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President

The Certificate of Authorization has been, if not under attack, certainly a source of irritation to a number of sole practitioners and consulting engineers who view it as unnecessary and, in effect, a second licence.

In fact, when the Certificate of Authorization was first introduced, it was for the purpose of asserting control over corporations offering professional engineering services to the public. This was done by requiring that a corporation's practice of professional engineering be done under the responsibility and supervision of a director of the corporation, or a full time, permanent employee, either of whom had to be a professional engineer.

A new *Professional Engineers Act* was proclaimed in August 1969. The new Act strengthened the provisions relating to Certificates of Authorization "to ensure a greater degree of control," but the basic approach of designating members of the association to be responsible for and supervise the Certificate of Authorization holder's engineering practice was perpetuated.

In 1976, the Ontario Law Reform Commission embarked on a comprehensive review of four professions—engineering, architecture, law and accounting—and in 1980 the *Report of The Professional Organization Committee* was published. This report endorsed the approach of licensing both professional firms and their individual professional members. However, it also discussed the question of professional liability, and proposed that there should be no limit to the liability of shareholders of professional corporations with

respect to claims arising out of the provision of professional services.

Our association vigorously opposed this proposal, with the eventual compromise being the introduction of compulsory liability insurance for those providing engineering services to the public. To ensure compliance, the insurance was made a condition for holding a Certificate of Authorization. Because the government decided that even sole proprietors should carry insurance to ensure full compensation of vulnerable third parties in case of injury, the requirement to hold a Certificate of Authorization was extended to sole proprietors as a means of imposing the compulsory insurance. Only after four years of representations by the association did the government retreat to some extent and agree to provide an exception to the insurance requirement upon full disclosure to each client that insurance is not carried and the client's written acknowledgment of having been advised.

Over the last two years, a task force has been examining the Certificate of Authorization as defined in the Regulation and the wide range of situations that exist among Certificate of Authorization holders. For instance, under the Regulation, even in the largest corporations only one person need be designated as the engineer responsible on the Certificate for the corporation's practice of professional engineering. One would think that in the case of a multidisciplinary practice, in particular, an engineer should be designated for each discipline. Similarly surprising is that unlike the peer review process required to obtain the designation of consulting engineer, the primary requirement for the Certificate of Authorization is only five years from the granting of a degree. This means that in some cases an application for a Certificate of Authorization could follow immediately on the heels of becoming licensed as a professional engineer.

In short, it seems quite clear that the Regulation does not fully reflect what seems to have been the original intention of holding corporations responsible for their pro-

vision of professional engineering services. However, this whole issue is a thorny subject and, in fact, the task force was not able to reach agreement among its members, so that further work needs to be done to remove the anomalies referred to here.

Beyond those considerations, we are also faced by governments that are introducing separate legislation impinging directly on the practice of professional engineering. In Ontario, we have the Building Regulatory Reform Advisory Group initiative, which requires testing for Building Code knowledge, and the forthcoming legislation on brownfields, for which Professional Engineers Ontario is working with the government to define a "qualified person" for contaminated site assessment and remediation. In British Columbia, testing is being introduced for structural engineers. Taken together, these developments indicated that the public needs reassurance, beyond that provided by the Code of Ethics, that engineers are operating within their areas of competence.

If we fail to recognize this trend, there will inevitably be erosion of the authority provided under the *Professional Engineers Act*. For this reason, I am firmly of the opinion that we should, again, license professional engineers as we did years ago, based on discipline. In addition, I suggest that any redrafting of the Regulation with regard to the Certification of Authorization clearly state that firms working in a particular field designate engineers who have established qualifications in that field to carry the firm's responsibility for that work. Inherent in this proposal is the requirement that Professional Engineers Ontario be satisfied that the designated engineers have achieved the appropriate level of expertise.

I wish to emphasize that these are personal viewpoints. In fact, at a recent meeting of the Executive Committee, an opinion was voiced that Professional Engineers Ontario should avoid yielding to the latest trend of certification, specialization and special exams.

Whatever your position on this matter, I welcome your opinions. ❖