



# Professional Engineers Act gets major overhaul

by Dwight Hamilton

Changes to the *Professional Engineers Act* and Regulation 941 were proclaimed on February 28 by Queen's Park and represent the most comprehensive amendments since 1984.

The proclamation marks the implementation of the last of the 66 approved recommendations of PEO's Admissions, Complaints, Discipline and Enforcement (ACDE) Task Force, which was struck to strengthen PEO's regulatory function in terms of fairness, consistency and transparency and to improve its efficiency. The task force's recommendations were approved by PEO Council in December 1999. "These changes will have a profound impact on PEO and those awaiting a licence," says Max Perera, P.Eng., vice-chair of the ACDE Task Force. Here are the major changes and how they will affect professional engineers and the public.

**Open hearings for discipline cases:** In the past, PEO's discipline hearings were closed to the public unless otherwise requested by the party that was the subject of the hearing. The new legislation opens these hearings unless the Discipline Committee orders them closed for reasons of public security or individual privacy. Information on all upcoming discipline hearings will be published to PEO's website, including the name of the member or holder of a Certificate of Authorization, the hearing date and the list of allegations.

In addition, members of the public appointed by the Lieutenant Governor of Ontario to sit on PEO Council are now eligible to serve on Discipline Committee panels. Previously, allegations of professional misconduct and/or incompetence were heard and findings made by a panel comprising only professional engineers. Members of the public have served for some time on the discipline panels of the College of Physicians and Surgeons of Ontario and the Law Society of Upper Canada, to provide transparency and increase public confidence that discipline decisions do not favour the regulated profession.

**Establishment of provisional licences:** PEO will now grant provisional licences, valid for one year, to qualified licence applicants who have satisfied all legislated licensing requirements as a P.Eng. with the exception of obtaining at least 12 months of engineering work experience in a Canadian jurisdiction, supervised by a Canadian professional engineer. A provisional licence authorizes the holder to practise professional engineering in Ontario only under the supervision of a professional engineer licensed in the province. The supervising professional engineer will need to affix his or her seal alongside the seal of the provisional licence holder to any final drawing, specification, plan, report or other document prepared by the provisional licensee.

"We believe this new category of licence will allow PEO to maintain high standards of qualification to serve and protect the Ontario public, while being of benefit to both Ontario's employers and foreign-trained engineering practitioners in particular. Access to practice in Ontario for foreign-educated professionals is an issue on which PEO has been working for some time, as evidenced by the fact that about one third of the 65,000 professional engi-

**Top marks:** The Professional Engineers Foundation for Education honoured several students at a luncheon held at the University of Toronto on January 27. The foundation is a separately chartered charitable organization run by a board of directors on which sit representatives of Professional Engineers Ontario and Ontario Society of Professional Engineers. The foundation aims to promote the education and training of professional engineers. Funding comes from PEO member donations. (Back row, from left): Ken Lopez, P.Eng., foundation vice-chair, Anastasios Venetsanopoulos, P.Eng., dean, Applied Science and Engineering, Roger Barker, P.Eng., then PEO registrar, Peter DeVita, P.Eng., former PEO president, George Comrie, P.Eng., PEO vice-president and foundation chair, Brenda Caplan, foundation secretary, and Jane Phillips, P.Eng., former PEO president, celebrate with Foundation for Education U of T scholars, including Amy Brans, Bruce Cameron, Emily Chan, Angelo Gentile, Irene Goldthorpe, Natasha Lalani, Cindy Lau, Jamy Li, Daniel Ludwin, Roger Mong, Ling Ng, Kimkhanh Phan, Thomas Wong, Patricia Zawedde and Jason Zebchuk. For more information on the foundation, visit [www.penged.on.ca](http://www.penged.on.ca).



neers licensed by PEO were educated outside Canada,” said PEO president Richard Braddock, P.Eng., in a letter to Ontario opposition leader Dalton McGuinty recently. (For more on foreign-trained professionals, see President’s Message, p. 3; to read the President’s entire letter, go to [www.peo.on.ca/publications/government/McGuinty\\_Feb2003.pdf](http://www.peo.on.ca/publications/government/McGuinty_Feb2003.pdf).)

**Admission appeals:** Applicants for licensure can contest all PEO admission/licensing decisions made after February 28, 2003. If an applicant disagrees with a PEO admission/licensing decision, the applicant can initiate an Informal Appeal by writing to PEO substantiating their disagreement with the decision. If the decision remains unchanged, the applicant may initiate a Formal Appeal, which will be heard by a tribunal of PEO’s Registration Committee. Licence applicants will be charged a fee for a Formal Appeal, and the tribunal may assign costs of the hearing to either PEO or the applicant, depending on the outcome. Under the *Professional Engineers Act*, PEO must license all suitably qualified applicants who apply to become P.Engs.

“The admission/licensing process is designed to ensure that all applicants, whether trained in Canada or elsewhere, meet the legislated academic and work experience standards,” says PEO Registrar Kim Allen, P.Eng. Appeals must be of particular admission/licensing decisions; PEO’s licensing requirements and policies are not open to appeal.

**Title protection increased:** Use of the title “engineer” (or an abbreviation of it in a manner that will lead to the belief that a person may engage in the practice of professional engineering) is now prohibited, except where the use is specified in other legislation, or the user is a P.Eng. The burden of proving that the use of the title will not lead to the belief that the person may engage in the practice of professional engineering, except where “authorized or required by an act or regulation” is on the defendant. Before, PEO needed to prove that the title was misleading.

“This will certainly help in future enforcement activity,” says Eric Newton, PEO legal affairs manager. “But speaking practically, the association would usually not proceed with legal action against anyone

misusing the term ‘engineer’ without having in its possession compelling evidence that the public was in fact misled.”

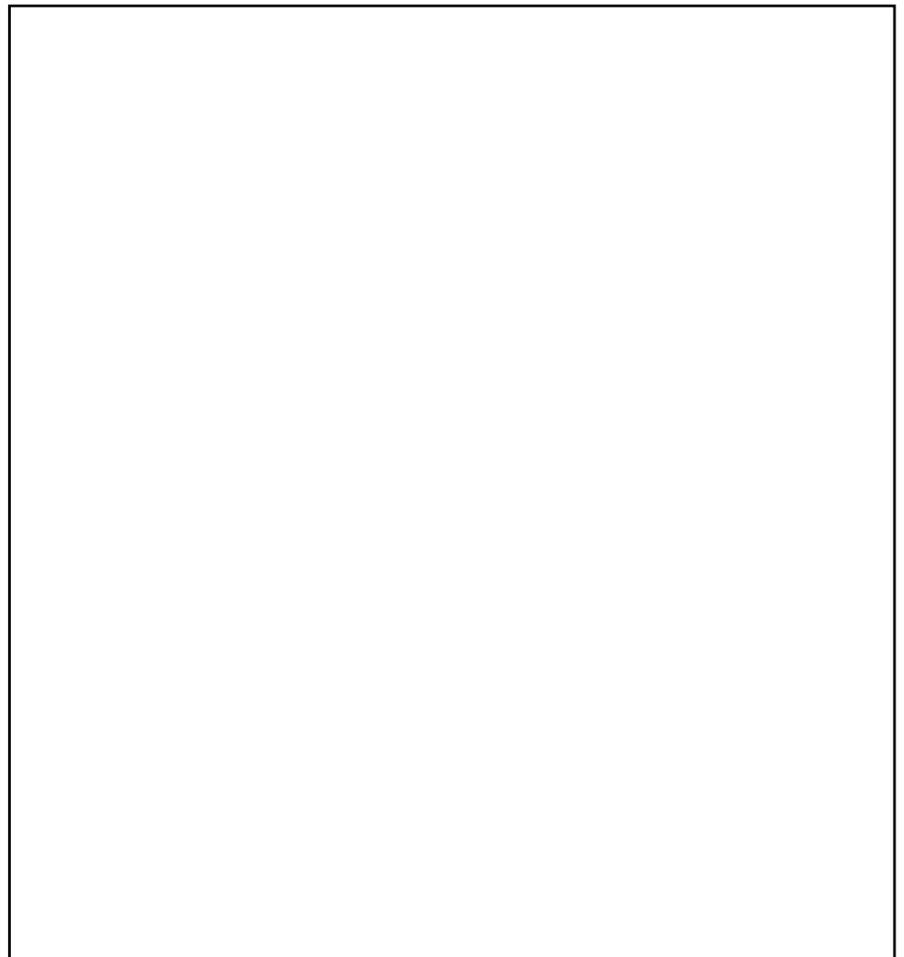
**Previous prohibitions remain in force concerning** unlicensed practice; improper use of an engineering seal; improper use of the title “professional engineer,” or an abbreviation or variation thereof, as an occupational or business designation; and use of a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering.

**Employer specificity on limited licences eliminated:** Limited licence holders will no longer be required to name their employer on licence certificates or seals. These licences permit qualified individuals to provide specified services within the practice of professional engineering to an employer. In the past, it was necessary that the employer be named on the limited licensee’s seal and certificate. If a holder switched jobs, a new seal and certificate had to be issued, even if the same limitations were in effect. Under the

new legislation, holders must notify PEO only if their limitation changes. PEO will then determine if a need exists to modify the holder’s limitation and to issue a new licence and seal that would specify the new parameters.

**Professional engineers’ seals and licence certificates:** From now on, the professional engineer’s licence number will be inscribed on all seals issued by PEO. Previously, a professional engineer’s seal included his or her name and the words “Licensed Professional Engineer,” and “Ontario.” A professional engineer’s licence certificate will also include his or her licence number. Licence certificates and seals already in use remain valid. However, professional engineers may also return their existing seal and certificate and request replacement with the new certificate and seal inscribed with their licence numbers.

To read all of the *Professional Engineers Act* and Regulation 941 changes, see this issue of the *Gazette*.



# More applied technology degrees border engineering

by Sharon Van Ihinger

The Ministry of Training, Colleges and Universities (MTCU) has approved 22 new applied degree programs, two of them in applied technologies closely allied to engineering. The programs were approved in November 2002, in the second round of a two-round pilot project aimed at providing another option to the anticipated 70,000 double cohort students competing for university and college places this fall. Twelve programs received approval in the first round of proposals in March 2002. (See "Applied degrees move ahead as possible precursors to new professions," *Engineering Dimensions*, March/April 2002, p. 11, and "Stakeholders discuss recognition of applied degree graduates," November/December 2002, p. 12.)

knowledge. "I foresee certification of graduates with the cooperation of such bodies as the Ontario Association of Certified Engineering Technicians and Technologists (OACETT) and the Canadian Council for Human Resources in the Environment Industry," he said.

Another of the new applied technology degree programs—Environmental Assessment and Management—to be offered at Sir Sandford Fleming College, will see its first crop of students in September 2004. According to Mark Williamson, environmental technology professor at Fleming, the program will teach students about environmental protection and assessment. He says students will receive a "solid foundation in biology, chemistry, earth and environmen-

certifications. Then they must inform potential students appropriately. (For P.Eng. reaction to coverage of this issue, see Letters, p. 7.)

Norman Williams, P.Eng., PEO's deputy registrar, admissions, stresses that the onus is on the program providers to ensure that prospective students and the general public are not misled. In a letter to MTCU last year, Williams said PEO supports the programs' aim of filling "the province's identified employment market needs." But he also highlighted the importance of ensuring "that there is no misunderstanding respecting the need for these programs to be accredited by the Canadian Engineering Accreditation Board (CEAB) to be deemed to meet the academic requirements for professional engi-



Photo: Robbie Sane Architects Inc.

Students entering Sir Sandford Fleming's newly-approved Bachelor of Applied Technology in Environmental Assessment and Management will learn through bio-diversity labs, library computer labs, and geomatic labs at a new "state-of-the-art" facility under construction in Lindsay.

In September 2003, George Brown College will offer an applied technology degree in Construction and Environment—Regulations and Compliance. The program addresses the demand for specialized knowledge of environmental and construction regulations by construction, engineering, environmental and architecture firms. Michael Ludolph, director of George Brown's Centre for Advanced Building Technologies, says the degree is "the only one of its kind in Canada to teach students how to fulfil regulatory requirements based on interpretation and analysis in both the environmental and construction sectors."

Ludolph, who also chairs the national steering committee for certification and accreditation for building officials and home inspectors, says the new applied degree addresses a demand for specialized

tal science," and develop "applied research and analysis abilities that will allow them to become leading practitioners in this emerging field." Graduates, says Williamson, "can expect to work in environmental consulting firms, regulatory agencies, municipalities, professional engineering firms, advocacy groups, public and environmental education and academic and research institutions."

In the September 2002 session that brought together community colleges, MTCU representatives, PEO, the Canadian Council of Professional Engineers and OACETT, PEO said colleges must be clear from the outset whether they intend their programs for accreditation, so that graduates can pursue professional licensing, or whether graduates should expect to qualify for

neering licensing recognition." Williams said graduates of a non-CEAB-accredited program will be assessed on a case-by-case basis by PEO for licensing purposes.

Leo Grellette, CBCO, president, Ontario Building Officials Association (OBOA), says he anticipates programs like George Brown's will enable graduates to fast track through the certification requirements of affiliates of the Canadian Council of Technicians and Technologists (e.g. OACETT, OBOA, etc.), because students will have training that is part of the certification process. The OBOA is reviewing guidelines on self-management and has met with the Ministry of Municipal Affairs and Housing to pursue self-regulating status.

More information on the applied degree program pilot is available under Pilot Project at [www.peqab.edu.gov.on.ca](http://www.peqab.edu.gov.on.ca).

# MOE seeks feedback on draft Brownfields Regulation defining Qualified Persons

by Dwight Hamilton

A draft regulation made under the *Brownfields Statute Law Amendment Act, 2001*, and three draft technical documents that are referenced by it have been posted on the Ministry of the Environment's (MOE's) Environmental Bill of Rights Registry website for public comment.

The regulation and documents relate to the Record of Site Condition (RSC) required under the Brownfields legislation. The draft regulation defines two types of Qualified Person (QP) for the purposes of the legislation: one for conducting phase one and two environmental site assessments (ESAs) and certifying an RSC, and one for the purpose of preparing or supervising a risk assessment. For the purposes of the definition of a Qualified Person under section 168.1 of the legislation, QPs would be required to have one of the following qualifications:

- ◆ a licence or temporary licence, but not a limited one, under the *Professional Engineers Act*,
- ◆ a membership, but not a limited or non-practising one, in the *Association of Professional Geoscientists Act, 2000*, or
- ◆ registration as an applied science technologist or a C.E.T. by the Ontario Association of Certified Engineering Technicians and Technologists under the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1998*.

For the purpose of Part XV.1 of the legislation (preparing or supervising a risk assessment), a Qualified Person would be required to hold a four-year university degree in engineering or science, and experience ranging from five to eight years, depending on the level of postgraduate education obtained. Two years of the experience would need to be experience specifically with risk assessments; the rest could be in the broader area of site assessments. A detailed *Procedures for the Use of Risk*

*Assessment at Contaminated Sites in Ontario*, produced by MOE's Standards Development Branch, is one of the three technical guidelines also released for comment. According to its introduction, it comprises "a combination of mandatory requirements and guidance on how to conduct risk assessment work and draft a risk assessment report for submission to MOE under section 168.5 of the *Environmental Protection Act*."

The 60-day comment period ends April 29, 2003. Formal comments must be made in writing, citing EBR Registry No. RA03E0002. Full submission information and the draft documents are available at <http://204.40.253.254/envregistry/019448er.htm>. To help interpret the draft regulation, MOE intends to hold an information session in early April.

PEO has been involved in discussions with MOE on the Brownfields legislation, definition of QP and the RSC since *continued on page 49*

## BC fee increase approved by membership

by Sharon Van Ihinger

Professional engineers in BC will now pay \$40 more each year for full membership in the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC).

The association's bylaws state that fee increases require a two-thirds majority vote from membership for approval, and the hike squeaked through with 67.3 per cent support. At a base rate of \$240 annually, BC is the second most expensive jurisdiction in Canada in which to practise professional engineering, Saskatchewan tops the list at \$300 a year.

On top of APEGBC's base increase, the adoption of a mandatory secondary

liability insurance program, in which all members must participate, carries with it an additional \$10 annual fee.

In Ontario, 2003 dues have increased to \$190 from \$170, plus \$13.30 GST for a total of \$203.30. A PEO bylaw states that Council can increase fees by \$20 in any calendar year to an amount not exceeding \$200. Any further increase would require a change to the bylaw via membership referendum.

Of the 12 provincial regulatory and licensing associations, seven have increased annual licensing fees for 2003. Members of the Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS) will have to shell out \$75 more than they did last year, (see sidebar).



### What does it cost?

Below are the annual fees for engineering regulatory associations across Canada. All taxes and special insurance charges are excluded and increases over 2002 rates are in brackets.

Saskatchewan	\$300 (+ \$75)
British Columbia	\$240(+ \$30)
Manitoba	\$231 (+ \$5)
Alberta	\$225 (+ \$30)
Newfoundland and Labrador	\$224
North West Territories	\$220 (+ \$6)
New Brunswick	\$216 (+ \$40)
Nova Scotia	\$212
Ontario	\$190 (+ \$20)
Quebec	\$180
Prince Edward Island	\$180
Yukon Territory	\$165

# Retired P.Engs no longer to act as passport applicant guarantors

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by Karen Hawthorne

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Recent changes to the Canadian passport application process disallow retired professional engineers to act as guarantors.

The Office of the Registrar General at the Ministry of Consumer and Business Services has made the changes in a move to further safeguard the integrity and security of vital documents. Its birth certificate application process now also requires guarantors. Again, retired professional engineers do not qualify.

Retired professional engineers have not been singled out. The guarantor restrictions extend to retired professionals in all fields, including law and medicine.

“It is our understanding that many retired professionals are not accredited or

licensed and as a result are not subject to the same duties, requirements or consequences,” says Alexandra Schmidt, manager of policy and legislation, Office of the Registrar General.

PEO has spoken out against this restriction, issuing a letter to the office that calls the restriction “inequitable.” Retired professional engineers are required to uphold the same professional obligations as practising engineers, says PEO’s former CEO/Registrar Roger Barker, P.Eng.

“He or she is still subject to a complaints and discipline process if he or she transgresses those obligations and may lose the right to call himself or herself a professional engineer,” says Barker.

A written response from the Office of the Registrar states: “Although professional engineers may be the exception to not



being required to uphold the same professional obligations, it does not appear to be the rule among all professions.”

However, the legislation may be revisited if the list of prescribed professions is deemed insufficient, or if a specific profession is not meeting the needs of the public in this area.

“The Office of the Registrar may consider an amendment to add or remove professions in future,” says Schmidt.

