

By MICHAEL MASTROMATTEO

Engineering Dimensions: PEO is about halfway through a pilot project to study the extent of violations of the PEA. Has the study uncovered any significant problem areas?

Eric Newton: The pilot project won't end until September of this year, which is about a year from the release of the *Licence Please!* video. We are conducting a survey in the next couple of weeks to gauge the effect of the video at this time, and we'll survey the membership again towards the end of the summer so that we can judge, in a more accurate way, the effects of the distribution of the video.

To date, we have not uncovered significant problem areas of illegal practice.

Engineering Dimensions: Hasn't PEO long been one of the more aggressive reg-

involves enhanced communication with stakeholders to educate them about the powers of the PEA and to seek their assistance in reporting violations. Can you describe briefly some of these stepped-up communication efforts?

Eric Newton: Prior to the latest enhanced communications push, the regulatory compliance department would carry the enforcement message to engineering students, some government ministries and PEO chapters.

The enhanced communications push has allowed us to hire a contract employee who is dedicated to distributing the video to a wider audience, which we anticipate will, in addition to the outreach activities I've just mentioned, expand to include industry outreach. An example of this will be a series of breakfast meetings where industry

Engineering Dimensions: What other outreach efforts are being considered?

Eric Newton: We are looking at the idea of print ads in media that enable us to not only get the enforcement message out, but also educate the public on who and what PEO is. It's been said that engineering is the invisible profession, but hopefully that will change.

Engineering Dimensions: We've heard that successful prosecution of unlicensed engineering practice or misuse of the seal doesn't make for big news in the mainstream media. Does this lack of media attention, especially in regards to the wider public, present additional difficulties for PEO's enforcement efforts?

Eric Newton: I think it was Marshall McLuhan who coined the phrase, "the medium is the message." I prefer to think

What makes for positive enforcement activity?

PEO's enforcement activity depends on monitoring the current situation and acting on reports of potential violations of the *Professional Engineers Act* (PEA). As PEO Manager, Enforcement and Prosecutions Eric Newton notes, successful enforcement must also be adaptable to changing times.

ulators in terms of enforcing the *Professional Engineers Act* against unlicensed practice?

Eric Newton: I'd like to think of PEO enforcement activity as being proactive rather than aggressive. That said, when our proactivity reveals evidence of illegal practice, we are certainly aggressive in our handling of these kinds of cases.

Engineering Dimensions: PEO set up an enforcement hotline some time ago. Any word on how effective it's been?

Eric Newton: Volume on the hotline is fairly low, averaging about 20 to 30 calls a year that strictly relate to enforcement matters. However, some of the calls on the hotline have resulted in more important cases coming to our attention.

Engineering Dimensions: An important part of the pilot enforcement project

human resource professionals will be invited to participate so that they can be given information, for example, on acceptable engineering job titles. These professionals will be encouraged to ask questions of PEO staff who will be in attendance.

We are also working on taking the message to the federal government.

Engineering Dimensions: The *Licence Please!* CD-ROM is a new approach for PEO. Do you have any idea how successful it has been?

Eric Newton: We are only partway through the process, but feedback when the presentations have been made has been very positive, and if this translates into a more educated membership and, hopefully, more cases being reported in, then we will be happy with that.

of it in terms of "the media is the message."

It's true that we don't get front-page coverage of our successful prosecutions, but we have had a reasonable amount of coverage in the national dailies over the years. We have more coverage from the local print and radio media in the areas where the defendants reside, or where the offence was committed.

We also publish reports of the prosecutions in *Gazette*, which I understand

is one of the best-read sections of *Engineering Dimensions*.

While I'd obviously like to see more widespread publicity, I don't think the lack of it presents any real difficulties in carrying out our mandate.

If, as a result of our investigation, we garner conclusive evidence of an offence, the prosecution is successful. Having said that, it would be nice to get the message out to a wider audience.

Engineering Dimensions: Are you seeing any new patterns emerging in the

enforcement area, such as increased use of false or stolen seals?

Eric Newton: I have seen a trend towards the fraudulent use of engineering seals in the last couple of years. It's so easy these days to transpose almost anything onto a document.

The cases in question, luckily, haven't led to any major catastrophe from an engineering point of view, but the trend is troublesome. They are generally reported to us by outside agencies, such as building departments, or by engineers themselves. We act to prosecute after our investigation is completed.

Engineering Dimensions: How many successful prosecutions does PEO average each year?

Eric Newton: We average about three successful prosecutions a year. But I can tell you that given my current workload, I am expecting that figure to at least double this year.

Engineering Dimensions: I understand PEO staff has traditionally used *Yellow Pages* and classified job advertisements to search for incidents in which unlicensed individuals are holding themselves out as professional engineers. Are these monitoring efforts still going on? How has the rise of the Internet changed PEO's enforcement function?

Eric Newton: We continue to monitor *Yellow Pages* advertising and job advertisements. We also scan the Internet and have found it to be a good source of information. In addition, we monitor through the Ministry of Government Services. We look for newly incorporated companies who have used the terms "engineer" or "engineering," without first seeking PEO's consent or obtaining a Certificate of Authorization from PEO, which is an authorization required if one is intending to offer professional engineering services to the public.

If the companies refuse to comply, we can ask for a hearing by the ministry to have the name changed to delete the offensive terms.

Engineering Dimensions: Is there any way to measure awareness of "professional engineer" as a protected title or, for that matter, the extent of violations of the PEA that are not being investigated or prosecuted by PEO?

Eric Newton: There is no sure-fire way that you can measure it. It's a bit like asking the police to comment on the number of speeders there are on the roads. They will point to the number of speeders caught, but they have no way of actually knowing how many of us speed.

Engineering Dimensions: Ultimately, PEO has to depend on members to act as its eyes and ears in the enforcement area. How important are individual members in helping PEO fulfill its enforcement function?

Eric Newton: While we are hoping to widen the net in terms of contacts who report matters to us, currently, individual members are very important and will continue to be a good reporting source in the future, we hope.

Engineering Dimensions: The industrial exception continues to be a source of concern for some PEO members who believe it's being abused or that it is being used to cover up incidents of engineering work being undertaken by non-licensed individuals, or without proper supervision by a P.Eng. Although PEO's Enforcement Task Force found no real evidence of problems with the industrial exception, does it continue to pose any special challenges to the enforcement team?

Eric Newton: Much has been said about the so-called industrial exception in these pages. Suffice it to say that while there may be a perception in some members' minds that there are thousands of non-engineers practising illegally within industry, the number of cases we deal with in this regard is very small.

There seems to be a reluctance to report these kinds of cases—if they even exist—to us.

I will only say this: The industrial exception is possibly one of the most misunderstood sections of the *Professional Engineers Act*.

