



Limiting Liability: Legal dos and don'ts that every engineer must know

Engineers have easy Web access to some useful resources on legal dos and don'ts:

 **Professional Engineers Ontario**
<http://www.peo.on.ca/>

The PEO website is an essential starting point to understanding your legal responsibilities. At top left in the blue navigation bar, choose "About PEO," then click *Professional Engineers Act*. You'll get some brief historical background and a link to the Act itself, which is posted on the Ontario government website. There is also a link to Regulation 941 of the Act. This is crucial reading, as it prescribes the Code of Ethics, defines negligence and professional misconduct, addresses the requirement for professional engineers to report unsafe situations and unethical practices, and describes the use of the professional engineer's seal. Returning to "About PEO" at top left, choose "Fast Find: FAQ PEO." The link "Frequently Asked Questions about Professional Practice" leads to basic information about liability insurance and complete disclosure. Further down the left blue navigation bar choose "Publications." Here, "Professional Practice Guidelines" leads to PDF format guidelines on various topics, such as providing reports for Pre-start Health and Safety Reviews.

 **Canadian Council of Professional Engineers**
<http://www.ccpe.ca/>

CCPE and the Association of Consulting Engineers of Canada (ACEC) endorse a Professional Liability Insurance Program. The CCPE website offers a quick summary of coverage details, plus contact

information and a web link to the underwriting insurance firm, ENCON Group, Inc. From the "Programs and Services" link on the blue navigation bar, choose "Services for Engineers" and "Professional Liability Insurance Program."

 **Ontario Society of Professional Engineers**
<http://www.ospe.on.ca/>

Since 2002, OSPE has been offering its members legal assistance services through its partnership with Law Protector International. This spring, OSPE added an upgrade, the new LawCALL plan. At the OSPE home page, scroll down to the newflash "OSPE introduces upgraded legal assistance program." The LawCALL plan provides toll-free access to free preliminary telephone legal guidance from experienced lawyers about personal legal matters.

 **ADR Institute of Canada**
<http://www.adrcanada.ca/>

The high cost of lawsuits is making alternative dispute resolution, such as mediation or arbitration, an increasingly attractive option. The ADR Institute of Canada is a national, non-profit organization that serves both practitioners and users of ADR. Amongst its services, it will provide ADR process advice, help development of ADR systems in organizations, and provide ADR training for staff. Click "Find a Professional" to search for mediators, arbitrators and other ADR specialists. You can limit your search by a variety of criteria from area code to subject matter of dispute, to language spoken. The Institute has many affiliates, including the ADR Institute of Ontario (<http://www.adrontario.ca>).

 **Ontario Mandatory Mediation Program**
<http://www.attorneygeneral.jus.gov.on.ca/english/courts/manmed/>

Over the past few years, the Ontario government has been moving toward one form of ADR, mandatory mediation, as an alternative to litigation. The Ontario Mandatory Mediation Program started in 1999 in Toronto and Ottawa/Carleton, and is expected to expand throughout Ontario. The program is designed to help parties involved in civil litigation attempt to settle their cases before they get to trial, thereby saving both time and money. This website provides useful background and starting points for anyone who is either facing mandatory mediation or wishes to know more about the Program. Under "General Information," choose "public Information Notice" for an introduction to concepts, explanation of specific rules, fees, and contact information for local mediation coordinators in Toronto, Ottawa and Windsor.

 **Association of Professional Engineers and Geoscientists of BC**
<http://www.apeg.bc.ca/>

Secondary Professional Liability Insurance has been mandatory for members of OIQ (Ordre des Ingénieurs du Québec) for many years. Recently, other provincial associations have opted to create similar coverage for their members through the Canadian Council of Professional Engineers. The APEGBC website, among others, contains a useful synopsis as well as a Q&A. Choose "Members," then "Secondary Professional Liability Insurance" for an interesting glimpse into how such programs work.

*Cristina Sewerin
Engineering and Computer Science Library,
University of Toronto*
