

Price competition

Thank you to Mr. Braddock for his honest response to my letter regarding price competition in the September/October issue of *Engineering Dimensions*, and thanks also for publishing my letter. I received numerous calls at my office and even at my home from engineers I

don't even know, thanking me for confronting PEO with issues that they themselves were afraid to address.

Regarding your response in the September/October President's Message: it's my understanding that you are saying PEO is telling us to go out and compete in a free and open market, like any other business and deal with the drawbacks of such a system. But at the same time, PEO unfairly restricts our activities in this free market, and punishes us when we follow the rules of the free market that conflict with the rules set out by PEO. It is impossible to suck and blow at the same time. PEO can't have it both ways and expect the profession to improve. Here are a few examples:

- ◆ PEO tells engineers that they have to be the policemen for the construction industry. Somehow, PEO has decided that it is the engineer's responsibility to report the owner to the building department if they start construction without a building permit. Do you see the conflict here? PEO believes that if an engineer visits a construction site without a building permit being issued, that engineer is conspiring with the owner to break the law. We don't get paid any extra money to visit sites that do not have building permits. I do not know of any consulting engineer that has any interest in having an owner start construction without a building permit. Engineers must visit the site when instructed by the owner. You said it in your president's message, "if you want the work, you fall in line." Why is the city, who collects the big fat fee for the building permit, not responsible for making sure construction does not start without a building permit?

- ◆ PEO has a definition for negligence as defined in section 72(1) of the act, meaning an act or omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. In other words, regardless of the price, the owner should expect the same minimum level of service from all engineers. This idea is wonderful in a fantasy world. However, in your supposed free and open market, this simply means that the owner gets a 2002 Cadillac for the price of 1967 Volkswagen Beetle when it comes to engineering, because again, "if you want the work you fall in line."

- ◆ In the President's Message you state that: "If you want the work, you compete on a price basis and then fight hard for every legitimate extra, hoping that the engineer is professional enough to honour the terms of the contract. Where are the complaints when this does not happen?" Take a look at the *Gazette's* blue pages in the September/October issue of *Engineering Dimensions*. I only know the case from the information provided in these pages, but it appears to me that the mechanical engineer in this case did exactly what you recommended. The end result here is that the owner got a design for dirt cheap, and the engineer lost his licence. Fantastic system!

I could provide numerous other examples, but I think the point has been made. By your very words, PEO knows that to get work, engineers have to "fall in line" because they are not supported by PEO. The fact that this "line" is made by unprofessional people that don't care about PEO regulations doesn't seem to bother PEO. PEO only seems interested in punishing engineers for falling in line.

I hope you can see the problem here. This is definitely a matter for PEO to resolve. Passing the buck to OSPE, an organization that seems to be more interested in getting discounts for engineers on life insurance and vacations, will not resolve these issues. The ball is in your court.

Dave Tipler, P.Eng.
Markham, ON

BRRAG: good, bad and ugly

Changes to the Ontario Building Code were certainly needed, but if we look beyond BRRAG, do we see a decline in engineering professionalism (*Engineering Dimensions*, Sept./Oct. 2002, p. 13)? The letter from Vice President George Comrie P.Eng., calling on PEO to provide "strong cohesive management" was both timely and well focused.

BRRAG set out 12 classes of qualification, including fire safety and on-site sewerage. However, one major area of concern seems to be totally ignored, that being storm water management. No trial lawyer faces the regulatory burden that they want to impose on PEO members. A lead advocate does not need to pass exams on the law he (or she) prosecutes. He or she has first-year interns to research the details, and instead focuses on the big picture, (ibid. p. 33). Furthermore, in licensing other engineering professionals, we can be more confident that the C.E.T. (or other) doing the drafting, and primary research is competent. Which may perhaps allow us to abandon the Certificate of Authorization wherein the actual job doer was (too often) only marginally supervised (ibid. p. 30).

We must know the law in order to obey it, but should we become mere "code-parrots," certified by unlicensed housing ministry officials? Finally in answer to David Tipler, P.Eng., prescribed fees are not the answer. A sole practitioner may charge a lower rate than corporate engineers, but these latter individuals differentiate between the rate charged for staff work and their own, while the lone individual has only one rate. The benefit of a sole practitioner is not in cost, but in greater flexibility, and he/she often has practical field experience the client needs (been there, done that). Thus he/she does not design the roof of an office in Nairobi to have a 14-foot snow detention capacity, which the corporate "one-size-fits-all" design may call for. John Ruskin wrote well over 100 years ago: "There is hardly anything in the world that someone cannot make a little worse and sell a little cheaper, and the people who consider price alone are that person's lawful prey. It is unwise to

pay too much, but it is also unwise to pay too little. When you pay too much, you lose a little money, that is all. When you pay too little, you sometimes lose everything because the thing you bought is incapable of doing the thing you bought it to do. The common law of business balance prohibits paying a little and getting a lot. It can't be done. If you deal with the lowest bidder, it is well to add something for the risk you run. And if you do that you will have enough to pay for something better."

The future of professional engineering is not in regulating what technology we use into distinct water-tight compartments, but in how we as engineers think, and as this is normally outside-the-box, then PEO must have the flexibility to do likewise.

Peter Broad, P.Eng.

Chapter Chair, Porcupine Kapuskasing

Engineer some great deals

In the Sept./Oct. issue is a full-page adver-

tisement from the Ontario Society of Professional Engineers (OSPE) titled "Engineer Some Great Deals" with a colour photograph of a portable computer showing the Engineers First website <http://www.engineersfirst.ca/>. The web browser is Microsoft Internet Explorer, running on Apple Macintosh OS X operating system, which is distinguished by its Aqua human-computer interface. However, the portable computer is an IBM Thinkpad instead of an Apple Macintosh!

If OSPE can engineer some great deals to overcome such a technical impossibility, I will join them in no time. The photograph was most likely digitally altered by the media graphics company. The practice to manipulate photographic images is completely legal, but the company's ethics may be questionable.

Simon Sunatori, P.Eng.,

M.Eng., F.N.A.

Hull, QC

Names and reputations

Engineering Dimensions' May/June 2002 issue, specifically the *Gazette* (blue pages), published the proceedings of an investigation against a Mr. Campbell, a former employee of Underground Services (USL). USL was not asked to participate in the hearing and was assured our presence was not required.

It was with some regret that we opened the July/August issue to see a letter to the editor from Mark Corker, P.Eng. Corker speculated that senior management of USL may have been involved in the incident, and that if they were engineers, they may have needed some discipline as well.

With respect to Corker's comments, Campbell acted without the knowledge or consent of any senior or supervisory staff from USL (engineers and non-engineers alike). The summary of the questioning of Campbell by the panel clearly states in paragraph (e) "...nobody at USL authorized the falsification of the report...." Lacking any comment by the Discipline Committee, readers should accept that the committee believed this statement to be true.

We request in future that any time a firm is mentioned, its involvement, or lack thereof, should be clearly spelled out and corroborated in all actions published. Actions by the Discipline Committee against individuals affect the reputations of both the individuals and the company when the names are published in the magazine, regardless of the outcome.

Chris Ryell, P.Eng.

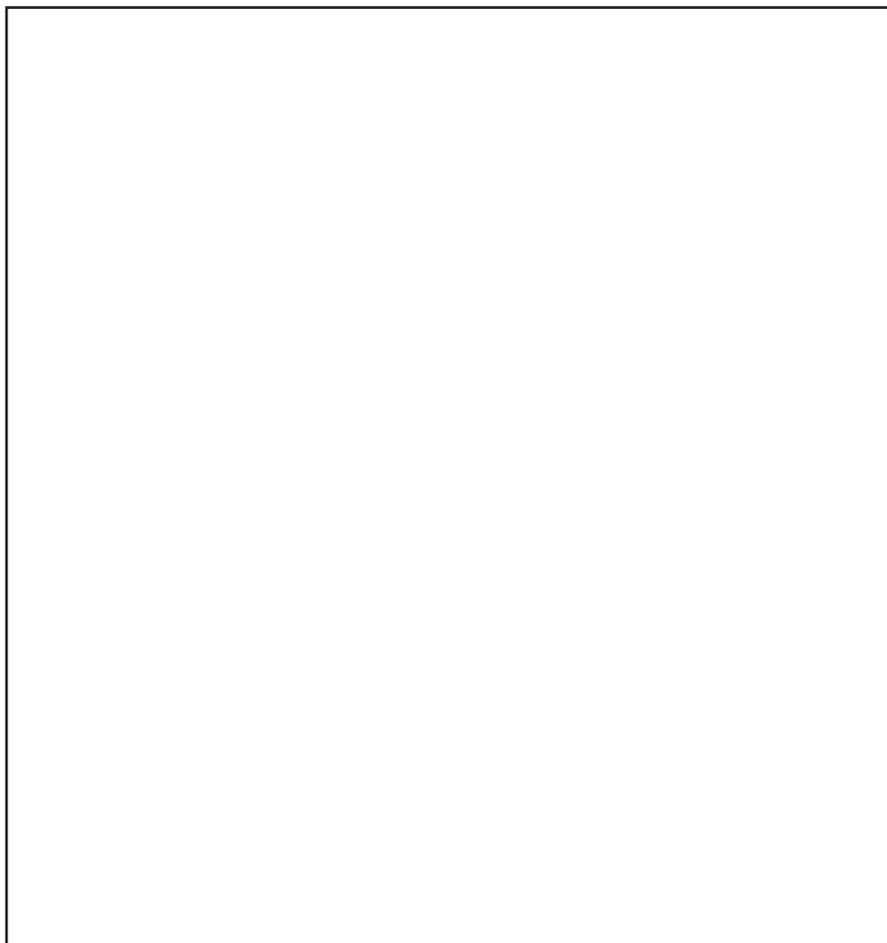
Underground Services (1983) Ltd.

Bolton, ON

Based on evidence

In his letter to the editor published in the July/August 2002 issue of *Engineering Dimensions*, Mark Corker, P.Eng. states: "I think the discipline panel should have taken some investigative steps to examine the scenario proposed." Although I cannot make comments specific to the Campbell matter, this response addresses the general concern raised by Corker.

Under our legal system and the *Professional Engineers Act* (Act), the legis-



lation governing our profession, the Complaints Committee is empowered to “consider and investigate complaints made by members of the public or members of the Association.” Furthermore, the Act empowers the Complaints Committee to refer a matter to the Discipline Committee in accordance with the information that the Complaints Committee has received.

The Discipline Committee does not and cannot investigate an engineer’s conduct and actions. The Discipline Committee performs strictly a quasi-judicial function in hearing complaints referred to it by the Complaints Committee. At a hearing, a Discipline Panel listens to the evidence called by PEO’s counsel. The charged engineer has the choice to rebut the PEO evidence and present his/her own with or without the assistance of counsel. After hearing the evidence and submissions from both sides, the Discipline Panel retires to

review the evidence received and to make a decision on whether or not the allegations of professional misconduct and/or incompetence have been proven by PEO. The panel cannot further investigate the matter. The law requires that the findings and decision of a Discipline Panel be based exclusively on evidence admitted before it.

Further information on the disciplinary process is contained in this issue of *Engineering Dimensions*, in the *Gazette* pages.

*Roger F. Barker, P.Eng.
CEO and Registrar*

Editor’s note: *The Discipline panel’s decision in the Campbell matter was published in full in the May/June 2002 issue of Engineering Dimensions.*

On September 12, 2002, PEO Council accepted Registrar/CEO Roger Barker’s

request to be released from his position in order to achieve more balance in his life. The search for his successor has commenced (see this issue, P. 22), and Barker will continue in his position until his successor is hired. Barker has indicated a desire to remain involved at PEO if there is a suitable position.

Letters to the editor are welcomed, but should be no more than 300 words and are subject to editing. Publication is at the editor’s discretion; unsigned letters will not be published. The ideas expressed do not necessarily reflect the opinions and policies of the association, nor does the association assume responsibility for the opinions expressed. All letters pertaining to a current PEO issue are also forwarded to the appropriate committee for information. Address letters to jbailley@peo.on.ca