

PEO—IT'S TIME WE ASSESSED AND CLARIFIED OUR ROLE



J. David Adams,
P.Eng., FEC
President

THE CRITERIA FOR GOVERNING our actions at PEO, using members' fees, should be directly related to the commission given our association by the *Professional Engineers Act*. We should have such a oneness with the act that we are obedient to its demands, not guided by our individual emotions, sympathies and understandings.

This must be our vision and our calling.

Indeed, PEO must reappraise our efforts and clearly define our powers to regulate the profession and govern our members under the *Professional Engineers Act*, which is the declaration in law of the responsibilities and mandate of our association.

This applies to all programs and actions we undertake, not merely the controversial subject of advocacy.

The act clearly defines that the practice of professional engineering means:

any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act. (2010)

The designation of “professional engineer” means a person who holds a licence or a temporary licence.

A “provisional licence” means a provisional licence to engage in the practice of professional engineering issued under the act.

When we see advocacy practised by way of advertising for the major professions such as accounting, we see interpretations of their mandate as administrators and solvers of business and tax problems. PEO could evoke the same principle in defining us in any of the broad range of activities enumerated above in our mandate.

Continuing with our principal and additional objects as written in the act:

The principal object of the association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization, holders of temporary licences, holders of provisional licences and holders of limited licences in accordance with this Act, the regulations and the bylaws in order that the public interest may be served and protected.

There is little question that the use of the term “professional engineer” in many connotations and the regulation and governance of members are the property of PEO and lend themselves to the advertising and promotion of excellent, creative solutions and commendation, including the presentation of awards for outstanding performance, as well as the converse, proclaimed in discipline proceedings.

As we continue to examine our act, we find additional objects. For the purpose of carrying out our principal object, the association has the following additional objects:

1. *To establish, maintain and develop standards of knowledge and skill among its members.*

This clause determines our need to establish and maintain high standards for entry into the profession, as well as provide for any additional specialized knowledge in such new fields as nanotechnology and cyber security. The provision of new knowledge and training, on a continuing basis, for top performance, becomes an ever more necessary requirement.

2. *To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering.*

As we develop the engineering contribution to public policy, much of which concerns the standards of protection for the public, PEO is obligated to develop standards and recommend solutions to government that protect not only the person but their economic interests and the effect on the environment.

continued on p. 4

[PRESIDENT'S MESSAGE]

continued from p. 3

This additional objective moves us into the realm of doing engineering effectively and well, encompassing all engineering work now that the industrial exception is being removed, making mandatory the protection of all the public, including those in factory settings using the means of production of goods and the performance of those goods in the marketplace. The same criteria apply to all imported products.

3. *To establish, maintain and develop standards of professional ethics among its members.*

While this objective might be regarded as redundant by some, particularly in Canada, rest assured that with globalization, the public must be ever more effectively protected from sharp practices and “good enough” solutions, practised throughout the world. It is the responsibility of PEO to evaluate, publish and police engineering practice on the many imported foreign designs, as well as products made, sold and operated in Canada.

4. *To promote public awareness of the role of the association.*

Public awareness of our role is a very big mandate about which we have done little to bring engineering to our nation's attention. Performing this duty would do much to restore the profession's importance to society.

5. *To perform such other duties and exercise such other powers as are imposed or conferred on the association by or under any act.*

One is somewhat overwhelmed by this last “additional object” of our act. Besides adding responsibility for work performed under acts of other ministries of government, it confers powers to propose or project what we believe is in the best interests of Ontario, and indeed for residents throughout Canada and abroad, by way of exports to other jurisdictions.

Such a mandate, if specifically approved by those who put our act in place, could range from national security to individual health issues. Development of the concept of a lean, more effective health-care system comes to mind as this type of responsibility.

It is therefore apparent that PEO has a built-in interest and mandate to perform all that is necessary to identify, improve, promote and govern our profession, within our own *Professional Engineers Act*.

Our government relations program is designed to build the relevant relationships to effectively advise lawmakers of measures to more fully inform, protect and serve the public.

The financing of these programs using members' fees is duly authorized under terms found in section 40 of By-law No.1 of the act.

While some may find it easier, with these many diverse duties, to serve the public using their own judgment, and not be bothered beyond their immediate whim, the act will still remain to prod us on to fulfill its demands.

In conclusion, may I thank you for electing me as your leader for two terms of challenge and change. The highlights of my legacy will be my part in the purchase of our new headquarters building, 40 Sheppard Avenue West, Toronto, during my first term, and my continued management, as clearly defined in our *Professional Engineers Act*, in my second. This included a press for new disciplines to enlarge employment opportunities in replacement technologies and the establishment of an Engineer of Record to improve accountability, the defence of member rights to advocate for the profession and a necessary referendum to consolidate thinking on the continued democratic practice of member election of our president. Σ

ENGINEERING FAILURES AND PEO'S POWERS TO INVESTIGATE

Whenever there is a major failure of anything that has engineering content, many members look for PEO to take action. However, the action PEO can take on its own must be within the jurisdiction set out in the *Professional Engineers Act*. To initiate an investigation, the registrar must have reasonable and probable grounds that a licence or certificate holder has committed an act of professional misconduct or incompetence. If such is the case, the registrar's powers to investigate the licence or certificate holder are very broad. But PEO does not have authority to investigate the failure, although it often volunteers to assist whichever body has jurisdiction over the failure. Occasionally, PEO is invited to assist, such as in the cases of flying truck wheels and concerns over the safety of Highway 407 in the 1990s.

Should a matter of public safety come to PEO's attention, it immediately notifies the appropriate authority. PEO has contacted many ministries, including transportation, environment, labour and infrastructure, as well as building officials, the Technical Standards and Safety Authority and the Electrical Safety Authority, to name a few. From time to time, PEO also attends inquests to ascertain whether there might be a need for council to consider using its powers to make law to create a performance standard to better regulate the practice of professional engineering. Following the collapse of Toronto's Uptown Theatre, council did just that and prescribed a performance standard for general review of the demolition of a building by a professional engineer as provided for in the building code. This standard, developed by our Professional Standards Committee, is now part of Regulation 260/08.