



by Joan Bailey

When ideas for the 2003 editorial calendar were solicited from the senior staff and volunteers of the association, enforcement was a topic that came up often. I suspect one reason had to do with a recent very high profile title-related dispute.

You will have read in our September/October 2002 issue that Microsoft Corporation's Canadian subsidiary reversed its position on using the Certified Systems Engineer title. In May 2001 Canadian engineering licensing bodies, including PEO, reached an apparent understanding with Microsoft wherein Microsoft agreed to delete reference to the term engineer in its Certified Systems Engineer process. In July of 2002 Microsoft reversed its position claiming that it does not believe that having its designates use the "systems engineer" title violates any professional engineering licensing laws.

Clearly, from correspondence with the association and the magazine, professional engineers are concerned about what PEO would do about this kind of situations. What power does PEO have, and which cases does it have the power to pursue? Misconceptions appear to abound.

Starting on page 32, we write about what PEO's enforcement staff does, what cases it can pursue, how enforcement differs from discipline and what part PEO members can play in the enforcement process. A sample of frequently asked questions (and answers) by non-engineers is also provided, which we hope will shed some light on a grey area. Case studies also point out how non-engineers mislead the public, as well as highlighting the benefits of licensure.

## Building public confidence

PEO's enforcement efforts are put into context with a look at what other professional regulators are doing to chase out the charlatans, starting on page 28. Approaches vary and the article looks at the range of infractions of the impostors and the range of actions taken by the regulators. Margaret McCaffery, a former PEO director of communications, who authored our Enforcement Communications plan with the Enforcement Committee (see Enforcement Notices under Enforcement on PEO's website) relays the philosophies employed for pursuing impostors. What may surprise you is that public perception of a regulators' action is one of the factors tempering them.

A lot of what we have written about in this issue is really about giving the public confidence that their best interests are being served, be it by professional engineers or other professionals. And public confidence is the foundation on which self-regulation of the profession depends.

**Joan Bailey**  
Managing Editor

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bureaucratic process could not provide assurance that the services provided by engineers would be adequate in the face of other factors that affect performance. Returning again to the POC report, the following opinion is recorded:

*"We are firmly of the view that the wide definition of competence should be the objective against which possible regulatory strategies are measured. It is little consolation to the client for whom services have been inadequately performed to learn that his particular service provider possessed the necessary technical skills envisaged by the narrow definition of competence, but failed to bring those skills to bear on the client's particular problem because of, for example, alcoholism, indolence, or poor office practices. From the client's point of view, the outcome is the same whether the professional lacked the skills in the first instance or possessed them, but failed to bring them to bear on the client's case."*

In reading this last excerpt, the thought that immediately springs to mind is of another circumstance that could lead to limiting the full application of technical skills: that of low cost bidding.

Admittedly, while there have been discipline cases in which fees charged were clearly inadequate for the scope of work involved, there has been no clear pattern to establish that, in these situations, the practitioner did not, in fact, underestimate the scope of work required.

However, it is unlikely that services provided on projects for unduly low fees would equal services furnished when fees are based on PEO's *Schedule of Fees for Engineering Services*.

In conclusion then, in my view, we have no evidence to suggest that competence is an issue. Other factors play a part in the quality of the services provided; errors will no doubt occur whether or not attempts are made to monitor individual competence. Putting a bureaucracy in place to monitor CPD undertaken by members will not materially affect this.

Pat Quinn put it better. In discussing this issue he asked me rhetorically: "Do you employ incompetent engineers?" ◆