

# Loud <sup>AND</sup> clear

PEO takes its message  
to Queen's Park

## By Sharon Aschaiek

Educating the provincial government about the value of a licensed self-regulating engineering profession, and PEO's role in governing it, is the key objective of PEO's new Government Liaison Program (GLP). The program will draw on the resources of the regulator's internal operations—and especially its chapter members—to enhance the profile of the profession among legislators to ensure PEO is consulted when engineering-related policy discussions arise.

Approved by Council last September as an ongoing part of PEO operations, the Government Liaison Program (GLP) involves a comprehensive, three-pronged approach: establishing strong, ongoing ties between individual chapter members and their local MPPs, playing an active role in monitoring and acting on upcoming legislation that affects PEO and the *Professional Engineers Act* (PEA), and providing communications and policy support to express PEO policy positions to government policy makers.

Three key messages underlie the program:

- PEO has a legislative mandate under the PEA to regulate the practice of professional engineering in the public interest;
- Engineering as a self-regulating profession has been successfully protecting the public for more than 80 years; and
- Given the extensive expertise and knowledge PEO has in the field, the government should consult with the association on all policy decisions that might affect the regulation of professional engineering in Ontario.

“We want every member of the legislature to understand that engineering is a self-regulating profession and that we take responsibility for public safety,” says George Comrie, P.Eng., Past President of PEO. “When it comes to policy decisions that concern engineering, the government should come to us and work with us to implement what's required, rather than concocting some other regulatory regime of its own.”

### Recent incursions

Comrie is, of course, referring to specific pieces of legislation the provincial government has passed in recent years that undermine the regulatory authority of the PEA and threaten the autonomy of engineering as a self-regulating profession. Most notorious among them are the *Building Code Statute Law Amendment Act*, 2002, and Regulation 305/03 from the Ministry of Municipal Affairs

and Housing (MMAH)—generally referred to as Bill 124. Bill 124 made changes to the *Building Code Act* that prohibit anyone from engaging in design activities associated with submissions for building permit applications, or general review of construction, unless they have pre-qualified by passing *Ontario Building Code* (OBC) examinations set by the ministry. These designer qualification and registration requirements became effective on January 1, 2006.

PEO has maintained from the outset that implementing a certification regime under MMAH for engineers, who are already licensed and regulated under a public statute by PEO, is an unwarranted imposition on the profession, with the likely end result of heaping significant bureaucracy and cost onto the plans-approval process with little public benefit. Under Regulation 941, P.Engs must always make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under their responsibility. While initially agreeing to administer the MMAH system in the hope of influencing the process, PEO decided two years ago this approach would not be in the best interests of the public or the profession, and renewed its calls for an exemption for PEO licence holders.

Also contentious is the Ministry of the Environment's *Brownfields Statute Law Amendment Act*, 2001 and Regulation 153/04. The regulation has been widely criticized for excluding PEO's limited licence holders from its list of "qualified persons" permitted to sign Records of Site Condition for environmental site assessments and site remediation, and seems to reflect a basic misunderstanding by the environment ministry that limited licence holders, while not members of PEO and

unable to hold certificates of authorization, are obligated under the PEA with the same professional responsibilities as engineers, within their defined limited areas of practice.

### Attempts at resolution

After months of fruitless attempts to resolve the serious lack of knowledge and understanding of engineering's self-regulating status apparent in the two pieces of legislation, PEO appealed directly to Ontario Attorney General Michael Bryant (AG), who is responsible for the Act under which a self-regulating engineering profession exists in the public interest.

The December 6, 2004 meeting between the AG, George Comrie, CEO and Registrar Kim Allen, P.Eng., Deputy Registrar of Standards and Regulations Johnny Zuccon, P.Eng., and David Zimmer, the AG's parliamentary assistant, was the catalyst for PEO's decision to enhance relations with Queen's Park. Bryant indicated he had full confidence in the job PEO was doing as a regulator, but said the association needed to play a more active role in promoting itself and its responsibilities to MPPs.

"He said the government hears from other professional groups, such as doctors and lawyers, but never from engineers," Comrie says. "He said we should take some responsibility and talk to politicians in the legislature to make sure they understand who we are and what our role is."

### Beginnings of a plan

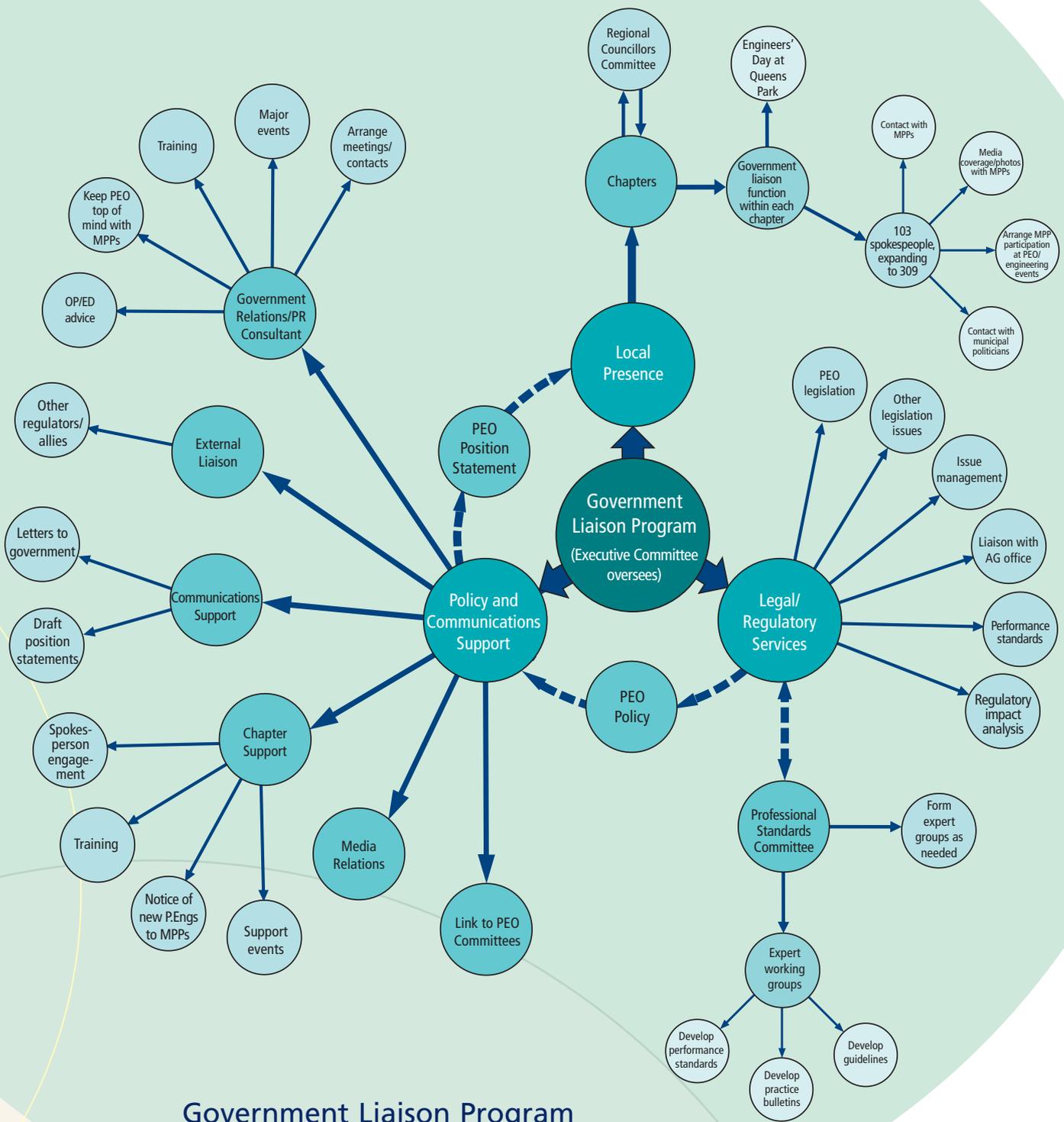
At its January 2005 meeting, PEO Council approved a six-month pilot of a government communications program, and recruited the services of Brown & Cohen Communications & Public Affairs Inc., a media and government relations firm, to help facilitate it.

The success of the program would rely heavily upon the involvement of the more than 67,000 engineers who make up PEO's 38 chapters across Ontario—and they did not disappoint: Almost 80 members signed up to volunteer as government spokespeople as soon as the pilot was announced. These volunteers were invited to, and many attended, training sessions to prepare them for their eventual task: the maintenance of active relationships with their local MPPs to familiarize them with PEO's role and mandate.

Kicking the program into high gear was Engineering for Ontarians Day, a reception for MPPs June 6 at Queen's Park that attracted legislators from all three major political parties, the attorney general, PEO Council members and staff, and as many as 50 of the engineers volunteering for the PEO government communications program. The event also drew representatives from such related organizations as the Ontario Society of Professional Engineers (OSPE), Consulting Engineers of Ontario (CEO), and the Ontario Association of Architects (OAA).

"The event was a chance for members of PEO and the legislature to meet in an informal setting and on a broad basis for the first time. It put our spokespeople in touch with more than 50 legislators. The value of that face-to-face communication cannot be underestimated," says Howard Brown, president of Brown & Cohen. "The attorney general was a guest speaker, and he made it clear that it's an important part of his job to work with PEO as a self-governing body of engineering."

The tremendous success of the Engineering for Ontarians awareness-raising



## Government Liaison Program

event spurred Council last September to approve a broad framework for integrating an ongoing GLP into PEO operations. Brown & Cohen were kept on as consultants, with their main priorities being maintaining effective connections with government officials

and the AG's office, keeping PEO abreast of developments in the ridings, and continuing to arrange visits to MPPs by PEO spokespeople and MPP participation in PEO events.

### Local presence

The plan to activate the program's local presence component sees each chapter forming its own GLP subcommittee to solicit chapter volunteers as spokespeople and to be the focal point of the chapter's GL activities.

A leading priority is to establish a strong spokesperson network that will enhance relations between the chapters and their local MPPs. With almost 80 volunteer spokespeople signed up through the pilot program, the goal now is to increase that number so there is at least one spokesperson for each MPP. The spokespeople will be their MPPs' primary hosts when MPPs attend such chapter events as Licence Certificate Presentation Ceremonies, and will attend local political events and fundraisers. Their role is to help ensure ongoing recognition of PEO at Queen's Park, so that the regulator can reap the benefit of a knowledgeable, receptive audience when it comes calling with specific issues and policy positions it needs to discuss.

Because tomorrow's MPPs are often the product of today's municipal and regional councils, which also wield considerable influence at Queen's Park, the GLP's local presence component includes chapter interactions with local municipal councillors and other community representatives. Protocols to assist chapters in such areas as hosting their government guests, meeting with them, and developing other opportunities to get to know them will be developed.

"The efforts of these initiatives are already paying off. MPPs certainly know us a lot better. They remember us from previous events and communicate with us on a first-name basis," says Allen. "There is more recognition and a greater appreciation on their end of what we've done for the profession. That's the success of the program, that it's keeping us top of mind with legislators, and that they're viewing us as partners in protecting the public interest."

## Regulatory affairs

The second component of the GLP involves reinforcing PEO's authority as the regulator of engineering practice, through ongoing review of government policy proposals and discussions, continual education of political staff and public servants about the association's role, and immediate discussion with policy makers about any jurisdictional or

administrative law issues that arise.

The legal/regulatory function includes reviewing upcoming legislation in the context of the PEA and Environmental Bill of Rights postings, performing regulatory impact analyses, being the main liaison with the attorney general's office, and contributing regulation-related content to *Engineering Dimensions*. Also included is development as needed of PEO performance standards, rather than the imposition of external requirements.

## Getting the right messages out

Essential support of the GLP's local presence and legal/regulatory components will involve PEO's policy development and communications functions, to deliver approved PEO policy positions and other government liaison materials to assist chapter GLP subcommittees and spokespeople in their roles, and to liaise with other regulators and members of the engineering community to share information and build local allies. PEO's media relations capabilities will be directed to developing relationships with key media to ensure coverage of PEO positions and of MPP participation in PEO events.

It is expected that PEO will build on the huge success of the first Engineering for Ontarians Day by staging the event on an annual basis, and opportunities for other awareness-raising events will be explored.

## Next steps

Chapter leaders were introduced to the plan to operationalize the GLP at their Regional Congresses in February, and their feedback will be incorporated into a final draft to be discussed at a Chapter Leaders' Conference on April 28. After that, the program will roll out according to plan.

Meanwhile, however, PEO's GL work has continued: spokespeople have met with MPPs; government representatives have attended Engineering Week activ-

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CEO and Registrar, PEO

ities, and Energy Minister Donna Cansfield is scheduled to speak to PEO's Etobicoke Chapter on May 10. And on February 16, President Bob Goodings, P.Eng., President-elect Pat Quinn, P.Eng., and CEO and Registrar Allen met with Attorney General Bryant and David Zimmer to focus on how PEO will work with that ministry in the future.

Yet despite its beginnings as a response to threats to self-regulation, PEO's GLP is a long-term, go-forward strategy that isn't geared towards reversing the intrusive legislation that's already passed. Actions on these fronts are continuing independently (see "Building code impasse headed for court," p. 13), but should benefit from the relationships already developed through the GLP. If properly and consistently executed, and well supported by chapter members, the program in future should go far in heading off further intrusions into the profession's areas of responsibility.

"The long-term gain is awareness at the government level. If we have good relations with government officials, they'll be far more likely to call us and ask for our input. They are starting to view us as a resource that will help them better shape public policy," says Deputy Registrar Zucco.

In the end, Comrie says, better policy means a healthier self-regulating profession and better protection for the public—a defining goal that drives the day-to-day activities of both PEO and of engineers in all the work they do.

"Our self-regulation model provides the best value for the public," Comrie says. "No one knows better how to regulate the practice of medicine than doctors, and the same applies to engineering. The system works very well for the public and for everyone." 