



Practice Bulletin

THE DEPARTMENT OF PROFESSIONAL AFFAIRS, PEO

Published by
the Association of
Professional Engineers
of Ontario

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Use of professional engineer's seal

Professional engineers and holders of temporary and limited licences must affix their seal to any engineering document prepared by them or under their supervision as part of services provided to the public. The seal must include the engineer's signature (in full, not initials) and the date the document was sealed within or beside the seal. The seal and signature of the licensee on a document indicates that the document was prepared under the direct personal supervision and control of the licence holder.

The professional engineer's seal is used to identify work that has been prepared by, or under the direct supervision of, a professional engineer. It assures the document's recipient that the work meets the standards of professionalism expected of competent, experienced individuals who take personal responsibility for their judgments and decisions.

Many engineers mistakenly assume that they do not need to use their seal because there is no specific work-related legislation requiring that they do so. However, use of the seal is dictated by the *Professional Engineers Act*. Section 53 of the Act states that any professional engineer "who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder's seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued." "The public" is considered to be anyone other than the professional engineer's employer.

Failure to seal an engineering document provided as part of service to the public is a violation of the *Professional Engineers Act*. The implications associated with failing to seal a final drawing are the same as for any action that breaches the Act. The P.Eng. in such a case would be disciplined by PEO and there have been cases in which one of the charges was failing to seal.

Absence of the seal does not relieve an engineer of professional or legal liability, since sealing of documents by engineers has nothing to do with the question of liability for negligence. In fact, engineers are liable because they prepared the documents, or because they supervised or approved them, not because they signed or sealed them. However, should a complaint be made and errors found, the engineer who sealed the document would be answerable to PEO.

Regardless of its legal implications, the seal is important because it is a visible commitment to the standards of the profession and signifies to the public that a particular P.Eng. has accepted professional responsibility for a document.

What to seal

Affixing a seal to a document does not turn it into something that is "within the practice of professional engineering." But engineers must seal any documents provided as part of a service that is within the practice of professional engineering. This includes all documents containing engineering calculations, expressing engineering opinions, or giving instructions based on engineering judgment.

Seals must be affixed to final drawings, specifications, drawings or sketches accompanying change notices and site instructions, and studies containing technical information or engineering direction. The seal is also applied to forms for government or

regulatory authority use, such as Commitment to General Review, that specifically require a professional's seal.

Engineering documents completed by staff engineers for use solely by their employers for work within the employers' businesses ("in-house" documents) are not required to be sealed under the *Professional Engineers Act*. However, there may be cases where overriding legislation requires an employee engineer to seal in-house documents. For example, if a company chooses one of its staff engineers to perform a Pre-Start Health and Safety Review under the *Occupational Health and Safety Act*, the written report prepared for the review must be sealed. In general, professional engineers should seal documents if anyone outside their employers' business will need to rely on the judgements, opinions or other information contained therein.

What not to seal

Draft or uncompleted documents and documents of a non-engineering nature (business correspondence, contracts, leases, sales brochures, passport applications, etc.) should not be sealed. Requirements for sealing of documents are legislated by the *Professional Engineers Act* and by specific pieces of demand-side legislation. Demand-side legislation mandates that particular tasks having public safety implications can be done only by those having the qualifications specified in the legislation. A request by a client or regulatory official for a professional engineer to affix his or her seal to a document is not a sufficient reason for doing so.

PEO members are not permitted to use, or refer to, their professional seals in company logos, advertising or other promotional materials.

Who seals

Documents must be sealed by the engineer who is taking professional responsibility for the work. This is generally the engineer who did the engineering work involved in the preparation of the document or, where this was done by junior staff, by the engineer who closely supervised the work.

In a multidisciplinary project, all documents within an engineering discipline should be signed and sealed by the design engineer for that branch and by the approving or supervising engineer responsible for coordinating the project. If only one signature and seal is used, it should be that of the engineer taking responsibility for the work, generally the supervising engineer. Final drawings that cross disciplines should be sealed by the engineer in charge of each branch and by the approving engineer.

Procedure

The engineer's signature and the date on which the document was sealed, handwritten within or beside the stamp, must always be included. Initials alone are not acceptable.

Final specifications and reports must be sealed on the cover of

the bound document by either or both the author and approving engineer. Individual drawings within the document do not need to be sealed.

Because of the risk of sealed originals being copied and distributed without an engineer's knowledge, seals should be applied only to copies and never to original master documents.

Only a P.Eng. can make changes that are within the practice of professional engineering to a sealed document. The changes must be sealed, signed and dated by the P.Eng. responsible for the changes. This does not need to be the engineer who completed the original document. Where a second engineer makes changes, the engineer should annotate the document to specify exactly what changes were made in order to delineate the areas of responsibility of the two engineers.

It's important to note that the engineer responsible for the changes would be subject to the discipline provisions of the Act (Sections 24 and 28), should any complaints about the changes be made to PEO. The Code of Ethics (Section 77 of the Regulation) requires that the second engineer notify the engineer who originally sealed the documents of the changes made.

Revisions to drawings

If drawings sealed by one engineer must be altered by another engineer, the second engineer should clearly indicate the changes made and should add a note beside his/her seal indicating that the drawing is issued solely for the purpose of communicating changes as indicated. The revision block would show that this was not the original issue. The first engineer's seal remains on the drawing. A copy of the original sealed drawing should be kept to document the chain of responsibility. If the first engineer is no longer involved in the project, he/she does not need to be notified about the changes.

If the changes are significant and cannot be clearly identified on the drawing, there are two options. In the first, the second engineer's seal could be affixed to the drawing beside the first engineer's. Both engineers would be considered authors of the document. Alternatively, the second engineer could review and verify the engineering work represented by the document and agree to accept responsibility for the entire work. In this case, the first engineer's seal would be removed from the drawings. Engineers should be wary of accepting credit for work done by others, as this is a violation of the Code of Ethics. Also, because engineering documents are covered by copyright law, using drawings or other documents created by others without permission, even in an altered form, could create legal difficulties. Engineers should investigate their obligations before using documents created by another firm.

Record drawings

Record drawings that an engineer has prepared and verified in

detail must be sealed, and the changes should be marked appropriately and recorded on the drawings.

“As-built,” or record, drawings modified by a third party should only be sealed once the engineer has verified the changes in detail. Every change should be documented as “record information” as furnished by the responsible party. The changes must be clearly marked on the drawings, and a note referencing the original sealed drawings should be attached.

Preliminary documents

Generally, preliminary documents should not be sealed, but in some cases this may be necessary. For example, a developer may wish to commence construction of a building's foundation before the final design has been completed and require drawings to obtain a permit limited to this work. In such a case, the engineer should clearly indicate that the document is of a preliminary nature and should not be used for any purpose other than those clearly expressed on the drawings. To limit the extent to which their seal is to be relied upon, and the extent to which they take responsibility for the content of the work, engineers should mark the documents “preliminary” and/or “not for construction,” to indicate that construction can't proceed without further written approval of the design engineer.

Sealing of electronic drawings

PEO recommends that engineers not scan their P.Eng. seal and signature to place it on an electronic drawing. Only hard copies should be sealed and signed, since the potential for misuse of the seal by others is too great. For instance, while an electronic drawing with a seal and signature can be changed without the engineer's knowledge, a third party will expect that the engineer is responsible for the entire content of the document. It is not permissible to affix a seal to the label of a computer disk containing electronic copies of engineering documents. Once PEO identifies suitable signature encryption technologies, it will issue standards that allow the use of scanned seals.

Retaining sealed documents

PEO recommends that sealed documents and all supporting documentation be kept for at least seven years. Though documents are often kept for reference purposes in anticipation of future work, the major reason they are retained is the possibility of legal action against the member or firm. Currently, there is no real limitation on when such action can occur, since a person may bring suit up to six years after discovery of damage. However, most errors and omissions will be identified fairly soon after an engineer's work is completed, so seven years is a reasonable period for retaining documents that may be required for one's defence. Of course, this will depend on the type of work being done and the likelihood of litigation in that area of practice. Records should be kept for as long as it is

likely that a project may have an action against it. Members should consult their insurance companies before destroying documents.

Penalty for misuse of a seal

Anyone who illegally uses a professional engineer's seal may be found guilty of an offence under Section 40 of the Act and may be fined up to a maximum of \$10,000 for a first offence, and \$25,000 for any subsequent offence. In cases involving the illegal use of a seal, police may also lay fraud or forgery charges. Usually non-engineers, without the knowledge or consent of engineers, carry out these offences. This is why engineers should store their seals in a secure place.

PEO has prosecuted several individuals who have illegally used seals or forged replicas. There have also been cases where non-licensed individuals have obtained CAD copies or sheets of photocopied transferable facsimiles of an engineer's seal and used these fraudulently.

Legal documents

To clear up a question that is frequently asked, a seal does not entitle a professional engineer to act as a Commissioner of Oaths or a Notary Public. A Commissioner of Oaths is a person, such as a lawyer, MPP, municipal official or court official, who is authorized to administer oaths or take affidavits. Notaries public are regulated by the *Notaries Act*. Anyone other than a barrister or solicitor wishing to be appointed as a notary must have his or her qualifications examined by a Superior Court judge. Only someone certified by a judge will be considered for the position and, if selected, is appointed by the Attorney General.

Contracts and other legal business documents are sealed with a corporate seal, if the business entity is a corporation. If not, signatures suffice. Professional seals are not to be used for this purpose. Passport applications, birth certificate applications and other documents that identify professional engineers as suitable guarantors require only the guarantor's signature followed by the “P. Eng.” designation.

Ownership and replacement

Every seal issued to a licence holder remains the property of Professional Engineers Ontario. The engineer to whom it is issued has exclusive use of it for as long as he or she is a member in good standing of the association. The seal must be returned to PEO upon retiring or resigning as a member.

If your seal is lost or stolen, notify PEO immediately. Replacement seals can be obtained by contacting the PEO Finance Department. You will be asked to complete a form and return it along with a cheque for \$15. If you are a member in good standing, you will receive a new seal in a few days.

Kinds of seals

The current seal has been in use since 1923 except for the period from 1984 to 1987, when the association experimented with a gear design that proved unpopular and was withdrawn. Prior to 1984, the seal read “Registered Professional Engineer.” Since 1984 new and replacement seals have used the words “Licenced Professional Engineer.” Both types of seal are appropriate for use. Seals of the gear design are no longer acceptable and should be destroyed or returned.

Temporary and limited licence holders have their own distinctive seals. The requirements and obligations for use of these seals are identical to those of licensed professional engineers.

1923

This seal is valid but no longer issued.





Professional Engineers
Ontario

Limited Licensee

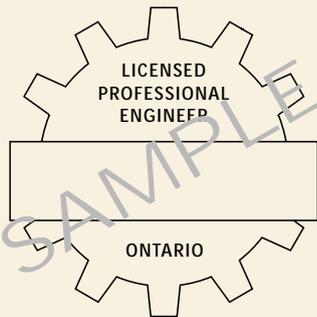
Name:
Number:
Employer:

Category:

This licence is subject to the above limitations as detailed on the certificate.
Association of Professional Engineers of Ontario

1984-1987

Valid only during the period Oct. 1/84 to Dec. 31/88. No longer issued.





Professional Engineers
Ontario

Temporary Licensee

Name:
Number:
Limitations:

Collaborator:
Expiry Date:
Association of Professional Engineers of Ontario

1988

This seal is valid. All new or replacement seals are of this design.

