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## LPTF recommendations nearing implementation stage

446TH AND 447TH MEETINGS, FEBRUARY 29 AND MARCH 27, 28, 2008

At the November 2007 meeting, the CEO/registrar was directed to work with the Licensing Process Task Force (LPTF) to develop a plan for implementing the LPTF recommendations approved by Council at that meeting (see *Engineering Dimensions*, January/February 2008, pp. 46-48 and March/April 2008, pp. 28, 63) and finalizing the necessary amendments to the regulations.

At the February meeting, the CEO/registrar presented the implementation plan to Council.

The LPTF, the Academic Requirements and Experience Requirements committees and the Registration Committee, who have been key in developing the LPTF recommendations, are still important for their successful implementation and will be consulted at each stage over the next several months to provide feedback before items related to their areas of responsibility are finalized, the CEO/registrar said.

All of the regulations are subject to approval of the Lieutenant Governor-in-Council following a review by the attorney general.

The draft regulations, with prior review by the attorney general, are scheduled to be presented to Council for final approval at the June meeting, so that the Lieutenant Governor-in-Council will be able to approve them in July. If this schedule holds, the new regulations are scheduled to become effective October 1.

### New membership, licensing model

At its 2007 workshop, Council identified drafting a position paper on the policy decisions it should consider in moving toward a multi-tiered, value-added licensing and membership model as one of its priorities for 2007-2008.

At its February meeting, Council received a position paper describing such a licensing and membership model for PEO. The main question the paper posed for Council to answer is: Does PEO want to govern certain groups of individuals it might not currently be governing, which

would involve granting rights to participate in PEO governance (e.g. voting in elections, serving on Council, etc.)? If so, it must then determine the appropriate regulatory mechanism to do so (i.e. changes to licence types through a change to the *Professional Engineers Act* (PEA), or creating classes of licence or classes of person through a regulation or bylaw change) and assigning membership rights.

PEO's current licensing model has three elements under the Act: types of licence, classes of licence and classes of person. The current types of licence are professional engineer (P.Eng.), and temporary, limited and provisional licences. Council has never created any classes of licence or classes of person.

At the February meeting, Council approved a policy direction that "all qualified persons that should be governed by PEO in the public interest be issued a licence, temporary licence, limited licence or provisional licence, and further that should there be a need to differentiate the holder of a licence, then Council would use its regulation-making powers to create a class of the appropriate licence." Council also approved a policy direction that those for whom the public interest does not require PEO to govern them, but whose interests are related to PEO, should be formally recognized in regulation as classes of persons (associate members).

Council directed the CEO/registrar to prepare a briefing note for Council decision at the March meeting to recognize engineers-in-training, student members, P.Engs covered by the fee remission policy and former Presidents, whose fees are waived, as either classes of licence or classes of person.

At the March meeting, Council then approved the following components of a multi-tiered, valued-added licensing model.

### Fee reductions

Any professional engineer unable to practise engineering due to retirement, postgraduate studies, maternity/paternity leave, unemployment or health conditions may seek relief in fees so that they pay only 25 per cent of the annual licence fee, provided they make a declaration that they will not practise professional engineering during the time they are paying reduced fees. Past PEO Presidents and engineers unable to work because of a long-term illness or physical impairment will not be required to pay any annual fee.

Although the fee remission policy Council passed in February 2004 already allows for these waivers of the annual fee, waivers aren't specifically authorized under By-law No. 1. Accordingly, Council directed the CEO/registrar to draft the necessary bylaw amendments for Council approval. A bylaw passed by Council is not effective until it is confirmed by members in a mail ballot, which is usually done in conjunction with Council elections.

### Classes of licence, persons

PEO will establish a "non-practising" class of P.Eng. licence, consistent with the fee remission policy, which restricts the holder from practising professional engineering; an "engineer-in-training" class of person whose privileges will include chapter and committee participation, receiving PEO notices, election results and its official publication; and an "engineering student" class of person whose privileges include all of the above, except for committee participation.

Since establishing classes of licence or person requires regulation changes, the CEO/registrar will begin discussions with the attorney general on drafting the changes, which will be brought to Council for approval.

### Provisional licences

A provisional licence will be created to accommodate the various stages of the total experience requirement for licensure. This licence will be issued to all those who apply for a P.Eng. licence and meet all the requirements, except for experience. Classes of this licence will be created to accommodate the various stages of internship and experience that make up the total experience requirement.

This policy direction will be added to the list of proposed changes to the PEA.

### Amendments to Reg. 941

At its March meeting, Council approved the final draft of changes to Regulation 941 that implement previously approved recommendations involving the Central Election and Search Committee (CESC), licence reinstatement and regional boundaries, and various minor housekeeping amendments identified by the attorney general.

Amendments to the CESC provisions deal with the potential conflict of interest where a member of the committee decides to run for election to Council. At its December 2007 meeting, Council heard two situations in which a conflict of interest could arise for a member of the CESC choosing to run for election, and directed the CEO/registrar to amend section 12 of the regulation so that CESC members would be required to resign from the committee should they decide to run for Council (see *Engineering Dimensions*, January/February 2008, p. 51).

Amendments to the licence reinstatement provisions involve putting in place a graduated process to deal with members who default on their fees and whose licences lapse. Council approved the policy direction at its June 2007 meeting as recommended by the CEO/registrar (see *Engineering Dimensions*, July/August 2007, p. 32).

The amendments to regional boundaries involve replacing boundaries based on electoral districts with boundaries based on postal forward sortation designations, municipal boundaries and fixed geographic features, as recommended by the Chapter Boundary Task Force (see *Engineering Dimensions*, July/August 2007, p. 30).

With all amendments approved, an Order-in-Council will be forwarded to the

attorney general's office for publication in the *Ontario Gazette* and on e-Laws. The amendments come into effect June 16, 2008.

### Enforceable Code of Ethics

At Council's March meeting, Bruce Matthews, P.Eng., manager of complaints and discipline, reported to Council on the outcomes of an enforceable Code of Ethics project, one of Council's policy agenda projects for 2007-2008. This project involved examining whether PEO should have an enforceable Code of Ethics, and if so, what the preferred regulation changes are to accomplish this objective.

Matthews' presentation focused on the need to make changes to the Code of Ethics in section 77 and the definition of professional misconduct in section 72(2) of Regulation 941, as certain provisions of the Code of Ethics are subjective, vague, or worded as ideals or guidance, making them difficult to enforce by proving a breach, while others overlap with the definition of professional misconduct.

The project research reviewed the legislation of other Canadian engineering regulators, the legislation of other Ontario professional regulatory bodies, and past PEO studies. It was noted that PEO is the only Canadian engineering regulator whose Code of Ethics is not enforceable. The research also highlighted the relationship between the Code of Ethics and the definition of professional misconduct.

Based on Matthews' presentation, Council approved proposed changes to section 77 of the regulation (the Code of Ethics) and section 72(2) (the definition of professional misconduct) to create a more comprehensive code and simpler definition of professional misconduct, so that a breach of the Code of Ethics would constitute professional misconduct. Council directed the CEO/registrar to use PEO's regulation-making powers to amend Regulation 941 for Council's approval later in 2008.

### Demolition practice standards

Council approved two new practice standards (*General Review of Demolition and Preparation of a Demolition Plan*) created by PEO's Professional Standards Committee to be included as regulation under the PEA, in response to suggestions from

the Ministry of Municipal Affairs and Housing and the Ministry of Labour that PEO take initiative in dealing with issues arising from the December 2003 Uptown Theatre collapse in Toronto (see *Engineering Dimensions*, November/December 2007, pp. 16, 42). The standards cover the preparation of a demolition plan, review prior to the demolition, periodic site visits to determine conformity with the plan, reporting of any deviations from the plan, review of independent inspection and tests, and interpretation of the demolition plan. Professional engineers will be required to follow the new practice standards in the regulation, with failure to do so leading to possible disciplinary action for professional misconduct.

The first new professional standards since 1984, the demolition standards will be submitted to the Ministry of the Attorney General, which will submit them to Cabinet for promulgation as regulations under the Act.

### Discipline-specific seals

In March, Council approved the design of new discipline-specific seals, part of previously approved enhancements to the Certificate of Authorization (C of A). The seals will be given initially only to new C of A holders; all existing seals will remain valid as general seals. Additional seals will be issued to licence holders who can demonstrate competence in specific disciplines.

The plan to enhance the C of A was approved by Council in September 2006 as one of the objectives of the 2005-2009 strategic plan.

PEO will advise its members, other provincial associations and government of the new discipline-specific seals once the regulations to authorize their use have been approved.

### Discipline designation study

Following approval of a new Software Engineering Specialist designation in 2006, Council indicated it wanted to develop a general policy for creating future specialist designations and to explore licensing by discipline. At its March meeting, Council received a study exploring the effectiveness of licensing by discipline and creating certified specialist designations, by

reviewing the policy history, regulatory authority and public interest rationales.

Council directed the CEO/registrar to develop criteria for the establishment of specialist designations and official marks that link to demand-side legislation by September 2008. Once criteria have been developed, wherever professional engineers are named in demand-side legislation, Council will create the appropriate regulations to provide for designation of members as specialists.

### New high-tech task force

At Council's March meeting, Councillor-at-Large Peter DeVita, P.Eng., was given the go-ahead to lead the creation of an Emerging Disciplines Task Force to investigate and advise Council on what direction it might take with respect to nanotechnology/molecular engineering and communication infrastructure engineering that are fundamental to our "linked" world. An initial \$10,000 budget will be allocated to the new task force, which will report to Council within six months on its progress and a plan for work completion.

### GLP momentum

At its February meeting, Council was presented and endorsed the policy direction of two papers, *Engaging Engineers in Public Policy—an outline* and *Taking PEO's Government Liaison Program (GLP) to the next level*, which describe the GLP objectives of raising awareness of the self-regulating engineering profession among public policy makers, leading and influencing the formation of sound public policy, and developing working relationships of trust with politicians and senior civil servants at all levels of government. The papers' outlined activities, previously endorsed by the Executive Committee as strategies to ensure the GLP does not lose momentum and integrates with Engineers Canada's Bridging Government and Engineers Program, aim to maximize PEO's benefits from the GLP.

The Executive Committee has discussed PEO engaging engineers in public policy, through development of policy papers and

PEO position statements, and support for members with political aspirations.

Councillor Rick Hilton, P.Eng., recommended that in addition to assigning volunteer professional engineers to politicians, the plan's tactics also include assigning engineers to bureaucrats at all three levels of government.

Councillor Phil Maka, P.Eng., pointed out that a change in chapter funding guidelines will be required to ensure adequate financial resources to carry out the increase in GLP chapter activities the plan proposes. CEO/Registrar Kim Allen, P.Eng., agreed to consider the points raised by Councillors Hilton and Maka, and said any funding requirements would be presented to Council for approval.

Council also carried motions to have the two documents sent to all chapter chairs for feedback on future enhancements to the GLP, and that the CEO/registrar and the chair of the Regional Councillors Committee review the suggestions and develop an implementation plan for presentation at PEO's Engineering and Public Policy conference on May 9 in Windsor.

### Proactive enforcement report

At Council's March meeting, Roger Barker, P.Eng., deputy registrar, regulatory compliance, presented a report on PEO's proactive enforcement project. The one-year pilot began in March 2007 in response to members' concerns about illegal engineering practice and is intended to investigate the extent of unreported illegal practice and to encourage reporting of potential violations of the Act. The program's early stages focused on creating *Licence Please!*, a multimedia presentation used to deliver PEO's enforcement message to various audiences, focusing particularly on government bodies, engineering associations, professional unions, and consulting engineering firms. Although the enforcement project was originally to conclude this month, Barker proposed it be extended, within the existing budget, to enable the success of the project in generating allegations of illegal practice and title use to be quantified, on the basis that it's too soon for the increased outreach efforts to

have had much effect. Council approved extending the project to October 31, 2008. Barker said materials developed for a planned Engineers Canada communications campaign in the fall to raise awareness of the P.Eng. brand and the value of licensure may provide opportunities for PEO to spread its messages further.

### Licensure uptake study

One of Council's six 2007-2008 policy agenda projects is a study to determine some of the reasons graduates of Ontario's accredited engineering programs do or do not apply for licensure.

Deputy Registrar, Licensing and Registration Michael Price, P.Eng., updated Council on the project's status, noting that two groups have been surveyed: applicants who have applied for the licence since January 1, 2006 but are not yet licensed, and a limited number of employers of engineers.

Among the reasons cited for getting the P.Eng. by applicants are:

- improved job opportunities;
- career advancement; and
- employers want them to be licensed.

The findings of the employer survey were consistent with the survey of graduates. All of the employer respondents encourage employees to seek licensure, and most of them provide incentives for doing so.

The third survey, of final-year engineering students at Ontario universities, had just been completed, he said. The results of the surveys will be analyzed and reported to Council with recommendations shortly.

### New credit card processor

At its March meeting, Council approved switching PEO's credit card processing supplier to Moneris Solutions, for an estimated saving of over \$25,000 a year (based on 2007's credit card transaction volume). The switch of service providers will also mean that payments will be deposited to PEO's bank in two business days versus 10 days with the previous supplier, resulting in an increase in interest income.

However, because Moneris will assume no liability for third-party claims, meaning

possible exposure for PEO, Council also approved setting up a wholly-owned subsidiary with no assets, for the sole purpose of entering into a contract with Moneris, which will ensure PEO has no direct responsibility for any liabilities associated with the Moneris contract. Any potential risk to PEO assets can also be mitigated with PEO's identity theft insurance, Council heard.

### Enhancing Council committee structure and outcomes

At its March meeting, Council was updated on a staff review of PEO's committee structure. Input to the staff review came out of a Special Committee Chairs Workshop on March 6, coordinated by the Advisory Committee on Volunteers (ACV) and the CEO/registrar and attended by President Walter Bilanski, PhD, P.Eng., President-elect Dave Adams, P.Eng., committee chairs, members of the ACV and staff. After the workshop, it was determined a comprehensive review of the Committees and Task Forces Policy is necessary, to deal with issues beyond committee membership turnover and succession planning, which were the original issues Council wanted the staff review to address.

Next steps are expected to involve meetings between the CEO/registrar, senior staff and committee staff advisors to develop recommendations for a report on the committee structure. CEO/Registrar Allen was scheduled to attend the ACV meeting on April 10 to discuss draft recommendations and the Special Committee Chairs Workshop, as well as to seek input into the development of the report. He will then report to Council with a comprehensive plan to deal with the concerns raised by Council, the ACV and committees.

### Chapter scholarship fund

At the January 2008 meeting, Councillor Corneliu Chisu, P.Eng., proposed that Council consider establishing an annual chapter scholarship fund to connect professional engineers and PEO through chapters with the community. Specifically, his proposal involved Council approving funding to establish an annual \$500 scholarship fund to be administered by the Regional Councillors Committee (RCC) to promote the engineering profession locally.

In debating the proposal, Council felt the goal might be better achieved by creating a general scholarship fund to which all chapters could apply. As such, it approved the establishment in 2009 of an annual \$20,000 scholarship fund to be administered by the RCC. This fund is to be separate from the general and special project funds in the RCC budget and will fund scholarships that are different from those provided by the Ontario Professional Engineers Foundation for Education.

Council received the terms of reference for the new scholarship fund at its March meeting.

### Exam program awards

Each year, the Academic Requirements Committee presents two awards to engineers who have obtained licensure through the examination program. The V.G. Smith Award is given to individuals who "attained PEO membership during the year, following the completion of the association's technical examination program and who achieved the highest mark in any three examination papers, excluding the Complementary Studies and Professional Practice Examinations." The S.E. Wolfe Thesis Award is given to an individual who "attained PEO membership during the year, completed at least one technical exam, and submitted an engineering report judged to be the best of all the reports received during the year."

The recommended recipients for 2008, who Council approved to receive the awards, are: Dereje Tafesse, P.Eng. (V.G. Smith Award) and Sally Baldwin, P.Eng. (S.E. Wolfe Thesis Award). In discussion of the awards, Councillor Richard Weldon, P.Eng., suggested increasing what had been a token monetary award to a sum that would better reflect the significance of the awardees' achievements. Councillor Diane Freeman, P.Eng., suggested \$1,000, which Council approved.

Tafesse and Baldwin are scheduled to receive their awards, which include a framed certificate, at PEO's AGM luncheon in Windsor on May 10.

### Appointment to Engineers Canada board

At its March meeting, Council approved the appointment of Walter Bilanski as one of PEO's directors to the board of directors of Engineers Canada. He will be sworn in at Engineers Canada's 2008 AGM on May 24 for a three-year term. As a constituent member of Engineers Canada, PEO is entitled to be represented by three directors on the board. Bilanski will replace Kenneth McMartin, P.Eng., whose term expires this year. The other PEO directors on the board are Patrick Quinn, P.Eng., and Robert Goodings, P.Eng. 