

Guiding lights to practise by

by Bernard Ennis, P.Eng.

As the regulator of a self-regulating profession, PEO is responsible for maintaining the profession's integrity. The *Professional Engineers Act* gives PEO the authority to establish, develop, and maintain standards of knowledge and skill among members, standards of qualification and practice for the practice of professional engineering, and standards of professional ethics among members.

Standards of practice play an important part in shaping both the role and the image of a profession. A professional's role can become clear only when members of the profession determine what distinguishes their activities from those of other occupational groups. Once those differences are clear, the profession can be improved by organized efforts to refine the expertise of practitioners in particular areas of knowledge and skill.

To gain admission to a regulated profession, practitioners must generally acquire a specific body of knowledge, complete a prescribed work experience program, and demonstrate knowledge of the profession's code of ethics through passing an examination. In addition, regulated professions ascribe to the theory that the public and the profession benefit from widespread adherence by practitioners to quality standards of practice.

"The exclusive right to practise engineering, and the privilege of self-regulation, has been granted as a public trust under the *Professional Engineers Act*," says John Gamble, P.Eng., PEO manager of government relations. "The way professional groups achieve autonomy and status is by demonstrating that the profession's practitioners have a unique ability to protect the interests of both clients and third parties who may be affected by issues within the profession's domain, and that these public interests are paramount."

Often, professional standards are mandatory procedural rules imposed by a legislative statute that details exactly what a practitioner must do in a particular situation. Many professional bodies also create guidelines—or advisory notices—that provide helpful information based on the combined professional experience of contributing practitioners. They are intended to provide useful and credible information to practitioners to assist them in making informed choices. In this way, individual practitioners can increase their capability to provide expert recommendations to the public.

Defining the engineer's role

Since professional engineers work within a complex legal, technical and social environment, it is important that they be able to respond to competing demands appropriately. For example, in addition to their employer's or client's expectations, engineers must often additionally respond to particular duties derived from the Code of Ethics or demand-side legislation. Although they are not mandatory practice standards, PEO's professional practice guidelines provide credible indicators to practitioners and the public alike of

what is considered to be minimum acceptable performance within a particular practice area. PEO's guidelines are intended to assist professional engineers in performing their engineering role in accordance with the *Professional Engineers Act* and Regulation 941 by interpreting and illustrating appropriate scopes of services in various areas of practice.

In most cases, the guidelines provide a general definition of the roles and responsibilities of professional engineers and are intended to provide a reference for practitioners of what would normally be expected of a reasonable and prudent engineer practising in a particular area. PEO guidelines do not specify each and every consideration of a particular task, but rather outline a set of core services or issues that the practitioner should consider. Although each engineer should be aware of all the services reasonably associated with a given task, the guidelines have not been written with the expectation that all the services listed in their scopes of practice will be provided on all projects.

However, neither should the guidelines be considered as limiting the scope of services that may be necessary to fulfil a professional engineer's duties. Engineers must exercise professional judgment in recommending to employers or clients which services should be applied to each project, depending on the project's size and complexity. The guidelines do not reduce or otherwise limit an engineer's responsibility for the outcome of the services rendered.

Added value for the profession

For professions to justify the exclusive rights to practise they've been given by society, they must establish, develop and maintain programs and standards of practice that assure the quality of the professional service, and are seen to assure it. These standards add value to the profession by establishing criteria for professional competence that enable the public to assess the benefits provided by restricting these tasks to the profession. By demonstrating that a particular task requires specialized

knowledge, higher standards of care, and responsibility for life and property, the public perception of engineers as professionals is reinforced.

Criteria for expected quality of practice

A profession's complaints and discipline process is a key component of self-regulation, without which the professional designation loses its value and the public and clients trust neither the ability nor the ethics of the profession. Professional engineers must conduct their work with competence, and if they do not, if their work is done incompetently or negligently, they may be subject to PEO's discipline process. For this process to function successfully, however, the standards against which their work will be assessed must be well defined and have been established through consultation with practitioners.

Within this context, guidelines help practitioners avoid making errors and ensure fairness in disciplinary processes.

Guides, not textbooks

Practitioners should remember that PEO's guidelines are not short courses in an engineering subject, but rather define practices and procedures required by regulatory, administrative or ethical considerations associated with provision of professional engineering services in specific areas. The guidelines are no substitute for any of the many technical, legal and contractual documents with which an engineer must be familiar.

A typical guideline defines the role of the engineer and explains the relationships that exist among the engineer and the other participants in the process. Where applicable, the guideline will also refer to specific regulatory, legal or ethical issues, such as the use of seals or conflict of interest, which might arise in the context of the practice.

Guidelines can be obtained free of charge in electronic format from the PEO website (www.peo.on.ca/EngPractice/guidelines.htm), or can be purchased in hard copy from PEO's publications desk. ♦

A peek at the process

The task of recommending practice guidelines to fulfil PEO's self-regulatory responsibilities falls on the Professional Practice Committee (PPC).

The PPC will consider the following elements to determine whether a guideline on a particular topic is necessary:

- ◆ the number of members engaged in the area of practice;
- ◆ the impact of the area of practice on the public;
- ◆ the number of inquiries made to PEO about practice;
- ◆ whether guidance is required by the creation or amendment of legislation;
- ◆ whether guidance is required due to a change in the *Professional Engineers Act* or its Regulation;
- ◆ whether there are disciplinary cases indicating common misconceptions of engineers' responsibilities, showing that a coherent, consistent standard of practice in a particular area is required; or
- ◆ the direction of Council.

When the PPC decides that a guideline is required, a subcommittee is formed. The subcommittee may comprise one or more members of the PPC and include other volunteers (including non-engineers where appropriate) who have specific knowledge in the particular area of practice.

For instance, the subcommittee working on the *Guideline for Professional Engineers Providing Pre-Start Health and Safety Reviews* includes two members of the PPC and four practitioners who specialize in this work. It has also made use of a network of reviewers who do not attend its meetings but who read and comment on drafts of the guideline. Other guideline subcommittees have included lawyers, architects and building officials because of the specialized knowledge required to inform PEO members of their roles and responsibilities.

The subcommittee prepares a draft of the guideline, which could take from three months to a year or longer. When the subcommittee is satisfied that the draft covers all issues of concern, the document is given to the PPC for its review and approval. Drafts can be returned to the subcommittee for additional work, if necessary. Once a draft is approved, it is edited, after which it is vetted by PEO legal counsel to ensure that it does not have legal flaws or impose unreasonable liability on PEO.

The subcommittee then reviews the edited and vetted document once more. If everything is acceptable, the PPC approves the document and requests Council approval to publish it.

