

# PEO to withdraw from Bill 124 registry, seek P.Eng. exemption

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**P**EO is withdrawing its offer to administer the qualification registration process for engineers under Bill 124, the *Building Code Statute Law Amendment Act*. Council directed CEO/Registrar Kim Allen, P.Eng., to deliver this message to the Ministry of Municipal Affairs and Housing (MMAH) in a motion passed on June 18.

Council also passed motions standing down PEO's existing task group on Bill 124 and creating a new task force comprising the President, President-elect, and Chris D. Roney, P.Eng., with power to appoint additional members as needed. Roney chaired the first Bill 124 task group and spoke forcefully at PEO's recent annual general meeting in favour of a member resolution calling on PEO to "vigorously oppose" the implementation of Bill 124 (see News, p. 10 and "Crisis? What Crisis?" pp. 29-32). Council directed the new task force to work closely with PEO's policy unit to develop a position that supports the exemption of professional engineers from the requirements of Bill 124.

Passed in 2002, the *Building Code Statute Law Amendment Act* requires "designers," including engineers and architects, building officials and others involved in the building permit process to become certified by writing exams relating to their knowledge of the *Ontario Building Code*. Regulation 305/03, which specified the phase-in period for being registered as code competent and including graduated insurance requirements for designers based on their annual billings, was filed in July 2003.

Bill 124 is based on the recommendations of the government's Building Regulatory Reform Advisory Group (BRRAG). During the government's consultation on the BRRAG recommendations and Bill 124, PEO took the position that since there was no record of professional engineers lacking adequate knowledge of the building code or submitting inadequate designs, the imposition of exams appeared to be unnecessary. However, when it became

apparent engineers would be required to write the code-knowledge exams, the PEO task group recommended to Council that PEO offer to work with MMAH by keeping the register of certified engineers, so as to maintain self-regulation of P.Engs and for a chance to have input into setting the exams.

In an informal session on June 17, Council discussed the pros and cons of PEO withdrawing its offer to keep the registry of P.Engs and whether it should seek an exemption for professional engineers from the Bill 124 requirements, which give designers until July 2005 to become qualified and registered, if their drawings are to be accepted as part of a building permit application.

Almost all Councillors expressed the view that the cons of participating in the qualification/registration process far outweigh any benefit to PEO or to the profession. Noted, for instance, was the fact that an amendment to the *Professional Engineers Act* will be required before PEO can maintain the registry, since the Act gives PEO authority only to establish a register of its licence holders (not certifications) and provides no authority for collecting fees on the government's behalf (e.g. for writing the code-knowledge exams). It had originally been thought that a change to Regulation 941 would be all that would be required, which is simpler and less costly than an Act change. It was also pointed out that the exams will test building code knowledge, rather than engineering knowledge, so offer no additional public protection, since engineers are already required to have the necessary technical knowledge for the work they undertake. Council concluded therefore that the exams have nothing to do with self-regulation of engineering.

The only disadvantage to PEO of withdrawing its offer to register P.Engs might be

some embarrassment, Councillors concluded. MMAH would simply register code-competent engineers itself.

On PEO working to exempt P.Engs from Bill 124, it was noted that a new government and a scheduled meeting of PEO staff with MMAH staff on July 6 give PEO an opportunity to present its case for why the public interest would be better served if engineers were exempted from the legislation's requirements PTO, or PEO continued to work with the ministry and other stakeholders to ensure that the legislation is implemented in a way that will meet its objectives. MMAH has also invited Consulting Engineers of Ontario and the Ontario Society of Professional Engineers to the meeting. The ministry is meeting separately with the Ontario Association of Architects.

To implement the Council motion, in the week following the Council meeting PEO's policy staff and the new Bill 124 Task Force began the process of developing PEO's position by surveying Certificate of Authorization holders. The questionnaire asked about their experiences in writing the code-knowledge exams, their professional liability insurance coverage, their expectations of the impact of Bill 124 on their firms, whether they believe the quality of their firms' drawings for building permit purposes will improve, and whether they believe the Bill 124 requirements will reduce the time it takes to obtain building permits.

## Chapters defined

Council has approved roles and responsibilities for PEO's chapters, as defined in a document developed with the output of the April 23, 2004, Chapter Leaders Conference and brought to Council by the Regional Councillors Committee.

According to the approved Terms of Reference, Chapters' mandate is to provide a local PEO presence and assist in meeting PEO's objectives. Chapters' objectives are to:

- facilitate participation and training of licence holders in the governance, succession planning for PEO leadership and statutory duties of the profession;
- work to identify the value of the profession to future licence holders;
- promote and enhance understanding within society of the self-regulated engineering profession and the importance of licensure; and
- actively participate in PEO policy development.

Chapters are to meet these objectives by:

- enhancing PEO's local presence;
- providing an introduction and training for P.Engs wanting to participate in the profession's statutory functions;
- providing timely, accurate information to licensees;
- providing an active communications link between the membership and Council for PEO policy development, leadership succession and PEO and chapter budgeting;
- providing a forum for local discussion of professional and civic affairs;
- enhancing P.Engs' professional development, competence and social responsibility;
- serving as an information resource for engineers, the public and society;
- promoting local public awareness of engineering;
- providing a local contact for accessing information on the profession and engineering;
- promoting licensees' participation in chapter activities and PEO committees; and
- promoting recognition of those supporting the profession.

In approving the Terms of Reference, Council also authorized the RCC to establish formal funding and reporting guidelines for chapter activities conducted according to the approved T of R and to direct the disbursement of funds to chapters according to the guidelines. Staff was

directed to identify required changes to Regulation 941 and *By-law No. 1* to clearly define chapters and report back to Council in September 2004

### External Groups TF (software) to continue

The External Groups Task Force will continue meeting with software practitioners to define which in a set of identified software practice domains are part of the practice of engineering and explore whether a case can be made (acceptable to government) that a practitioner must be licensed to practise in some part or all of a given domain, with a view to completing its work by March 2005. Council gave the green light following presentation of a *Briefing Report on Software Practice* by task force Chair Peter DeVita, P.Eng. The task force has been meeting with members of the Canadian Information Processing Society (CIPS) Ontario over the last two years to discuss issues surrounding the practice of software and the associated regulation of some areas of software practice.

The briefing report aimed "to establish a framework to understand the common terms that describe the world of 'software practice,' a broad term that includes software engineering," DeVita said, as a basis for future discussion on which areas are best covered by licensing or certification. It does not deal with title issues, focusing instead on what practitioners actually do in the field.

He said the task force sees the rapid pace of change and the pervasiveness of software making it urgent to identify and agree on those aspects requiring licensing or certification. The broad choices on how to license or certify and who to do it are: one body (probably PEO) for all; umbrella legislation like the *Regulated Health Professions Act*; or multiple independent bodies, the briefing report says.

A copy of the *Briefing Report on Software Practice* is available at: [www.peo.on.ca/council/2004Taskgroups/2004\\_External\\_Groups.htm](http://www.peo.on.ca/council/2004Taskgroups/2004_External_Groups.htm).

### Joint Relations Committee

Council has approved the Terms of Reference for an OSPE-PEO Joint Relations Committee, and appointed the President, Past President and President-elect as PEO's representatives. The new

committee's purpose is to build relationships between the leaders of the two organizations; facilitate information exchange between the two organizations; identify issues and facilitate cooperation between the two organizations in areas of mutual interest/concern; and provide a forum for discussing and informally resolving potential areas of conflict between the two organizations. It succeeds the PEO/OSPE Negotiating Committee, which held its last meeting on April 20, 2004. ❖

### Foundation appoints new board

The Ontario Professional Engineers Foundation for Education held its annual general meeting on June 18 and appointed its board for 2004-2005.

The board comprises: Derek Wilson, P.Eng. (president), George Comrie, P.Eng., Stephen Jack, P.Eng. (secretary), Nick Monsour, P.Eng., Seimer Tsang, P.Eng., Ron Sparrow, CGA (treasurer), Brenda Caplan, Catherine Redden, Catherine Karakatsanis, P.Eng., and Ken Lopez, P.Eng.

The foundation's audited financial statements for 2003 show a slight increase from 2002 in revenue from donations, and a sharp decrease in operating expenses, resulting in a small excess of revenue over expenses before distribution of the 2003 scholarship money. To avoid an excess of expenditure for 2003, the annual meeting approved a decrease in the amount of the entrance scholarship from \$1,500 to \$1,000, until fundraising targets are met.

The foundation is an independent, non-profit, charitable organization established by Professional Engineers Ontario. It provides scholarships to encourage engineering students to pursue careers in the profession by making funds available to each engineering school, which awards the scholarships according to criteria established by the foundation. The scholarships are financed through donations from Ontario professional engineers. In 2003, professional engineers donated over \$83,000 to the foundation.

Donations to the foundation can be made by using the tick-off box on PEO's licence fee invoice and remitting the donation to PEO with the licence fee, or by using the donation form on the foundation website at [www.penged.on.ca](http://www.penged.on.ca).