

COUNCIL APPROVES TOWN HALLS TO DISCUSS PEO GOVERNANCE CHANGES

468th MEETING, FEBRUARY 17, 18, 2011

By Jennifer Coombes

DESPITE PASSING MOTIONS at its November and December meetings that would see council begin electing the president from among elected councillors following PEO’s annual general meeting (AGM) in 2013 (see *Engineering Dimensions*, January/February 2011, p. 61), council approved not taking concrete steps toward implementation until after town hall meetings of members in March. In discussion of the subject, some councillors expressed concern that membership has not been sufficiently consulted on an election practice that has a 90-year history, while others said they do not wish to be disrespectful to members, notwithstanding their conviction that this is a decision for council to make and that doing what’s best to protect the public interest should be the more important consideration.

The original proposal in February 2010 to change the election process was part of a PEO Executive Committee package

of recommendations resulting from its review of the regulator’s governance structure.

At the February 2011 meeting, council approved holding a series of town halls between now and the 2011 AGM to discuss the issue with PEO members before enshrining anything in regulations. The following motion was passed: “Be it resolved that council/PEO may draft regulations with respect to the manner in which the president is chosen but shall not engage in external communications regarding the regulations until after town hall meetings are held. For greater certainty, *external* means non-P.Eng., non-council or non-PEO staff.”

Council also approved necessary new policy directions in several aspects of PEO governance to enable implementation of its decision on electing the president:

ELEMENT		POLICY DIRECTION
1.	Fixing the number of members to be elected to council	Council set out in regulations that 17 members will be elected (currently, the regulation requires 15 to 20 members to be elected)
2.	Defining constituencies and prescribing the number of representatives to be elected to council	That there be seven councillors-at-large and two regional councillors per region (current structure is election of a president-elect, a vice president, three councillors-at-large and 10 regional councillors, with an <i>ex-officio</i> president and past president)
3.	Term or terms of office–elected councillors	That the term length for all elected councillors be two years (current length is two years for regional councillors and councillors-at-large, and one-year terms for vice president and president-elect)
4.	Frequency of elections	That council hold elections every year (no change)
5.	Term or terms of office–president (chair)	The president serves a one-year term (no change) The president may serve one additional term (currently, president cannot serve an additional term without a two-year gap)
6.	Past president	The past president be an <i>ex officio</i> voting member of council (no change)
7.	Positions of officers of PEO and providing for their election or appointment	That the following be the officers of PEO: president, past president and vice presidents (currently, the president-elect is also an officer)
8.	Vice president	That at least one member of council annually be appointed by council as vice president(s) (currently, council appoints one vice president, members elect one)
9.	Title: president vs. chair	The titles of president, vice president and past president will still be used, effective 2013 (no change)
10.	President incapacitated or resigns during term	Council would set out the succession in regulation (i.e. past president, first vice president elected by council, second vice president elected by council, member of council appointed by council)

11.	Executive Committee	The Executive Committee would comprise: the president; the immediate past president; the vice presidents; and at least one other member of council appointed by council. One lieutenant governor-in-council appointed councillor must be on the committee. Three members of the Executive Committee, including either the president or the past president, would be needed for quorum (currently, the committee comprises the president, president-elect, past president, two vice presidents and at least one other member of council. An LGA must sit on the committee. Quorum is three, including the past president, president, or president-elect).
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COUNCIL MEETING CHAIR

At the November 2010 meeting, Councillor Bill Kossta presented a document titled *PEO Council Meeting Chair* for council consideration (see *Engineering Dimensions*, January/February 2011, p. 61). The document outlines the possible role, responsibilities and selection process for a council meeting chair. In Kossta's proposal, the chair and president could be the same person or different people, depending on the will of council. Kossta said the proposal is intended to enable council to select the member of council it feels will help meetings run in the most effective way possible.

Council was asked to provide comments on the proposal to the Human Resources and Compensation Committee (HRC), so council could consider the proposal further at its February 2011 meeting.

Based on the input from councillors and from the CEO/ registrar, the HRC presented its proposal for a council meeting chair, which was approved at the February meeting.

As approved, the council meeting chair's role and responsibilities will be:

1. preside over meetings of council "to keep the meeting going in a legal and democratic manner";
2. ensure council discussions are focused on the agenda;
3. encourage councillor participation;
4. be the role model in good governance for the rest of council;
5. consult with the president, CEO/registrar and governance staff regarding the agenda and associated background; and
6. have a strong working knowledge of the council manual, Wainberg's rules of order and PEO's special rules, as they apply to council meetings.

Under the new process, the meeting chair will serve for one year, but may be removed before the end of the term by a two-third majority vote of council.

The new process will be put in place at the first council meeting following PEO's AGM in May.

EQUITY AND DIVERSITY POLICY

Council has approved the Equity and Diversity Committee's (EDC) new equity and diversity policy and guidelines, following several rounds of peer review in 2010 and approval by the Executive Committee, and will now begin to integrate the principles into PEO's general policy and business operations. The policy applies to all staff and anyone else acting on behalf of PEO.

The policy's overall objective is to ensure "PEO's environment is one in which all stakeholders are treated equitably and where members of diverse groups are recognized, wel-

comed and valued." According to the policy implementation guidelines, it "will assist PEO in striving to create a culture of shared values and behaviours consistent with the mission and core values of the association."

Specifically, this culture will be characterized by:

- respect for the diversity of gender, race, culture, ethnicity, age, abilities, religion and sexual orientation taken into account in practices and policies relating to governance, volunteer service and employment;
- open, responsive and respectful communication with all staff, volunteers, members, applicants and others in the communities served by PEO;
- collaboration and partnership with the community regarding issues of equity and diversity, as well as with staff, members and others; and
- consideration of equity and diversity in all PEO's operations as measured through research, monitoring of training and development, cultural interpretation and community partnerships.

Beginning in mid-March, the EDC will meet to develop action plans for the objectives outlined in the guidelines.

NATURAL SCIENTISTS

After hearing the concerns of many natural science groups that the new definition of the practice of professional engineering in the *Professional Engineers Act* restricts their practice of natural science, and leaves natural scientists open to potential enforcement actions, council created the Joint Engineering and Natural Science Task Force (JENSTF) at its September 2010 meeting (see *Engineering Dimensions*, January/February 2011, p. 12).

With a mandate "to establish a means to achieve the intent of Engineers Canada's 1996 companion clause and report recommendations to PEO council at its February 2011 meeting," the JENSTF presented its report to council on February 18.

The report notes that Engineers Canada's "companion," or exception, clause is intended solely to enable "some form of legislative protection that exempts properly qualified natural scientists from being prevented from competently practising natural science," rather than to permit them to practise professional engineering without being licensed.

The report includes two recommendations, both of which were approved by council. The first is to establish an Overlapping Practices Committee, which would "where the registrar believes that a recognized natural scientist may be practising professional engineering without a licence, limited licence,

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or temporary licence and/or a Certificate of Authorization,” consider the matter and make recommendations to assist the registrar and the natural scientist to resolve the matter prior to PEO taking enforcement action in the courts. The committee will comprise four members appointed by PEO council and four members of the natural science community.

The second recommendation calls for a national task force that includes PEO, the natural science community and Engineers Canada, to develop a national model regarding the practice of natural science. Specifically, the task force will determine “when it is in the public interest to require a person practising natural science to hold a licence, the licensing requirements and/or exemption clauses for natural scientists.” A PEO representative will serve on the task force.

The CEO/registrar will now develop terms of reference for the Overlapping Practices Committee, seeking input from the natural science community and PEO, for council’s consideration at its April meeting. He will also provide copies of the JENSTF report to the attorney general, CEOs of Engineers Canada and the constituent associations, and the registrars for Ontario’s science-based profession regulators.

The president and CEO/registrar, who were scheduled to attend an Engineers Canada meeting the week following PEO’s council meeting, were tasked with advising the respective national groups of the need for a national task force and asking Engineers Canada to work with the constituent associations, the national bodies for the science-based regulators, and the natural science community to develop the terms of reference for a national task force.

CANADIAN EXPERIENCE

Council has approved formally allowing an applicant to use a professional engineer collaborator or professional engineer monitor to meet his or her 12-month Canadian experience requirement for licensure.

Regulation 941, section 33(1)4, which outlines the Canadian experience requirement and requires “12 months’ experience acquired in a Canadian jurisdiction, under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction,” will be amended to make applicable work experience acquired while a temporary licence holder was working with a professional engineering collaborator, or an engineering intern was working with a professional engineering monitor.

Prior to council passing the motion to recognize such experience formally, PEO, in fact, already recognized 12 months’ experience acquired without the direct supervision of a licence holder where a professional engineer monitored an engineering intern registered in PEO’s engineering intern training program who was employed in an organization that did not have a licence holder available to supervise, or where an applicant held

a temporary licence and gained 12 months’ experience working with a licensed engineer as a collaborator.

The CEO/registrar will now work with ministry officials to have the draft regulations to amend section 33(1)4 of Regulation 941 prepared for council’s approval.

SYNERGY TASK FORCE REPORT

At the February meeting, council reviewed a draft report on financial sustainability from the Engineers Canada Synergy Task Force.

The Synergy Task Force approached its work on the financial sustainability of Engineers Canada using the same guiding principles it used in examining governance issues.

The task force makes five recommendations on financial sustainability:

1. that Engineers Canada adopt the integrated strategic, business and financial planning process presented at an October 2010 plenary session of its board meeting;
2. that Engineers Canada consider diversifying revenue sources to fund the approved activities in its strategic and business plans;
3. that Engineers Canada concentrate its efforts in developing more effective tools to communicate to the constituent associations’ councils;
4. that revenue from its affinity [insurance and financial] programs remain with Engineers Canada to support approved strategic and business plan activities and leverage the assessment fees provided by the constituent associations, enabling Engineers Canada to better serve the constituent associations, their registrants and the engineering profession as a whole; and
5. that the Engineers Canada board of directors review relevant board policies affected by the recommendations.

Council generally supported the report’s recommendations and authorized President Diane Freeman, P.Eng., FEC, to advise the constituent associations of PEO’s support at the Engineers Canada plenary session the next week.

She advised council that she would also communicate PEO’s feedback, including advising that Engineers Canada should:

- ensure PEO is treated fairly with respect to its contributions;
- sustain PEO’s commitment and buy-in to financially support Engineers Canada activities and ensure value is commensurate to financial investment;
- maintain a financial planning process that is predictable;
- ensure it is accountable;
- enhance open and transparent communications on strategic, business and financial plans and results; and
- ensure it has financial means to deliver on the approved plans. Σ