

You've decided to stop practising engineering? Here's what you should know!

There are many reasons why one might interrupt one's professional activities as an engineer, whether it is permanently or temporarily: retirement, voluntary withdrawal from the roll, death, striking off the roll, etc. In each case, another engineer or an agency must be found to take possession and preserve the engineer's records.

The *Ordre des ingénieurs du Québec* (hereafter the "Ordre") has adopted rules that govern situations where engineers cease to practise and transfer their records which aim to ensure that such records are adequately preserved and that clients can have continued access to them. For their part, members are responsible for finding and identifying a "transferee" or a "provisional custodian", depending on whether they stop practising definitively or temporarily.

Generally, engineers who work for an individual, a legal person, a partnership or the government do not need to arrange for such transfer since their employers will continue managing their files, unless of course the employers cease their operations at the same time.

PERMANENT CESSATION

Engineers who choose to cease practising engineering permanently must find a transferee such as:

- another engineer, who is a member of the Ordre;
- a Québec university;
- Bibliothèque et Archives nationales du Québec;
- Library and Archives Canada;
- the Canadian Centre for Architecture;
- any other person or agency approved by the Ordre's Executive Committee.

Once engineers find a replacement, they must notify the Ordre's Secretary (hereafter "the Secretary") by registered mail, no later than 21 days prior to the date the cessation is to take effect. The notice must include the following:

- the date on which the engineer will cease to practise;
- the transferee's name, address and telephone number;
- a copy of the transfer agreement with the transferee – the form entitled "Permanent Transfer Agreement" which can be obtained by contacting the Ordre's Registration Service at 514-845-6141, extension 3162.

The person or agency who agrees to act as transferee also agrees to take on certain obligations. For example, the transferee must be able to manage all of the engineer's

records, books, registers, products, substances, apparatus and equipment; in other words, the transferee must take every appropriate step to preserve the foregoing for at least 10 years. The transferee also agrees to:

- comply with the rules relating to confidentiality with respect to the information found in the engineer's files and records; and
- respect a person's right to have access to documents that relate to them.

In fact, it bears reminding that the engineer's clients also have rights, namely the right to examine documents which concern them in any record established in their respect (see sections 60.5 and 60.6 of the Professional Code). The transferee and the Secretary must respect that right. Thus, transferees must notify the engineers' clients that they have taken possession of their records within 30 days of taking such possession. This can be done in two ways; either by publishing a notice twice, at a 10-day interval, in a newspaper serving the area where the engineer practised, or by sending a written notice to each one of the engineer's clients. Such notice must inform the clients as to the following:

- the date of taking of possession and reasons therefor;
- the timeframe clients have to claim items that belong to them or request that the items be transferred to another professional;
- the transferee's contact information.

If the engineer is unable to arrange the transfer, he or she must notify the Secretary within 21 days before the cessation is to take effect. The Ordre will then take possession of the engineer's records and try to find a transferee. If it is successful, the Ordre will consult with the engineer as to its choice. It should be noted that the Ordre may recover costs incurred during this process from the engineer in question or his or her legal representatives.

If the engineer dies, is permanently stricken off the roll or has had his or her permit revoked, the Secretary takes possession of the records within 15 days of the occurrence, unless the engineer in question has already appointed a transferee. In that case, the transferee must provide the Secretary with a copy of the signed transfer agreement within the same period.

TEMPORARY CESSATION AND RESTRICTION UPON THE RIGHT TO PRACTISE

An engineer may cease to carry out his or her professional

activities temporarily on 3 grounds: personal reasons, a temporary striking-off the roll or the suspension of his or her permit. In each case, the engineer has to appoint a person or agency willing to temporarily maintain his or her records, rather than a transferee.

Engineers who choose to stop practising of their own free will have 21 days to appoint a provisional custodian. Engineers who have been temporarily stricken off the roll or whose permit has been suspended must act within 15 days of the decision to that effect. If engineers are stricken off the roll or have had their permits suspended for more than 6 months, the provisional custodian or the Secretary must publish a notice in a newspaper or send a notice to every client, as is the case for a permanent cessation.

In the particular case where an engineer's right to practise is restricted by a decision and he or she is no longer authorized to carry out certain professional activities, the engineer in question must, within 15 days of the date on which the restriction is to take effect, appoint a provisional custodian for the items affected by the decision, such as records, books, registers, products, etc. Again, if the engineer is unable to arrange for provisional custodianship, the Secretary or an individual appointed by the Executive Committee will take possession of the records and other relevant items.

To learn more about cessation of practice, please refer to the *Guidelines to Professional Practice*, in the section entitled "Legal framework relating to the profession", sub-section "Other control measures" (www.gpp.oiq.qc.ca) or the *Regulation respecting the cessation of practice of a member of the Ordre des ingénieurs du Québec*.