whether a consultant(s), employee(s) of a company or of government, designed it.

### **WHO REQUIRES A PERMIT TO PRACTICE?**

Beginning, January 1<sup>st</sup>, 2003, partnerships, corporations and other such entities, which practice the profession of engineering, require a Permit to Practice. The Engineering Professions Act does not differentiate between size of an organization or whether the organization is practicing for internal or external reasons. It is straightforward; if you are practicing engineering you require a Permit to Practice.

### **WHY IS A PERMIT TO PRACTICE REQUIRED?**

The main purpose of the Permit to Practice is to regulate the practice of engineering for the protection of the public. It is an instrument of quality control through which the Association exercises its mandate under the Engineering Professions Act to influence the quality of professional practice conducted within the organizational structure of an organization. The Permit Holder is a corporate member of Engineers Yukon bound by the same Code of Ethics as individual professional members of the Association.

Given that 'employer' interests may be inconsistent with Professional Ethics, individual members may find themselves in a situation where their duty to their employer conflicts with their duty to the profession and the public interest. The Permit to Practice is intended to address this potential conflict by making employers corporately responsible for the engineering work that they carry out.

## **RESPONSIBILITY**

The organization holding a Permit to Practice must have a Responsible Member or Members who are registered members of Engineers Yukon and who are either an employee or a member of the firm. The Responsible Member declares on the Permit to Practice application form that he or she is a professional member or licensee of Engineers Yukon and, as a full-time employee or member of the firm, undertakes to provide responsible direction to that portion of the professional practice performed by the organization as described on the application form. Upon approval of the Permit to Practice application a Permit Number is assigned to the company.

## **THE LICENSE NUMBER IS A COMMITMENT THAT**

- a) The organization maintains a structure that fosters professional practice;
- b) The work is carried out by skilled professionals, qualified by virtue of training and experience to practice in the field of the professions contained in the documents;
- c) The business of the organization is carried out in accordance with the Code of Ethics;
- d) Sufficient quality control procedures are in place to deduce errors or omissions in the technical content resulting in a complete and accurate document; and
- e) The organization is professionally responsible for the integrity of all stamped documents generated from completed work.

## **POLICIES**

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

### **Management:**

The responsible manager undertakes to maintain an organization in which the practice of the profession can be conducted in accordance with the intent of the Act.

### **Member Assuming Responsibility for the Professional Practice:**

Full time employees of the organization undertake to provide responsible direction and personal supervision of the professional practice of the organization.

### **Members Supervising or Performing the Work:**

The individual Engineers Yukon member in accordance with the Code of Ethics, undertakes only such work as he or she is competent to perform or supervise by virtue of his or her training and experience.

2. An individual who is a professional member or licensee of Engineers Yukon who engages in the practice of engineering in his or her own name or through a company still requires a Permit to Practice even if the member is the only employee.
3. If a parent company or joint venture group holds a Permit to Practice any subsidiary of that company that engages in the practice of engineering must also hold a permit if the subsidiary is a separate entity with a different name.
4. The association will issue a Permit to Practice to any partnership, corporation or other entity provided at least one full time employee or member of the firm who is also a member or licensee of Engineers Yukon undertakes to direct and accept responsibility for the professional practice of the Permit Holder. The member(s) who assume responsibility for the professional practice must be qualified by training and experience in the fields of engineering in which the firm provides services and must be available to the full extent

necessary to direct the day to day activities engaged in by the Permit Holder. Larger organizations with more than one functional division which are spread geographically over several operating centers (including those outside the Yukon) are encouraged to name as many professional members as necessary to provide responsible direction and personal supervision to the professional practice engaged in. The number of members selected to assume that responsibility for the organization will vary according to the type of organizational, operational /or management style of the organization.

5. The Association will give its consent to the incorporation of a company and/or to the registration of extra-territorial companies pursuant to the laws of Yukon, where the name of the company includes the word "engineering" or any variation thereof provided the company undertakes to maintain a valid Permit to Practice from the Association. A written request for consent is required in order for the Association to give consent for such incorporation.

If the Permit to Practice is cancelled, lapses, is revoked, or for any reason becomes invalid, approval by Engineers Yukon to use the words engineering or any form thereof in the firm's name is automatically withdrawn.

6. Permit Holders whose registration is cancelled by Engineers Yukon due to nonpayment of annual dues or for any other reason are assessed an administrative fee (equal to the application fee) when applying for reinstatement. Permit Holders who request in writing to the Engineers Yukon Registrar that their Permit to Practice be cancelled will not be assessed the administrative fee when they apply for reinstatement.
7. Permit Holders are issued a permit number. All final plans, specifications, reports or documents of a professional engineering nature must show the permit number.
8. A permit stamp is mandatory and must be obtained from Engineers Yukon. The permit stamp must be under the control of the professional member or licensees assuming responsibility of the professional practice in which the Permit Holder is engaged. The permit stamp must be signed and dated by a person authorized to take professional responsibility for the Permit.

**It is the intent that details regarding permit stamp custody and specific signing authority within the organization are matters to be addressed by the Chief Operating Officer (or equivalent) or designate who signs the Application for Permit to Practice on behalf of the Permit Holder.**

### **PROCEDURES**

1. To apply for a Permit to Practice one must complete the Permit to Practice Application form. In completing the form it is the responsibility of the applicant's Chief Operating Officer (or equivalent) or designate to ensure that the members selected to be responsible for the professional practices are qualified and have organizational authority to direct and control the overall quality of services being provided.
2. Approved applications are acknowledged by letter and the Permit Holder is assigned a permit number and issued one certificate. Permit stamps are mandatory and must be purchased from Engineers Yukon.
3. Application fees must accompany the application.

## **FEES**

### **Application Fees**

Each completed application must be accompanied by a non-refundable application fee of \$105.00.

### **Annual Dues (to be paid upon acceptance)**

\$278.25

### **Stamp Fee (to be paid upon acceptance)**

\$50.00

All fees include GST.

***A Permit Holder is exempt from annual dues if the Permit Holder has only one employee; and that employee is a registered Professional engineer with Engineers Yukon.***

## **RENEWAL**

Permits expire on December 31<sup>st</sup> of each year and must be renewed annually. Permit holders are invoiced prior to the end of the calendar year with payment due by December 31<sup>st</sup> of the year prior to the year to which the fee applies.

When a permit is to be renewed the Chief Operating Officer or their designate is required to report on an annual basis the names of (i) Chief Operating Officer or his designate taking corporate responsibility for the applicant; and (ii) Engineers Yukon members or licensees assuming responsibility for direction of the professional practice of the Permit.

## **REVISIONS TO THE PERMIT**

### **Changing the Name of the Permit Holder**

A written declaration to state that the name has changed must be filed by the Chief Operating Officer (or equivalent) or their Authorized Designate. Along with the written declaration the following is required:

- a copy of the Certificate of Amendment/Amalgamation, Certificate of Incorporation, or other official (legal) document that shows the old name and new name;
- a new stamp order form
- payment for the new permit stamp.

**Note:** Changing the name of a Permit to Practice does not automatically update the employer name for the individual Engineers Yukon members who are employed by the company. Individual members must update their personal information.

### **Changing the Name of the Chief Operating Officer or Authorized Designate**

The Authorized Signing Officer is the person who signed the application for the Permit to Practice and declaration to maintain an organization where the practice of the professions would be conducted in accordance with requirements of legislation. Therefore, if that person who is the Authorized Signing Officer changes, the new Authorized Signing Officer must make the same declaration. The revision is done by completing and signing an updated page two of the Permit to Practice application form.

## **Changing the Name of a Responsible Member for the Permit**

If there is a change in the professional(s) responsible for professional practice of the firm, Engineers Yukon must be notified immediately. The Authorized Signing Authority for the Permit undertook "To notify the Registrar in writing forthwith if the professional members of Engineers Yukon who have assumed responsibility for the professional practice cease to be full-time employees or shareholders of the applicant."

If it is a deletion of a name, a letter signed by the Authorized Signing Authority is sufficient notice.

If a responsible professional is being added to the Permit, a letter signed by the Authorized Signing Authority to confirm approval of the addition of the individual is required and the individual being added as a Responsible Member must complete page three (Responsible Member declaration) of the Permit application form to confirm that they accept professional responsibility.

If additional stamp(s) are required, the request must also come from the Authorized Signing Authority.

## **No Professional Representative**

A Permit holder must have at least one Engineers Yukon professional member or limited license holder in order for a Permit to Practice to remain active. If a Permit holder no longer has a responsible professional, then the Permit to Practice is not valid and will be revoked until there is a responsible person in place. The permit holder must surrender their permit stamps and certificates when there is no member or licensee to assume responsibility for the professional practice of the applicant.

If your Permit is no longer valid, the firm cannot practice engineering in the Yukon until the firm has met all requirements under the Act.

## **REINSTATEMENT**

Should cancellation of a Permit to Practice occur due to non-payment of annual dues, a \$90.00 (plus tax) reinstatement fee is payable in addition to any other outstanding dues.

## **REGULATIONS**

### **PERMIT HOLDERS**

14. Any sole proprietorship, partnership, corporation, firm or association of persons that wishes to practice in its own name may apply to be a permit holder.
15. Any sole proprietorship, partnership, corporation, firm or association of persons who is accepted as a permit holder of the Association may:
  - (a) practice engineering in its own name in the Yukon Territory;
  - (b) use any of the terms “engineer”, “engineering” or a derivative thereof in its corporate name.
16. When the practice of engineering is carried on by a permit holder all final plans, specifications, reports or documents produced shall:
  - (a) be signed by, dated and sealed by the professional member or licensee of the Association who is responsible for them and who supervised their preparation; and
  - (b) be dated and stamped with the seal issued to the permit holder pursuant to these Regulations.
17. A permit holder shall keep the Association advised of the name of the professional member or licensee of the Association who is a permanent employee or member of the firm, partnership, corporation or association of persons and is directly and personally supervising the practice and assuming responsibility therefore.
18. The professional member or licensee accepting responsibility for the practice of the permit holder shall, on relinquishing that responsibility for any reason, forthwith advise the Registrar to that effect.
19. A seal issued to a permit holder shall at all times be under the control of and only used by the professional members or licensees assuming direct supervision and responsibility for the professional practice in which the permit holder engages.