



Council approves new enforcement policy

BY JENNIFER COOMBES

Enforcement policy

One of the central responsibilities of PEO as a regulator is to protect the public from unqualified practitioners through enforcing the licensure requirements of the *Professional Engineers Act* (PEA). To guide staff in undertaking this “enforcement” activity consistently, Council approved a new enforcement policy, which it hopes will also increase public awareness and strengthen the general profile of PEO.

The policy deals with the actions PEO should take in two types of situations:

1. when there is clear evidence of the practice of professional engineering by unlicensed individuals; and
2. when the term “engineer” is used by unlicensed people or in the names of companies without Certificates of Authorization in a way that might lead to the belief that they are qualified to practise engineering or offer engineering services.

A product of the Enforcement Committee (itself a product of the Admissions, Complaints, Discipline and Enforcement Task Force), the enforcement policy was reviewed by the Regional Congresses and the Standards and Regulations department and amended based on their feedback, before being approved by the Executive Committee to go forward to Council.

In his presentation to Council, Enforcement Committee Chair Chris Roney, P.Eng., said the policy formalizes and clearly states PEO’s existing practices to ensure consistency in the application of enforcement activities. It also reinforces PEO’s commitment to responsiveness, by mandating that all inquiries will be reviewed and investigated within 10 working days, and setting out the types of enforcement action that can be expected for different types of situations. In cases where there is clear evidence of a violation of the PEA, PEO will commence legal proceedings. In cases where “engineer” is used misleadingly in individuals’ titles or cor-

426th MEETING, JANUARY 20, 21, 2005

porate names, violators will be provided information about the provisions of the PEA and given a chance to comply.

In response to comments from several Councillors that the policy should contain a mechanism to let complainants know what action has been taken when they report suspicions of illegal practice or improper titles, the policy wording was amended to charge staff with updating complainants on their complaint status.

Educating the government

In a close vote, Council approved engaging Brown & Cohen Communications & Public Affairs Inc. for a period of six months to develop a government relations campaign to educate legislators about the value of PEO.

The decision that PEO should communicate more regularly with government is an outgrowth of Council’s June 2004 motion that appointed a task force to “vehemently oppose” the *Building Code Statute Law Amendment Act* (BCSLAA), as requested by members at PEO’s annual general meeting in April, and withdraw PEO’s offer to administer the government’s code-knowledge exams. Comprising President George Comrie, P.Eng., President-elect Bob Goodings, P.Eng., and Chris Roney, the task force was also directed to develop a communications plan to ensure that P.Eng.s affected by the BCSLAA are informed of the legislation, as well as its requirements and implementation dates.

When PEO met with Attorney General Michael Bryant on December 6 to enlist his support for PEO’s position on the BCSLAA, Bryant indicated that although the government has no intention of interfering with PEO’s regulatory role, it also has no intention of exempting professional engineers from the BCSLAA’s qualification and registration requirements.

The message from Bryant was that Members of Provincial Parliament are largely unaware of PEO’s self-regulation of the engineering profession and it is PEO’s responsibility to ensure its issues are on the government’s radar screen. Based on this feedback from the AG, the Bill 124 task force concluded that PEO must begin to make a concerted effort to communicate more and more often with government.

In discussion of the Brown & Cohen presentation to Council, Councillor Nancy Hill, P.Eng., questioned the value of spending resources on a bill that is already law. In response, Robert Merrick, Brown & Cohen senior consultant, acknowledged that PEO faces an uphill battle on the BCSLAA, but that primary focus of the program will be on educating and building relationships with MPPs, to stem the potential for similar regulatory incursions in the future. President Comrie concurred, saying that the actions PEO takes now probably won’t unravel the BCSLAA, but will prevent PEO from being overlooked by the government in the future.

Licensing and registration

Council approved establishing a Licensing Process Task Force (LPTF) to review licensing issues raised in a review of the licensing process by PEO’s registrar, and to make recommendations to Council on how to deal with them. Makeup of the task force, envisioned to be five members of Council, was delegated to the Executive Committee to be dealt with at its February 15 meeting. The Council motion directed the LPTF to produce a preliminary report within six months and a final report within one year. Because the Evolution of Engineering Admissions (E²A) Task Force recommended appointment of a similar task force to deal with issues aris-

ing from its report, Council bundled both review groups into one.

As background for appointment of the task force, Council heard presentations by Michael Price, P.Eng., deputy registrar, licensing and registration, on PEO's licensing process, Registrar Kim Allen, P.Eng., on his review, and the Academic Requirements and Experience Requirements committees on their place in the process and reaction to the registrar's review. Council also heard a presentation on the final report of the E²A Task Force by the chair, Roydon Fraser, P.Eng.

Finance issues

Council approved two items to help PEO better allocate financial resources. The first, the 2005 Operating Reserve Policy, replaces PEO's existing policy, which was last reviewed in November 2000. The 2005 Operating Reserve Policy adopts a

the agreement, PEO has established an overdraft not to exceed CAD \$250,000, and corporate credit cards with an aggregate limit not to exceed CAD \$120,000. A benefit of the overdraft protection is the elimination of the need for PEO to maintain a large cash balance in its account—funds that can achieve a higher rate of return invested elsewhere.

Core values

Council approved PEO's core values, developed under the direction of the newly formed Human Resources and Compensation Committee (HRC). The PEO core values are intended to define the corporate ethos and establish guidelines of conduct for PEO staff and volunteers. They are: accountability, respect, integrity, professionalism and teamwork.

PEO developed its core values and supporting definitions and examples through a series of working group meetings held

An electronic version of the new guideline will be available shortly on PEO's website, and printed copies will be available for purchase shortly after.

Northern office a success

Councillor Seimer Tsang, P.Eng., presented a progress report on PEO's Northern Regional Office at the January Council meeting. The pilot office opened on September 13, 2003 on the campus of Lakehead University, and is, by all accounts, a success. With the help of part-time staff, the Northern Regional Office provides support for activities of PEO's chapters in the Northern Region, promotes local awareness of the engineering profession and PEO, and provides efficient delivery of PEO programs.

Because of its presence on the Lakehead campus, the Northern Regional Office attracts students, recent engineering graduates, EITs, P.Engs, and members of the

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practice, common among non-profit organizations, that establishes the operating reserve (cumulative sum of net income of PEO since its inception) at a minimum of 50 per cent and a maximum of 100 per cent of operating expenditures, rather than at a fixed amount. This policy will allow PEO to maintain a balance between revenue and expenditures to deal with uncertainties, future liabilities, opportunities and growth, as it specifies the minimum funds restricted for specific purposes (restricted funds) and at the discretion of Council (membership fee stabilization funds). The CEO/registrar will review the Operating Reserve Policy annually as part of PEO's business planning and budgeting process.

The second item approved by Council is the Banking Resolution. As of January 1, 2005, PEO has switched its banking activities from TD Bank to Scotiabank and has activated an operating overdraft with the new financial institution. Under

throughout the summer and fall, involving Councillors, PEO staff and other stakeholders. A draft communications and implementation plan has been prepared and is under review by HRC.

Guideline for seal

Council has approved a new professional practice guideline. The *Guideline for Use of the Professional Engineer's Seal*, dated January 2005, was prepared by a subcommittee of the Professional Standards Committee in response to members' requests for further direction, and presented to Council by Councillor Colin Moore, P.Eng. The guideline advises professional engineers on the purpose of their seals, recommended practices and procedures for sealing of documents, and the legal and liability issues associated with seals. In particular, the document provides direction on the proper use of the professional engineer's seal and the requirements for the secure use of electronic seals and signatures.

public seeking information about PEO's EIT and student membership programs, academic and experience requirements for licensure, and the answer to the all-important question: "Why do I need a P.Eng. licence to practise engineering?" Based on the success of the Northern Regional Office, Councillor Allen Lucas, P.Eng., chair of the Regional Councillors Committee, suggested that the committee might consider expanding the regional office concept.

LGA re-appointment

Council received Catherine C. Redden's re-appointment as a Lieutenant Governor-in-Council appointed Councillor for another term. She will remain in her post until November 20, 2005. The Ontario government, through the Lieutenant Governor, appoints 12 Councillors to PEO's 29-member Council, seven professional engineers and five non-engineers. 