LETTERS

Bill 124 needs further thought

This letter concerns Bill 124, which requires all consulting engineers, technicians, inspectors and others dealing with the *Ontario Building Code* to pass code-competency tests.

At no time did PEO consult with its members about the pros and cons of the bill. Articles were published in *Engineering Dimensions*, but they simply informed us about what the government was doing and how it would affect us. At no time did PEO state its opposition to any part of the bill, note any possible negative effects, or ask members for comments or questions. The PEO's letters to government (see PEO's Bill 124 page at www.peo.on.ca/registration/Building_Regulation_Registration_Program.htm) state that PEO felt its members might object, but this is the only indication of any sort of negative reaction to the bill.

The requirement to pass a code-competency test on all parts of the code an engineer may deal with is onerous and unrealistic on those who have small practices. There are no courses available outside of Toronto for those who may wish to update themselves or learn what the code test will consist of. We understand that to take a course, we would have to drive to Mississauga one day a week for six weeks for each portion of the tests. So, a self-employed structural engineer who designs buildings of any size would have to write parts 3, 4, 9 legal/process. That is a total of 24 separate days to drive to Mississauga.

With 66,000 members, PEO offers no courses to assist members. On the other hand, the British Columbia association, which is about 25 per cent the size of PEO, offers evening courses on a broad range of subjects and frequently advertises them.

The minimum insurance coverage, with companies with less than $50,000 gross fees requiring $100,000 insurance, those between $50,000 and $100,000 in gross fees requiring $500,000, and those with over $100,000 in gross fees requiring $1 million, means a sole practitioner earning $100,000 plus will have to carry the same insurance as large firms. Since when has the government started dictating that we have to have insurance, and how much is appropriate? They don't tell doctors and lawyers what minimum insurance to carry. This appears to be an attempt by the government to download responsibilities for code enforcement from municipalities, where it rightly belongs, to engineers and architects. We understand that we are supposed to further enforce the code on our customers (who may owe us money) but we have no authority to make them do what is required. So the municipality will still have to be responsible for enforcement. Another aspect of this is that our costs will go up and so will those of the contractors and industry, since they will end up paying for our higher insurance–this is certainly not making Ontario more competitive in the marketplace.

The Registered Code Agency (RCA) idea will probably not work. They have them in California, but since the cities still have building departments, only certain work (overflow, dirty jobs) is outsourced to the RCAs. As the volume of work is not reliable, there are not that many companies that do this work.

PEO appears not to have taken steps to notify all members about the exams, where they may be written, the insurance requirements, etc., but instead seems to rely on members reading *Engineering Dimensions* or visiting the website. If the government is dictating minimum insurance requirements, PEO or the Ontario Society of Professional Engineers must help to pursue reasonably priced insurance for all members. This act is an invitation to insurance companies to raise their rates (again). After all, you will have to have it to make a living.

We feel this act is unfair, has not been fully thought through or questioned by PEO, and is an infringement on the ability of small or sole practitioners to earn a living. We urge other engineers to seriously consider the ramifications of this act.

Gary L. Hodgson, P.Eng., and Al Antonio, P.Eng., Niagara Falls, ON, and Chris Turner, P.Eng., St. Catharines, ON

(For more on PEO and Bill 124, see In Council, pp. 44-45 and coverage of PEO's AGM, News, p. 12-17, as well as "Crisis? What Crisis?" pp. 29-32–Ed.)

MCSE debate

I think there is no problem for MCSE holders to keep their designation ("OIQ satisfied by court judgment," May/June 2004, pp. 22-23). But instead of the usual meaning of "Microsoft Certified Systems Engineer," I suggest that CCPE/PEO propose to Microsoft Canada to refer to its MCSE as "Microsoft Certified Systems Expert." This compromise would certainly avoid public confusion and prevent further lawsuits from associations and at the same time this alternative full title would still remain very attractive.

Phil Cao, P.Eng., Brampton, ON

Licence irrelevant

Mr. Sims, QC, ("Taking stock of member competence," May/June 2004, pp. 53-55) has missed the key point in the debate surrounding continuing competence measures for engineers: the de-facto irrelevance of our P.Eng. licence. Mr. Sims represents a profession (law) in which a licence to practise is just that–a licence, which entitles holders to practise that profession and severely restricts the practice of the unlicensed.

In contrast, unlicensed engineers and even non-engineers can and DO practise engineering of public consequence under the broad and incorrect interpretation of the "industrial exemption" and the sham known as the Certificate of Authorization, and there is precious little enforcement activity to stop them.

Since we can't even ensure that the people providing a significant fraction of the engineering in our province actually have engineering degrees or mentored engineering experience of any kind, how is the public protected by the current licensure regime? With less than half of all Canadian engineering graduates and even fewer immigrant engineers going on to P.Eng. licensure, this is clearly a widespread problem! And how is it that higher competence standards for

those ethical enough to maintain a P.Eng. licence will protect the public from shoddy engineering done by the non-licensed or non-engineer working in the next cubicle?

Surely, it is in the public interest that all engineering that risks injury to people or property if done incorrectly should be done by licensed professional engineers! Once that is accomplished, we can worry about whether the existing licensure maintenance regime is strict enough to ensure the licensees' competence! Until PEO corrects the misconceptions about the industrial exemption in our Act, and until the unlicensed not working under the direct supervision of a C of A signatory professional engineer are subject to a real and credible threat of enforcement, there is absolutely no reason to expect P.Engs to willingly jump through any new hoops to maintain their "licences."

Paul Martin, P.Eng.
Toronto, ON

Uphold our reputation

Two items in the March/April 2004 issue caught my attention: "Licensing and Registration" by Michael R. Price, MBA, P.Eng. (p. 9 of the *Annual Report*) and "Conduct Unbecoming" by Bruce G. Matthews, P.Eng., *Engineering Dimensions*, p. 46).

According to the first article, there are 65,327 licensed professional engineers and 4047 holders of Certificates of Authorization, i.e. 6 per cent of the P.Engs. Most discipline actions reported in *Gazette* appear to deal with the engineering provided "directly to the public." This involves 6 per cent of the profession. Little is said or written about the other 94 per cent. There is something seriously amiss if an organization overlooks 94 per cent of its members, as it is unlikely that this vast majority never deviate from acceptable engineering ethics.

Many of the 94 per cent of members without Certificates of Authorization work in part or total in non-engineering work or do not work at all. In his article, Mr. Matthews correctly pointed out that an engineer's responsibility to act with integrity and in an ethical manner extends to these people. These "engineers" are frequently in managerial positions in private or government organizations and therefore can considerably affect the public's image of the professional engineer.

It is my opinion that members in this "94 per cent" group, and I am one of them, should do more to uphold the reputation of the engineering profession. From PEO's side, I suggest two steps. First, *Engineering Dimensions* should periodically carry articles to remind engineers that P. Engs have to behave responsibly and ethically in all of their actions. Second, the PEO discipline section should review the behaviour of members where the public news implies unethical behaviour, or where PEO receives anonymous information on apparent unacceptable behaviour. These investigations would not necessarily lead to disciplinary actions, but would make members more aware of their responsibilities. It may also encourage members, who have no interest in upholding the profession's reputation, to resign. The loss of a few members would be worth the resulting higher standard of ethics.

Konrad Brenner, P.Eng., Orillia, ON

P.Eng. misuse

Dr. Khattab's letter in the March/April 2004 issue of *Engineering Dimensions* regarding the redundancy of the Certificate of Authorization has inspired me to write my own letter discussing what I believe is a serious problem with PEO's current licensing practice and the misuse of the P.Eng. designation and the C of A by some of its members.

In Dr. Khattab's letter, he states that he believes engineers who have obtained the P.Eng. should not have to obtain a Certificate of Authorization to be allowed to offer their services to the public. I disagree with this idea, as there are currently a large number of "non-practising" professional engineers who should not be allowed to offer engineering services to the public.

Currently, PEO licenses approximately 66,000 engineers, of which only a very small percentage actually need their licence to practise. How many times

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have you seen a lawyer, real estate agent or investment broker with the P.Eng. after their name? For these people, the professional engineer licence is nothing more than a club or group to which they belong–which I might add is quickly becoming a very non-exclusive club. They are using the well-earned respect that "practising" engineers have earned over many years to help them drum up business. It makes the public believe they are employing someone who they can trust and are going to receive a quality product or service. This is a misuse of the professional engineer designation and it is also happening with the Certificate of Authorization. Numerous contractors advertise themselves as "contractors and engineers" while they do not offer engineering services. In fact, a large number of them employ consultants to do their engineering for design build projects, as they are not qualified to do the work themselves. The contractors know the title "professional engineer" makes the public think they are employing a more qualified contractor who will provide them with a quality product.

I believe many of PEO's members have forgotten the reason why the *Professional Engineers Act* was originally created. It was enacted to ensure that only qualified individuals are offering engineering services to the public. This is why I believe PEO should be licensing only those who need to be licensed. This would include keeping the C of A, to allow PEO the means of licensing corporations that offer their engineering services to the public. Once PEO has changed its current licensing practice, I would be in favour of Dr. Khattab's idea that qualified professional engineers should not have to obtain a C of A to offer their services to the public. However, until then, I do not think allowing everyone with a P.Eng. to offer their services to the public is a good idea.

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