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Faculty of Engineering
ENGG 513: The Role and Responsibilities
of the Professional Engineer in Society

Report 1: Association of Professional Engineers and Geoscientists of Alberta v Mihaly, 2016 ABQB

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Introduction

This report will introduce, discuss and reflect on the process that has taken place to date. The purpose of this report is to gain a better insight into the requirements of being registered as a professional engineer with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), the regulatory process of APEGA, and the legal and quasi-legal environment in which APEGA operates. The report will describe and explain the key stakeholders that are associated with this issue including: APEGA, Mr. Ladislav Mihaly, the Alberta Human Rights Commission (the Commission), the Court of Queen's Bench of Alberta (the Court), the Court of Appeal of Alberta (the Court of Appeal), immigrants desiring APEGA registration as professional engineers, and professional engineers registered with APEGA.

The report will then summarize the history of the case as well as the process that has been followed to end up at Alberta Human Rights Commission, The Court of Queen's Bench of Alberta, and the Court of Appeal of Alberta. The report will also summarize the decisions of these bodies. The decision and reasoning of the Court of Queen's Bench will also be described. Finally, the process that has taken place to date will be reflected upon. This reflection will include discussion about whether I agree with the decisions of the Commission or the Courts, and whether APEGA should accommodate foreign-trained engineers and geoscientists.

Stakeholders

The first stakeholder is the appellant, APEGA. Through the Engineering and Geoscience Professions Act, APEGA regulates the practices of engineering and geoscience in Alberta on behalf of the Alberta Government [1]. The main regulatory function of APEGA is to license individuals and companies that want to practice engineering and/or geoscience in Alberta. Individuals that apply and meet the standards for ethical, professional, and technical competency of APEGA earn the right to practice and use certain titles and designations. The result of this case has important implications for how APEGA licenses professional engineers and geoscientists, in particular engineers with foreign educational credentials. If the appeal failed, then APEGA would have had to make serious and important changes to this licensing process.

The second stakeholder is Mr. Ladislav Mihaly. Mr. Mihaly was born in, raised, and educated in the former Czechoslovakia [2]. Mr. Mihaly had originally filed a complaint with the Commission alleging that APEGA had discriminated against him on the grounds of place of origin by denying him registration as a professional engineer. Mr. Mihaly sought to be registered as a professional engineer despite APEGA's view that he first complete confirmatory examinations, a course or examination in Engineering Economics, or the Fundamentals of Engineering exam, as well as acquire one year of Canadian engineering experience. A reversal or change of the order previously made by the Commission's Tribunal would result in Mr. Mihaly being required to complete these exams to be registered as a professional engineer.

The third stakeholder is the Alberta Human Rights Commission. The purpose of the Commission is to carry out the functions of the Alberta Human Rights Act (AHRA), which protects Albertans from discrimination in certain areas based on specified grounds [3]. The Commission is an independent body created by the Government of Alberta with the mandates to foster equality and reduce discrimination. The Commission fulfills these mandates by resolving and settling complaints of discrimination, and through human rights tribunals and court hearings. The

Commission's Tribunal originally determined that APEGA's registration requirements were discriminatory and APEGA was unable to justify them. As per s 37(4) of the AHRA, the Court could confirm, reverse, vary the order of the human rights tribunal and make any order that the tribunal may make under section 32, or remit the matter back to the tribunal with directions [4]. Therefore, the result of this appeal would determine the outcome of the Tribunal's order in relation to this issue, or if it would have to review it.

The fourth stakeholder is the Court of Queen's Bench of Alberta. The Court is the Superior Trial Court for the province of Alberta [5]. The Court hears trials in civil and criminal matters, and appeals from decisions of the Provincial Court of Alberta. The Court gives judicial reviews of government and tribunal actions in Alberta, including those of the Alberta Human Rights Commission. As per the Court's authority defined in the AHRA, the Court has authority over decisions made by the Tribunal, therefore the fate of the Tribunal's order in relation to Mr. Mihaly's issue is up to this Court. Any order made by the Court of Alberta may be appealed to the Court of Appeal.

The fifth stakeholder is the Court of Appeal. The Court of Appeal hears criminal appeals from the Provincial Court of Alberta, as well as criminal and civil appeals from the Court of Queen's Bench [6]. The Court of Appeal also hears administrative and board tribunal appeals. The Court of Appeal does not re-try cases, but instead it reviews the record of cases to determine whether errors of law and fact were made in another court's decisions. Therefore, if errors of law and fact were made in the Court of Queen's Bench in regards to Mr. Mihaly's case, then an appeal could be made to the Court of Appeal. The Court of Appeal may then overturn the order or judgment of the Court of Queen's bench, or it may be dismissed if the Appellant has not met certain criteria for restoring an appeal [7].

The sixth stakeholder is other immigrants like Mr. Mihaly who desire to be registered as professional engineers with APEGA. This case is of special importance to such immigrants, because the result could mean easier registration as professional engineers. According to Statistics Canada, non-English speaking regions, including the Czech Republic and Slovakia have lower rates of foreign credential and work experience recognition compared to English speaking regions such as the United States [8]. If the Court were to confirm the decision of the Tribunal, then APEGA would have to agree to the accommodations ordered by the Tribunal, unless APEGA appealed to the Court of Appeals of Alberta. This would potentially make it significantly easier for immigrants with foreign educational credentials to register as professional engineers with APEGA.

The seventh stakeholder is engineers registered with APEGA. If the Court were to confirm the decision of the Commission, then as more engineers with foreign credentials are processed it would become clearer what specific foreign credentials are comparable or equivalent to those received from Canadian Universities. This could affect how foreign regulatory bodies compare Canadian educational credentials to those received in their own countries. This could cause Canadian credentials to be deemed academically deficient in other countries, thereby affecting employment of Canadian engineers in said countries. Additionally, this could allow more engineers to be licensed with APEGA, resulting in an increased supply of engineers in Canada, thus increasing competition for Canadian trained engineers to find work

Background

On August 5, 2008, Mr. Ladislav Mihaly had filed a complaint with the Alberta Human Rights Commission in which he alleged that he was discriminated against by APEGA on the grounds of place of origin [2]. The Complaint alleged that the discrimination had happened when Mr. Mihaly was denied registration as a professional engineer by APEGA, and is about whether the requirements for registration that APEGA imposed on him are contrary to the AHRA. Mr. Mihaly had obtained a M.Sc. Diploma with a specialization in Technology of Fuels and Thermal Energy at the Slovak Technical University in Bratislava, as well as a Certificate of Corrosion Engineering at the Institute of Chemical Technology in Prague.

After immigrating to Canada, Mr. Mihaly applied to be registered as a Professional Engineer with APEGA in May, 1999 [9]. APEGA acknowledged the application on May 13, 1999 and requested transcripts, visa, and Landed Immigration form. It then informed Mr. Mihaly that he was required to write the National Professional Practice Exam (NPPE). On January 28, 2000, the Board of Examiners (the board) considered Mr. Mihaly's application, and determined that his M.Sc. Diploma had many elements of chemical engineering. However, they deemed his experience too narrow and that his references were from supervisors with short exposure. On February 11, 2000, Mr. Mihaly was advised to complete the NPPE, three confirmatory examinations, and take a course or pass an equivalent Engineering Economics Exam by May 2001. On February 11 2000, Mr. Mihaly was also informed that he had failed his first NPPE.

On August 1, 2000, Mr. Mihaly re-applied to rewrite the NPPE, but he was not in attendance for the examination [9]. On June 29, 2001, APEGA advised Mr. Mihaly that his application had been withdrawn since he failed to write the required confirmatory exams by May 2001. On May 31, 2002, he asked APEGA to reactivate his application, and applied to rewrite the NPPE, but he failed again. On August 1, 2003 APEGA withdrew Mr. Mihaly's file because he did not write the confirmatory examinations, and the Engineering Economics course or examination by the required dates. On October 3, 2006, Mr. Mihaly again asked APEGA to reactivate his application, but because of how much time had passed APEGA requested an updated resume and references from him. This information was provided on November 16, 2006.

On August 10, 2007, the board reconsidered Mr. Mihaly's application based on the new information [9]. The Board again decided that he needed to complete the three confirmatory exams and a course or an exam in Engineering Economics, or the FE Exam. Mr. Mihaly did not write these required exams. They also determined that Mr. Mihaly did not have the required one year of Canadian professional engineering experience because he had not worked at a D level position.

On August 5, 2008, Mr. Mihaly filed a complaint with the Commission, pursuant to the Alberta Human Rights Act, RSA 2000, c A-25.5, alleging that he had been discriminated against based on his place of origin by APEGA when they denied him registration as a professional engineer [9]. On February 6, 2014, the Commission's Tribunal determined that APEGA had discriminated against Mr. Mihaly on the grounds of place of origin. The Tribunal found that assessing Mr. Mihaly's educational credentials without more individualized assessment constituted discrimination, which was not justifiable under the AHRA. The Tribunal concluded that Mr.

Mihaly should be awarded \$10,000 for general damages. However, the award of lost wages to Mr. Mihaly was declined due to there being too many uncertainties in his licensing and employment to determine any connection between discrimination and lost wages. Mr. Mihaly also did not have evidence to support his lost wages claim. The Tribunal further ordered that APEGA reconsider Mr. Mihaly's application, by appointing a committee to assess and apply individual assessment to correct perceived academic deficiencies [9].

APEGA later appealed the Tribunal's decision to the Court of Queen's Bench, and Mr. Mihaly cross-appealed the Tribunal's refusal to award him damages for loss of income. In the cross-appeal, Mr. Mihaly sought an award of \$1,000,000 as well as APEGA registration as a professional engineer, or \$2,000,000 if not registered with APEGA as a professional engineer. In the appeal, the Appellant raised the issues of procedural fairness, jurisdiction, prima facie discrimination, and justification [9].

First, Justice Ross determined that the Tribunal did not breach rules of procedural fairness in not asking for submissions on its interpretation of the Engineering and Geoscience Professions General Regulation, Alta Reg 150/1999 (EGPR), section 8 [10]. Second, Justice Ross determined that the Appellant did not establish that the Tribunal lacked jurisdiction to hear the case as it was about discrimination based on the grounds of place of origin [9]. Third, Justice Ross determined that the Tribunal had failed to apply the Moore test in relation to the NPPE and Canadian experience requirements reasonably. Fourth, Justice Ross determined that the Tribunal's conclusions that APEGA had failed to justify the registration requirements under s 11 of the AHRA were unreasonable. Based on these four points, the Court concluded that the decision of the Tribunal should be reversed, and that there was no need to remit the issue back to the Tribunal. Mr. Mihaly's cross-appeal was dismissed because there was no evidence of prima facie discrimination that had not been justified under s 11 of the AHRA.

On February 22, 2006, Mr. Mihaly filed an appeal with the Court of Appeals of Alberta [11]. The first factor considered in deciding to restore an appeal was if there was arguable merit to the appeal, which it determined there wasn't. The second, third, and fourth factors were explanations for the defect or delay which caused the appeal to be taken off the list, reasonable promptness in moving to cure the defect, and intention in time to proceed with the appeal respectively. Mr. Mihaly failed each of these three factors. The fifth factor was if there was lack of prejudice to the respondents, including length of delay. The complaint filed with the Commission in August 2008, had been outstanding for over eight years, and so the Commission was deemed to be entitled to finality in the matter. With all factors considered, the appellant was determined to not have passed the test for restoration of the appeal, resulting in the dismissal of the appeal.

The Court Decision

The appeal by APEGA was in reference to the finding of discrimination by the Tribunal [9]. The appellant raised the issues of procedural fairness, jurisdiction, prima facie discrimination, and justification. The issue of procedural fairness was whether the Tribunal breached the rules of procedural fairness when it decided issues that were not raised by or with the parties. The issue of jurisdiction was whether the Tribunal erred in holding that it had jurisdiction to conclude discrimination on the grounds that the place a person receives their education constitutes discrimination based on place of origin. The issue of prima facie discrimination was whether the

Tribunal relied on the correct legal test, and if it reasonably applied that test to determine if Mr. Mihaly had demonstrated prima facie discrimination. The issue of justification was whether the Tribunal's decision that the registration requirements were unjustified was unreasonable.

In regards to the issue of procedural fairness, the Tribunal concluded that examinations assigned by APEGA were not “for the purpose of correcting a perceived academic deficiency” as “required” or “contemplated” by s 8(b)(ii) of the EGPR [9]. APEGA argued that this interpretation of the EGPR was incorrect since it ignored the “or” in the sentence “confirmatory examinations **or** examinations for the purpose of correcting a perceived academic deficiency”. In response to the Tribunal using these grounds, APEGA argued that the Tribunal had breached the rules of fairness by basing its decisions on said grounds that had not been advanced by the parties, and that the parties had no opportunity to address them. Based on the reasoning in *Pope & Talbot Ltd v British Columbia* at para 105 [12], Justice Ross concluded that while it would have been prudent for the Tribunal to question the parties about the issue, the Tribunal still did not breach the rules of procedural fairness by not doing so. Justice Ross determined that this was a case where APEGA did have an opportunity to give a response to all of the evidence and submissions made.

As for the second issue of jurisdiction, APEGA argued that based on *Grover v Alberta Human Rights Commission*, 1999 ABCA 240 [13], place of origin does not encompass place of education, thereby requiring the Tribunal to follow that definition [9]. Thus, APEGA further argued that the Tribunal did not have jurisdiction to adjudicate Mr. Mihaly's complaint. Justice Ross determined that the issue of jurisdiction should be determined by the legal test for prima facie discrimination as set out in *Moore v British Columbia (Education)*, 2012 SCC 61 at para 33 [14]. This test requires complainants to show evidence that: they have a characteristic that is protected from discrimination; they have experienced an adverse impact; and that the protected characteristic was a factor in the adverse impact. APEGA asserted that arbitrariness or stereotyping is a required element of prima facie discrimination. Justice Ross concluded that they may support a finding of discrimination, but are not required elements of such a finding. Justice Ross then determined that the Tribunal had jurisdiction to apply the correct legal test and determine if Mr. Mihaly had faced prima facie discrimination.

In the issue of prima facie discrimination, it needed to be determined whether the Tribunal had applied the correct legal test for prima facie discrimination, and whether that test was properly applied [9]. APEGA argued that the Moore test was not comprehensive since a finding of prima facie discrimination also requires that it be shown that the adverse impact was based on arbitrary or stereotypical treatment. Justice Ross determined that the Alberta Court of Appeal already considered this issue in *Stewart v Elk Valley Coal Corporation*, 2015 ABCA 225 [Stewart] [15]. Justice Ross pointed out that the majority decision in *Stewart* did not hold that arbitrariness or stereotyping is a required element of prima facie discrimination. Therefore, the Tribunal did not err in determining that arbitrariness or stereotyping was not a required element of determining prima facie discrimination with the Moore Test.

Justice Ross also analyzed whether the Tribunal correctly applied the Moore test in terms of satisfying its requirements related to characteristics protected from discrimination [9]. Justice Ross agreed with the Tribunal in that Mr. Mihaly's place of education was inextricably linked

with his place of origin. She further pointed out that Mr. Mihaly had no way of avoiding the adverse impact of having to write confirmatory examinations or the FE exam, besides leaving his place of origin to receive his education elsewhere. Therefore based on the close link between Mr. Mihaly's place of origin and place of education, as well as the lack of opportunity of avoiding the adverse impact caused by him being educated in his place of origin, she concluded that Mr. Mihaly's place of origin was a factor in the adverse impact. Further, the Tribunal pointed out that in addition to the confirmatory exams and the FE, the NPPE exam and the Canadian experience requirement also perpetuate disadvantage. However, Justice Ross stated that the Tribunal did not address whether Mr. Mihaly's place of origin was a factor in the adverse impact of writing the NPPE exam and the Canadian experience requirement.

There was no evidence to demonstrate that Mr. Mihaly's place of origin was a factor in any disadvantage he experienced from the NPPE and Canadian experience requirements [9]. In fact, the NPPE is required of all applicants regardless of place of education, and engineers who immigrate to Canada are free to work as an engineer under the supervision of a licensed professional engineer to begin accumulating one year of Canadian engineering experience. According to Justice Ross, the Tribunal had failed to properly apply the Moore test in relation to these specific experience requirements. Therefore, Justice Ross concluded that failure to consider required elements of the Moore test, and the lack of evidence to support a finding of those elements present rendered the Tribunal's finding of prima facie discrimination unreasonable in relation to the NPPE and the Canadian experience requirement.

In regards to the issue of Justification, Justice Ross did not dispute that the Tribunal applied the correct legal test for justification [9] as set out in Meiorin at para 54 [16] and Grismer at para 20 [17]. To establish that prima facie discriminatory standard was justified, the defendant had to prove three points. The first is that the standard was adopted for a purpose rationally connected to the performance of a job. The second is that the standard was adopted in good faith belief that it was necessary for the fulfillment of a purpose or goal. The third is that the standard is reasonably necessary to accomplish the purpose or goal, which must be demonstrated by showing it is impossible to accommodate the claimant's characteristics without imposing undue hardship. Both the Tribunal and Justice Ross agreed that APEGA's registration requirements satisfied the first two elements of this test, however they disagreed on the third element. The Tribunal found that APEGA did not reasonably accommodate Mr. Mihaly in relation to the confirmatory exams, FE Exam, NPPE, and Canadian experience requirements. Justice Ross then brought up the fact that s 11 of the AHRA only requires justification in relation to conduct which has been established as prima facie discrimination. She then reasoned that based on this, the Tribunal's findings of the NPPE and Canadian experience requirements being unjustified were outside of his role and unreasonable, since these two requirements were not prima facie discriminatory.

The confirmatory examinations and FE Exams were found to be prima facie discriminatory, therefore they needed to be justified [9]. The Tribunal determined that examinations required by APEGA were not for the purpose of correcting a perceived academic deficiency as required or contemplated by s 8 of the EGPR. However, Justice Ross pointed out that this interpretation ignored the or in this section. This section states that an applicant should be registered as an examination candidate if the board requires an applicant to complete one or more confirmatory

examinations **or** examinations for the purpose of correcting a perceived academic deficiency. Justice Ross determined that this interpretation was unreasonable. She also identified that the Tribunal could not support its assumption that the NPPE Exam disproportionately excludes foreign trained engineers from being registered with APEGA. Furthermore, she considered it unreasonable that the Tribunal did not appreciate that demonstrating entry level engineering competence was necessary for safe practice as a professional engineer. Lastly, she determined that the Tribunal failed to consider relevant factors in the assessment of undue hardship. The directions given by the Tribunal would have caused APEGA to fundamentally alter its standards and act outside of its regulatory role. Therefore, Justice Ross concluded that while the requirements of the confirmatory examinations and FE Exam were prima facie discriminatory, the Tribunal's conclusion that they were not justified was unreasonable.

With the powers set out in s 37(4) of the AHRA, the Court concluded that the decision of the Tribunal should be reversed [9]. The Court also concluded that the matter did not need to be remitted back to the Tribunal. Mr. Mihaly's cross-appeal relating to remedy was dependent on prima facie discrimination that was not justified under s 11 of the AHRA, but following from the conclusion of the appeal the cross-appeal was dismissed.

Reflection and Opinion

Both the Tribunal and the Court agreed that Mr. Mihaly's place of education was inextricably linked with his place of origin [9]. I agree with this statement since, as Justice Ross pointed out, Mr. Mihaly was born, raised, and educated in the former Czechoslovakia. This means that Mr. Mihaly lacked any real opportunity to avoid the adverse impact received from being educated in his place of origin. As a result of this link, the Tribunal considered the confirmatory and FE Exams, NPPE, and the Canadian engineering experience requirements to be prima facie discriminatory as per the Moore test. However the Court of Queen's Bench only considered the first two of these four elements to be discriminatory. The NPPE is required of all applicants for registration with APEGA, and all foreign trained engineers may begin working as an engineer in Canada under the supervision of a licensed professional engineer. With this in mind, both the Court and I consider the Tribunal to have failed to correctly apply the Moore test in relation to the NPPE and Canadian engineering experience requirements.

Both the Tribunal and Court found that the confirmatory and FE exams were prima facie discriminatory as defined by the Moore test [9]. The Tribunal considered them unjustifiable, whereas the Court did not based on its consideration that these requirements passed the correct legal test for justification set out in Meiorin at para 54 and Grismer at para 20. I agree with the Court's reasoning that these requirements passed this test, therefore I also agree that the prima facie discrimination of Mr. Mihaly being required to write these exams was justified.

The Court determined that the Tribunal did not appreciate the importance of demonstrating entry level engineering competence as necessary for safe practice as a professional engineer [9]. In my opinion these exams are crucial to determining whether a foreign-trained engineer can be registered as a professional engineer. As per the Code of Ethics of professional engineers, professional engineers, "shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment" [18]. Given this responsibility, and

that the confirmatory and FE exams test technical competence, the requirement of these exams clearly pass the first two elements of the justification test as set out in Meior.

In regards to the third element of the test, as Justice Ross pointed out, the Tribunal's directions would have caused APEGA to fundamentally alter its standards and act outside of its regulatory role, thereby causing APEGA undue hardship [9]. This undue hardship renders it unreasonable to accommodate individuals such as Mr. Mihaly in relation to these exams, and as a result these requirements pass the third element of this test. The Tribunal considered the confirmatory and FE exams as unjustifiably discriminatory, yet they clearly passed the correct legal test for a justifiable prima facie discriminatory bona fide occupational requirement (BFOR). Therefore, I agree with the Court that the exams were prima facie discriminatory BFOR, and that the Tribunal's directions of individuals assessment would have caused APEGA undue hardship. I in turn agree with the Court's decision to reverse the Tribunal's decision, without remitting the issue back to the Tribunal. I also agree with the Court's decision to dismiss the cross-appeal, since there was no prima facie discrimination not justified under s 11 of the AHRA.

The Court of Appeal dismissed Mr. Mihaly's appeal for failing to satisfy the five factors considered in deciding whether to restore an appeal [11]. The first factor of arguable merit to the appeal was not satisfied because the appellant could not point to any patent error on the face of the decision under appeal. Mr. Mihaly also pointed to several international treaties, but could not demonstrate that they required APEGA to consider his European credentials as equivalent to Canadian credentials. Regardless, a violation of Canada's international obligations under these treaties is not within the Commission's mandate. I especially agree with Justice Slatter regarding Mr. Mihaly failing the second, third, and fourth elements. This was because Mr. Mihaly provided no explanation for the delay, showed no reasonable promptness in moving to cure the defect until December 2016, and he did nothing to perfect the appeal. As for the fifth factor of lack of prejudice, the Court of Appeals determined that the respondent was entitled to finality to this matter. Taking these factors into account, the Court of Appeals dismissed the application to restore the appeal. Considering the factors presented by Justice Slatter, I agree with the decision of the Court of Appeals to dismiss the application to restore the appeal.

I am of the opinion that APEGA should not accommodate foreign-trained engineers and geoscientists for two main reasons. First, it is of utmost importance to demonstrate entry level engineering competence as necessary for safe practice as a professional engineer. This importance is based on the fact that APEGA, its Members, and its Permit Holders have the responsibility to commit to public safety and well-being through the self-regulation of the professions [1]. Second, the confirmatory and FE exams passed the correct legal test to be deemed prima facie discriminatory but also BFOR, therefore they are justified. Taking these points into account, APEGA should not feel any obligation to accommodate to foreign-trained engineers and geoscientists. On the contrary, foreign trained engineers and geoscientists should adapt to the registration requirements of APEGA due to the considerable responsibility that they would have towards public safety and well-being if they were registered.

References

- [1] “About APEGA | APEGA,” *APEGA*. [Online]. Available: <https://www.apega.ca/about-apega/>. [Accessed: 13-Feb-2018].
- [2] *Mihaly v. The Association of Professional Engineers*. 2014, p. 1.
- [3] “About the Commission,” *Alberta Human Rights Commission*. [Online]. Available: <https://www.albertahumanrights.ab.ca/about/Pages/about.aspx>. [Accessed: 13-Feb-2018].
- [4] “Alberta Human Rights Act, RSA 2000, c A-25.5.” [Online]. Available: <https://www.canlii.org/en/ab/laws/stat/rsa-2000-c-a-25.5/latest/rsa-2000-c-a-25.5.html#history>. [Accessed: 13-Feb-2018].
- [5] “Queen’s Bench,” *Court of Queen’s Bench of Alberta*. [Online]. Available: <https://albertacourts.ca/qb/home>. [Accessed: 13-Feb-2018].
- [6] “Role and Operation of the Court of Appeal of Alberta,” *Court of Appeal of Alberta*. [Online]. Available: <https://albertacourts.ca/ca/about/role-and-operation>. [Accessed: 13-Feb-2018].
- [7] “Court of Appeal Rules.” [Online]. Available: http://www.qp.alberta.ca/documents/rules/05_Rules02.pdf. [Accessed: 13-Feb-2018].
- [8] René Houle and Lahouaria Yssaad, “Recognition of newcomers’ foreign credentials and work experience,” *Statistics Canada*, Sep-2010. [Online]. Available: <https://www.statcan.gc.ca/pub/75-001-x/2010109/article/11342-eng.htm>. [Accessed: 13-Feb-2018].
- [9] *Association of Professional Engineers and Geoscientists of Alberta v Mihaly*. 2016, p. 61.
- [10] “Engineering and Geoscience Professions General Regulation,” *Alberta*. [Online]. Available: http://www.qp.alberta.ca/documents/Regs/1999_150.pdf. [Accessed: 16-Feb-2018].
- [11] *Mihaly v Association of Professional Engineers and Geoscientists of Alberta*. 2017, p. 15.
- [12] *Pope & Talbot v. British Columbia*. 2009, p. 1715.
- [13] *Grover v. Alberta Human Rights Commission*. 1999, p. 240.
- [14] *Moore v. British Columbia (Education)*, vol. 3. 2012, p. 360.
- [15] *Stewart v Elk Valley Coal Corporation*. 2015, p. 225.
- [16] *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, vol. 3. 1999, p. 3.
- [17] *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, vol. 3. 1999, p. 868.
- [18] “Legal Obligations | APEGA,” *APEGA*. [Online]. Available: <https://www.apega.ca/members/legal-obligations/>. [Accessed: 14-Feb-2018].