

BC to issue no licences, pending bylaw or act change

By MICHAEL MASTROMATTEO

British Columbia's engineering regulator has suspended issuing new engineering licences in the aftermath of a provincial court decision that the experience requirements in the association's bylaw are not sufficiently defined.

In an October 10 decision, the BC Supreme Court ruled that the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) Bylaw 11(e)(2) is invalid in that it does not adequately define experience expectations for licence applicants.

Justice R.T. Johnston of the BC court ruled on the case of applicant Serguei Tchou-San-Da, who applied for licensing on four separate occasions from 2001 to 2006, but was refused on Canadian experience grounds. Tchou-San-Da earned a civil engineering degree in the former Soviet Union in 1982 and had worked there for 18 years, before arriving in British Columbia in 2000.

Although the court could not rule whether the applicant had satisfied the work experience requirements, it said APEGBC's experience bylaw for registered membership, as was written, is not supported by BC's *Engineers and Geoscientists Act*.

Section 13(1)(c) of the act indicates that APEGBC council sets the criteria for

acceptable experience and articulates the requirements through the association's bylaws. However, the corresponding Bylaw 11(e)(2) states that "registration as a full member of the Association may be granted" to applicants who have "4 years' experience, training and developing in engineering or geoscience satisfactory to the Council."

"The fault has been in the lack of definition of what experience is necessary, and the failure of the respondent [APEGBC] to articulate the nature and extent of experience it requires, in a bylaw," Justice Johnston said. "It is my view that this matter should be remitted to the association so that it can articulate its experience requirements in a bylaw against which it can then apply the evidence provided by the petitioner."

Although APEGBC is now drafting a new bylaw on the matter, it has suspended granting new licences to engineers and geoscientists, likely until at least early 2008.

Gillian Pichler, P.Eng., director of registration and licensing at APEGBC, said the court ruled that the bylaw constituted an "impermissible subdelegation" in that the BC engineering act calls on APEGBC council to specify experience requirements for applicants in a bylaw, yet the bylaw refers to experience "satisfactory" to council.

"The act and bylaw wording have been in place for more than 51 years," Pichler told *Engineering Dimensions*. "We knew that the counsel acting for the internationally trained engineer was postulating that the bylaw was invalid. We also knew it was a possibility that the judge would agree with his argument. This was the first time, to our knowledge, that the impermissible subdelegation regarding satisfactory experience had been brought to APEGBC's attention."

Pichler said the association's new experience bylaw setting out the experience requirements in detail is scheduled to go to APEGBC council in late October and, if approved, will go to a vote of the membership.

"Given the requirements of the act, the new bylaw, if approved by the membership, could not be in effect before January 2008," Pichler added. "We have also advised the provincial government of the situation and they are aware that changing the act wording would provide resolution to the situation, although it is unlikely that this could be achieved quickly."

In a statement on its website, APEGBC said it considers it had little choice but to suspend issuing new licences as a result of the court decision: "As a result of the court's ruling, as of September 21, 2007, there is no longer a bylaw which references the experience required to be registered as a professional engineer or professional geoscientist. As APEGBC considers this to be a crucial aspect in determining qualification for membership...it is temporarily ceasing to grant registration to professional engineers and professional geoscientists, including non-resident licensees. All those registered prior to September 21, 2007 are unaffected by this change."

APEGBC's legal counsel has scheduled a meeting with Justice Johnston in November to request that suspension of licence issuing activities be lifted. Meanwhile, APEGBC is also considering

Correction

The article, "Alberta P.Engs and technologists forge deal" (*Engineering Dimensions*, September/October 2007, p. 29), contained two errors.

The article referred to an agreement between the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) and the Association of Science and Engineering Technology Professionals of Alberta (ASET) bringing the technologists' group "under the supervision" of APEGGA. It later referred to changes to Alberta's *Engineering, Geological and Geophysical Professions Act* (EGGP Act) bringing ASET members "under the purview" of APEGGA.

In fact, ASET is being brought into the EGGP Act as its own separate professional association and not under the supervision, control or purview of any other organization. ASET and APEGGA will act together in regulating the new professional technologist category of ASET membership as joint and equal partners. Neither organization is under the supervision or control of the other.

offering a temporary licence to those whose registration as a full member has been delayed by the court decision.

Ontario situation

In November, PEO Council will receive the final report of the Licensing Process Task Force (LPTF), which for the last two years has reviewed PEO's licensing process (see *Engineering Dimensions*, March/April 2007, pp. 62-64, and September/October 2007, pp. 16-17).

LPTF Chair George Comrie, P.Eng., believes the BC ruling has direct applicability to PEO, especially on the subdelegation issue. For example, section 33 of Regulation 941/90 under the *Professional Engineers Act* requires applicants to demonstrate 48 months of experience "that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering."

"The BC judge has confirmed what [PEO] Council was advised in October of 2004, namely that sections of PEO's regulation governing admission involve instances of improper subdelegation," Comrie said in an interview. "I would note that the judgment reflects precisely the legal advice we have been given as to the likely outcome of a court challenge, which is that the authority of the regulator to establish licensing criteria and to assess applicants against those criteria would be upheld, but that the regulator is required to set out the criteria with sufficient objectivity in a bylaw or regulation so as to enable judicial review."

Comrie said the matter of subdelegation is covered in section 6.4 of the LPTF final report, which will come before Council November 15. The task force has prepared recommendations for Council approval that, if adopted, will result in amendments to Ontario Regulation 941 that, in turn, will eliminate this potential problem with PEO's existing regulation.

"I believe this [BC] decision will provide additional encouragement to PEO Council to adopt the task force recommendations," Comrie said.

PEO wins cost award in building code challenge

By MICHAEL MASTROMATTEO

PEO has been awarded \$75,000 in legal costs as a result of the May 17 Ontario Court ruling that elements of the Ontario housing ministry's building code are invalid, due to their conflict with PEO's exclusive regulatory jurisdiction over engineering practice (see *Engineering Dimensions*, July/August 2007, pp. 12-13).

In September, the Ontario Superior Court of Justice (Divisional Court) found that PEO is entitled to "substantial indemnity costs" for the regulator's defence of engineering self-regulation.

PEO had initially requested costs of \$116,000 from the housing ministry, but the court said that amount is beyond the general level of past awards for similarly complex cases. PEO's cost submission

justified the higher amount based partially on the housing ministry's late response to the initial notification that the engineering regulator intended to go to court over the matter.

The court challenge was heard in Ontario Divisional Court over two days in October 2006.

The Ontario Association of Architects, which gained intervener status in the original court case, did not seek or receive any indemnity costs.

Although the court did not award the full costs sought by PEO, it awarded costs exceeding the norm, as a penalty on the housing ministry for its determination to implement amendments to the *Ontario Building Code* that purported to require engineers involved in the build-

ing design and permit application process to complete ministry-mandated code-knowledge examinations.

"It must have been apparent to those in charge of the building code that their new legislation directly challenged the authority conferred by the legislature on PEO to regulate and certify the qualifications of professional engineers," Justice Dennis Lane said, on behalf of the three

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Justice Dennis Lane

justices who presided. "Their [the housing ministry's] persistence in pursuit of their program virtually compelled PEO to respond. The matter was of great importance to PEO and its members.... It was not just the obligation to reprove qualifications that was the problem. The statutory division of work between [engineers and architects] was achieved with some difficulty over the years and the emergence of a third party claiming the right to involve itself was sure to trigger a serious concern."

PEO anticipates positive change to ESA regulation

By MICHAEL MASTROMATTEO

PEO is cautiously optimistic that an upcoming government regulation covering the standards for the safe design, construction and maintenance of electrical distribution systems will be amended in a way that recognizes the proper role for PEO licence holders in electrical safety work.

Ontario Regulation 22/04, which is overseen by the Electrical Safety Authority (ESA), outlines the safety requirements for the design and building of distribution systems owned by Ontario's local electrical companies. The regulation came into effect in February 2005.

Staff of PEO's Standards and Regulations department met September 17 with counterparts from the ESA and the Ontario Ministry of Government Services—the ministry responsible for the ESA and other delegated authorities—to discuss possible amendments to the regulation. Key to the discussion was a plan to clear up overlapping jurisdictional issues among PEO, the ESA and others involved in electrical safety.

Johnny Zuccon, P.Eng., PEO deputy registrar, standards and regulations, said the ESA and government services officials seemed receptive to PEO's position on the matter, and that they recognized the jurisdiction of PEO as defined by the *Professional Engineers Act*.

"My view is that things ought to proceed quickly and we should see the appropriate changes to the regulation, including the use of language that avoids any conflict with the *Professional Engineers Act*," Zuccon said. He added that, as a delegated safety authority, the ESA itself cannot make amendments to the regulation, but must work through the government services ministry.

Peter Marcucci, P.Eng., vice president of regulatory affairs at ESA, said the original intent of the regulation was not to define who could perform electrical safety reviews, but rather to establish a standard for safety performance for local distribution companies. Specifically, the regulation requires the approval of equipment, plans, specifications and inspection of construction before they are put into service—but provides distri-

bution companies with options to obtain these approvals.

"Subsequent to the introduction of the regulation, PEO raised a number of concerns related to the wording of the regulation. The principal one related to a view that the wording of the regulation inappropriately permitted other people who were not professional engineers to do work that fell within the practice of the professional engineer," Marcucci told *Engineering Dimensions* in early September. "Our aim was to eliminate any wording that dealt with work jurisdictional matters, so that there would not be any perception of the regulation overlapping with authorities of PEO with respect to who can practise professional engineering."

At the September meeting, PEO advised that new language in the regulation should clarify how PEO licence holders perform the ESA's approval and review functions, so that it distinguishes the role from the practice of professional engineering.

"The regulation inappropriately permitted other people who were not professional engineers to do work that fell within the practice of the professional engineer."

Peter Marcucci, P.Eng.,
vice president of regulatory affairs, ESA

Inquest clarifies roles in building demolition

By MICHAEL MASTROMATTEO

Recommendations from the recent coroner's inquest into the 2003 Uptown Theatre collapse should clarify areas of responsibility in future demolition projects across Ontario.

The coroner's jury released its verdict and eight recommendations October 2 after studying the details leading up to the December 8, 2003 collapse of the 83-year-old Uptown Theatre, which was undergoing demolition in downtown Toronto. Costa Rican student Augusto Solis, who was studying English at a college next door to the theatre, was killed in the collapse.

PEO, which had standing at the two-week inquest, is pleased the recommendations will better define levels of responsibility and authority for engineers, contractors and other officials involved in major demolition projects.

The coroner's jury focused its key recommendations on the Ontario Ministry of Municipal Affairs and Housing (MMAH), as the body responsible for enforcing the building code. One recommendation calls for MMAH to amend the *Ontario Building Code* to require that where an engineer is

Although previously contractors were required to engage engineers to review demolition projects of a specified size and complexity, it was left to the contractor's or engineer's discretion whether to be on site during demolition. In the case of the Uptown Theatre, no engineer ever visited the demolition site prior to the collapse.

required to provide general review during demolition, the engineer must conduct a site visit, and a demolition plan under an engineer's seal must have been completed prior to a demolition permit being issued.

Although previously contractors were required to engage engineers to review demolition projects of a specified size and complexity, it was left to the contractor's or engineer's discretion whether to be on site during demolition. In the case of the Uptown Theatre, no engineer ever visited the demolition site prior to the collapse.

The jury recommended the Ontario labour ministry amend the *Occupational Health and Safety Act* (OHSA) to have it agree with the demolition-related revisions to the building code.

The jury also recommended that PEO complete and implement by June 30, 2008 guidelines and professional standards covering professional engineering services within the practice of demolition. In fact, PEO had already drafted a professional standard for demolition and associated guideline, which final approval by Council was put on hold pending the outcome of the inquest (see In Council, p. 42).

PEO believes the recommendations make clear the levels of authority and responsibility for demolition works, and will, when implemented, clearly delineate the roles of onsite engineers, contractors and others involved in overseeing building demolition.

"The coroner's jury essentially accepted the recommendations of the coroner's lawyer," says PEO CEO/Registrar Kim Allen, P.Eng. "In our work with the coroner's lawyer, we wanted to ensure the lawyer realized that putting in place professional standards is not the whole answer. It appears the lawyer accepted PEO's argument that the City of Toronto and MMAH must enforce the building code, which will set out the appropriate requirement for engineers on site. Through the amendment to the OHSA, the Ministry of Labour will enforce this provision as a safety measure, thereby ensuring that PEO does not have to police it."

Salary growth for engineers continues in 2007

BY DANIELLE BUSHEN AND TINA GEORGIU

Results of the 2007 Ontario Society of Professional Engineers (OSPE) Employer Compensation Survey show that median base pay salary increases for all engineering levels have outpaced the increase in Ontario's Consumer Price Index (CPI). This year, recent entrants to the profession are among the engineers with the largest increases.

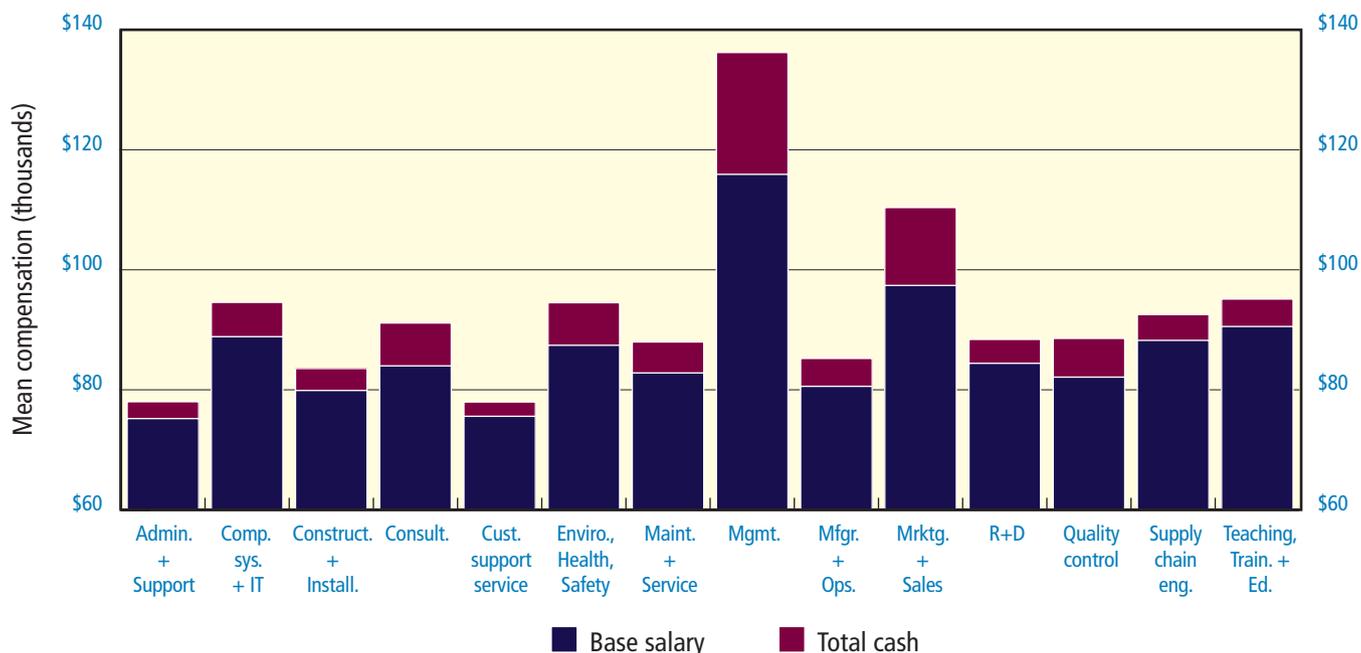
This observation is one of several findings in a recent survey jointly conducted by OSPE and Mercer (Canada) Limited. Compensation data for nearly 15,500 engineers across six engineering responsibility levels and 14 job types were collected from 191 organizations in both the private and public sector. The 2007 survey reflects data for engineers working in organizations of all sizes, across a broad array of industries located in 17 metropolitan areas in Ontario.

Compensation increase gap moderating

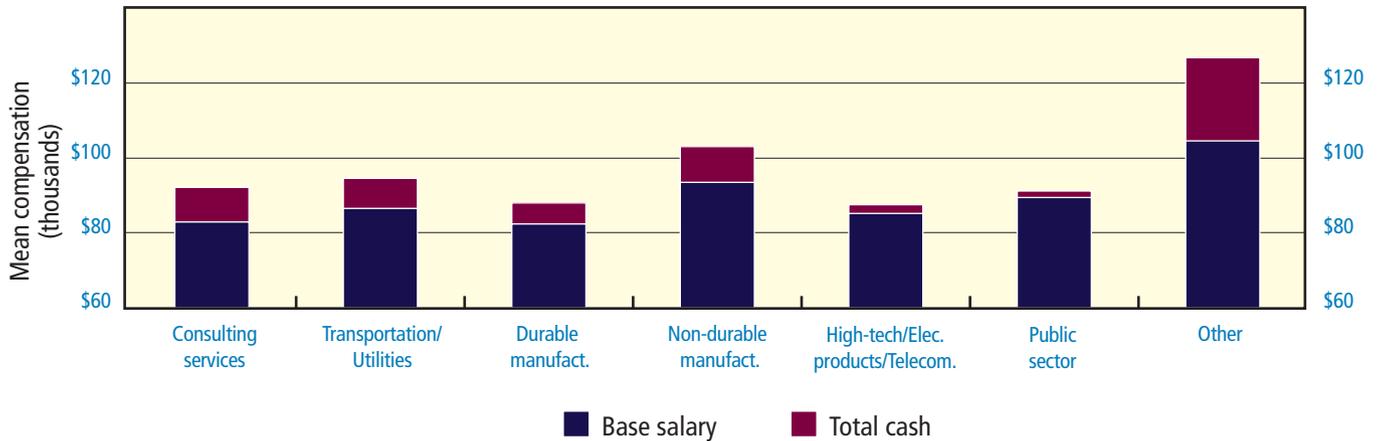
In general, pay increases remained relatively stable in 2007. It is interesting to
continued on p. 18

Percentage change in median base salary—core sample										
Engineering level	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
All	3.6	1.4	5.6	3.3	2.4	2.0	3.6	-1.8	2.1	3.4
Level A	4.3	1.6	7.9	8.3	-3.8	0.0	-2.0	3.3	2.0	2.9
Level B	4.2	1.7	6.7	7.6	-4.1	0.3	2.1	3.6	0.0	2.2
Level C	2.3	2.2	4.9	3.2	0.9	2.7	1.9	2.3	2.7	2.4
Level D	3.7	2.2	4.0	4.0	1.4	0.6	5.3	2.3	2.5	2.8
Level E	3.1	3.1	2.4	4.0	1.1	1.1	3.1	2.6	3.5	3.6
Level F	3.0	4.4	3.7	6.1	0.6	0.3	2.2	4.4	5.1	3.6
CPI Ontario	2.1	1.9	3.2	3.5	1.2	2.5	2.4	1.9	2.4	1.6

All levels combined—base salary & total cash compensation by job type



All levels combined—base salary & total cash compensation by primary industry



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note, however, that the salary increase gap that existed in 2006 between senior engineers and their more junior counterparts has moderated. This suggests that employers are experiencing a shortage of new talent and are now more willing to pay new hires competitively and provide them with rapid compensation progression.

From 2006 to 2007, the CPI for Ontario increased 1.6 per cent, while median base salaries for levels E and F experienced the largest year-over-year increases at 3.6 per cent, respectively. The next largest increases took place at the entry level (A), at 2.9 per cent. Overall,

median base pay is up for all levels over 2006, with increases ranging between 2.2 per cent and 3.6 per cent.

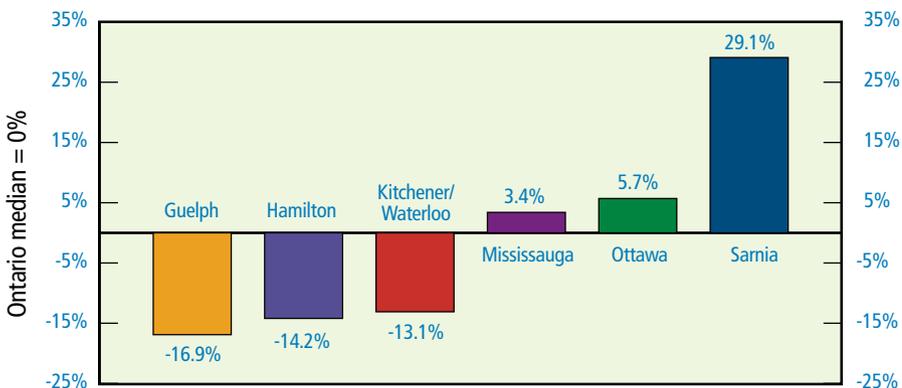
Base salary and total cash compensation

As of June 1, 2007, the median annual base salary across all engineering responsibility levels was \$84,600 and the median total cash payment was \$88,000. For the third consecutive year, base salary and total cash compensation are highest for jobs with a focus on management, marketing and teaching/education. Incentive pay is highest for jobs in the management category.

Industry choice relevant

The differences in pay across primary industries can be significant. “Non-durable manufacturing” (includes oil and gas companies), “other industries” (a category made up of resources—mining metals employers) and “transportation/utilities” continue to be the top industry sectors in the sample, echoing the survey’s 2006 findings. Of note is the disparity between the top paying industry and the lowest, which increased somewhat from 38 per cent to 45 per cent this year. That is, the resources sector has average total cash compensation levels of as much as \$126,000, while the high-tech/electrical products/telecom industry is at \$87,000.

All levels combined—geographic base salary differentials



Location is key

Relative to the provincial average base salary, engineers who work in Sarnia, Ottawa and Mississauga enjoy the highest base salaries, while engineers who work in Guelph, Hamilton and Kitchener/Waterloo have the lowest base salaries. Apart from Hamilton data, the findings are consistent with the 2006 results. Interestingly, Sudbury is no longer among the lowest paying cities, climbing to fifth place this year due to increased market pressures in the area, including the city’s real estate boom.

About the survey

In 2005, OSPE partnered with Mercer to undertake the employer compensation survey of engineers in Ontario. Now in its 54th year, this survey helps establish meaningful criteria for levels of engineering responsibility, and provides current data with respect to actual compensation levels for engineering work. The survey results are available in PDF format for both employers and OSPE members. In addition to the PDF, the survey results are presented in an online format through Mercer PayMonitor®, allowing employers to evaluate their organization's competitive position and analyze market data.

As in previous years, the design and implementation of the survey was overseen by an OSPE advisory committee comprising representatives from industry, as well as the engineering and human resources communities. A list of committee members is provided in the published report.

Employers and OSPE members can order the 2007 OSPE Employer Compensation Survey by contacting Mercer at www.imercer.ca/ospe, 800-631-9628 or info.services@mercer.com. OSPE members can access a complimentary copy of the Member Market Compensation Summary online at www.ospe.on.ca.

2007 compensation at a glance

- Stable pay increases for all engineering levels
- Greatest base salary, incentive pay, and total compensation for engineers with management and marketing responsibilities
- Considerable pay differentiation between industries
- Little pay differentiation based on company size
- Moderate increases in incentive eligibility for all engineering levels
- Previously reported geographic differences across the province remain in place

New databases to address registration and mobility

By MICHAEL MASTROMATTEO

PEO and Engineers Canada are moving to the next steps with two projects aimed at speeding up the application process for international engineering graduates (IEGs), and at helping the interprovincial mobility of Canadian licence holders.

The first project is an International Institutions and Degrees Database (IIDD). It has been established to provide a comprehensive record of recognized international engineering degrees and schools, which will be used by provincial and territorial licensing bodies to help assess the academic backgrounds of IEGs.

The database, part of Engineers Canada's long-term From Consideration to Integra-

tion (FC2I) project, is also aimed at avoiding duplication and improving the value of applicants' academic information, leading to a smoother application process. FC2I is a federal-government-funded project

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Eric Brown, P.Eng., PEO director, information and technology services

designed to remove administrative barriers to the licensing and registration of IEGs.

The second project, funded by Engineers Canada, is a national database of all engineers licensed in Canada. Known as the Common Member Database (CMD),

it is designed to make it easier for engineers relocating to another province or territory to apply for and obtain an engineering licence in their new jurisdiction.

Although an Inter-Association Mobility Agreement is already in place, the database is expected to enhance overall mobility for engineers by providing vital information about members in a consistent, regular manner.

Michael Price, P.Eng., MBA, PEO deputy registrar, licensing and registration, said the national database is akin to a common membership record that will facilitate the transfer of membership from one association to another. “The basic information will include academic background, the date a member's licence was obtained, and if an engineer is a member in good standing in his or her original association,” Price said. “It's very similar to the information that already exists in PEO's LicenseEase database.”

LicenseEase, the database used by PEO, is one of the leading information storage and retrieval products used by organizations involved in professional and occupational licensing and registration.

Eric Brown, P.Eng., PEO director, information and technology services, said PEO has been closely involved with both database projects, including providing training for the eventual end users from Engineers Canada and other Canadian engineering regulators.

“One of the key components in the request for proposal with these two projects was that the two databases be designed to protect members' privacy as per the federal government's privacy legislation,” Brown said.

Marie Carter, P.Eng., Engineers Canada director of professional and international affairs, is coordinating the two database projects.

Both databases are scheduled to be up and running by December 2007.

National Engineering Week 2008 just around the corner

By JULIE COHEN

National Engineering Week (NEW) 2008 is from February 23 to March 2. With only a few months to go, now is the time to start organizing an event or activity. In its 17th year, the mandate of NEW is to raise awareness of the importance of engineering and technology in daily life and encourage young people to consider careers in engineering and technology. This year's theme, "Engineering on the leading edge," speaks to the importance of engineering and technology in improving the way people live.

Organizing an event or activity for Engineering Week is full of rewards—personal satisfaction among them. NEW activities and events also improve visibility in the community, enhance professional development and networking and help establish valuable relationships with other partners.

Successful events organized by PEO chapters last year include:

- Chatham-Kent's Impromptu Design Competition, where nine junior teams of students in grades 7 and 8 built a vehicle to drop from a height of two metres as slowly as possible, and 22 senior teams of students in grades 9 to 12 built vehicles to slide down a wire and launch Play-Doh the farthest distance possible.
- Kingston's Seventh Annual Popsicle Stick Bridge-Building Competition for local elementary school students and adults, who constructed the strongest bridge possible using only 100 popsicle sticks and white glue.
- Lakehead University's Faculty of Engineering National Engineering Week Challenge, where students in grades 7 and 8 participated in team design competitions in chemical, civil, electrical and mechanical engineering.

PEO members interested in organizing an activity can find event ideas and information on the NEW Ontario website at www.engineeringweek.on.ca (click on Event Organizer Help, then Planning Advice).



Photo: Glenn Ogilvie, Sarnia Observer

Last year, more than 900 students participated in Lambton Chapter's bridge-building challenge for local students in grades 5 and 7.

Nova Scotia engineers set for act and name changes

By MICHAEL MASTROMATTEO

Nova Scotia's engineering regulator has changed its name in hopes of achieving a higher profile and stronger public identity.

At its annual meeting in September, the Association of Professional Engineers of Nova Scotia (formerly APENS) launched a

rebranding initiative under the new name Engineers Nova Scotia.

The move is similar to the Ottawa-based Engineers Canada, which dropped the Canadian Council of Professional Engineers label in May, in favour of a shorter, more direct sounding title. Engineers

Canada is the federation of Canada's provincial and territorial engineering regulators.

Conrad LeLievre, P.Eng., president of Engineers Nova Scotia, said there was a significant amount of membership support for the change, especially among younger engineers. He said public reaction has been

PEO urged to bring access message to federal government

By MICHAEL MASTROMATTEO

A former member of Ontario Premier Dalton McGuinty's cabinet has commended PEO for its efforts to help international engineering graduates learn more about licensing and registration requirements in the province.

Mary Anne Chambers, former Ontario minister of children and youth services as well as former minister of training, colleges and universities, made the comments September 28 as guest speaker at the PEO Council meeting.

"One thing I became very aware of while I was minister of training was the need for regulated professions to maintain high standards of admission for practitioners, and this has always been a priority for PEO," Chambers said. "I was also very impressed by PEO's commitment to mentoring, bridging programs and assisting new Canadians with an engineering background to understand the requirements for obtaining a licence in Ontario."

Chambers, who did not seek re-election as a member of provincial parliament for Scarborough East in the October 10 provincial election, worked closely with PEO and other regulators while she served as Premier McGuinty's minister of training, colleges and universities (October 2003 to June 2005). During her two years in the training portfolio, Chambers introduced new programs to help immigrants use their skills and training in the Ontario labour force. She also commissioned a



Flanked by President Walter Bilanski, PhD, P.Eng., on her right and President-elect David Adams, P.Eng., on her left, Mary Anne Chambers, retiring minister of training, colleges and universities, speaks to PEO Councillors at the September 28 Council meeting.

review of Ontario's regulated professions, which resulted in the *Fair Access to Regulated Professions Act*, which received Royal Assent in December 2006 and became effective January 3, 2007.

Previously, Chambers put PEO at the top of an Ontario "regulators' report card," which ranked engineering, medicine, law, and other groups in providing access to the professions.

Chambers acknowledged that the engineering regulator faces an additional challenge in helping immigrants cope with the realities of the Ontario labour market, given the high number of new-

comers expressing an interest in engineering careers.

She asked if it is appropriate for the federal government to encourage them to come to Canada when it is uncertain whether there will be engineering-related positions available. She encouraged PEO to work with the federal government, human resources agencies and other stakeholders to publicize the realities of the Ontario labour market situation.

"You [PEO] know more about the profession and its market situation, and this is the information you should bring to the federal government," Chambers said.

positive, as callers to the regulator's Halifax office admitted that they never fully understood the APENS acronym.

Engineers Nova Scotia is also adjusting to the new *Engineering Profession Act*, its first act revision in 15 years—which received third reading last November—and considering additional act changes over the coming year.

Under their new act, Engineers Nova Scotia's engineers-in-training may now vote in its Council elections, and the association has legislative authority to create joint practice boards with other regulatory bodies to deal with joint practice issues. The new act removes mobility restrictions by extending the residency requirement to Canada rather than just Nova Scotia. Engineers Nova Scotia also now has authority for electronic balloting, and can raise member dues to the rate of inflation without a membership referendum.

According to Dermot Mulrooney, P.Eng., director of professional practice at Engineers Nova Scotia, the act revisions now being considered relate to making the act fairer and more open in the areas of member discipline and obtaining the members' approval for mandatory professional development.

In a message posted on the regulator's website, Executive Director Len White, P.Eng., said the act and bylaws are vague in the area of rights and obligations of members in the discipline area.

"Recent court cases have also pointed out a number of areas where more clarity in the act and regulations would be beneficial," White said.

Engineers Nova Scotia established a Discipline Process Review Committee in 2005 to suggest improvements to the discipline process, especially with rising expectations of accountability and transparency on the part of government and the general public.

After a review of other engineering regulators' statutes, and after inviting input from members, the committee made recommendations outlining members' rights and obligations, calling for definition of the legal rules for processes involving mediation and alternative dispute resolution, and eliminating some inconsistencies in the legislation. The proposed revisions would give Engineers Nova Scotia the ability to suspend registration pending a full disciplinary hearing, and to refuse to permit a member to resign to avoid discipline. The proposed revisions also clearly establish the right of a member to appeal a disciplinary decision.

In addition to a mandatory professional development program and the modernization of its complaints and discipline processes, Engineers Nova Scotia members will also be asked to approve an updated Code of Ethics. It is expected that a letter ballot on these changes will be sent to members this month.

Quebec engineers support tough measures in Johnson Commission report

By MICHAEL MASTROMATTEO

Quebec's professional engineers have praised the final report of the Johnson Commission on the September 2006 Laval bridge collapse for its emphasis on greater engineering oversight into the maintenance of public infrastructure.

In an October 18 statement coinciding with the release of the report, Zaki Ghavitian, ing., president of the Ordre des ingénieurs du Québec (OIQ), said the report reflects many of the concerns previously voiced by Quebec's engineering regulator in its July 2006 brief to the commission.

The OIQ is the regulating body for Quebec's 54,000 professional engineers.

"We think that the work of the [Johnson] Commission marks a turning point in infrastructure management in Quebec," Ghavitian said. "For the first time in decades, society has realized that it needs to pay serious attention to public infrastructures. The ball is now in the government's court, and they must act as soon as possible."

The commission, headed by former Quebec Premier Pierre-Marc Johnson, ascribed the Laval bridge collapse to a combination of poor workmanship,

inconsistent oversight and poor maintenance. The commission also cited design errors, poor communication and the failure to act on previously identified problems as contributing to the disaster.

Although the report put much of the blame for the collapse on the conduct of the Quebec transportation department, it also criticized the work of the original design firm, the general contractor and supervising engineers.

The 40-year-old Concorde Overpass in Laval collapsed suddenly September 30, 2006, killing five motorists and injuring six others.

In their brief to the commission, the OIQ called for the creation of a special agency to provide consistent oversight of public infrastructure as one step in preventing bridge collapses and other public infrastructure failures.

Ghavitian said the OIQ is especially pleased that the commission is calling for additional engineering oversight of construction work on infrastructure construction sites. He added, however, that the law may have to be changed to allow for direct engineering involvement.

"Engineers must have the legal authority to supervise construction sites," Ghavitian said. "Moreover, if the law contains an obligation to provide supervision, the OIQ will have the legitimacy necessary to intervene on the sites."

Previously, Ghavitian had indicated that the existing legal framework does not require a professional engineer to supervise the construction of a structure designed by another engineer. "That is a serious shortcoming, especially when it involves works that are complex or critical in terms of safety," Ghavitian said. "In addition, we would like to see the compulsory introduction of systems making it possible to trace back to the source, nature and persons responsible for any changes occurring during construction and the lifetime of a

structure, as well as any evaluation or inspection. We hope that the commission will adopt our recommendation to require supervision of this type of construction work by an engineer.”

The engineering community’s response to bridge failures and other technology-related disasters has become even more urgent in the wake of this summer’s collapse of the I-35W bridge in Minneapolis, which killed 13 motorists.

In its July brief to the Johnson Commission, the OIQ said comprehensive long-term maintenance by owners or managers of public infrastructure is important in preventing the hidden damage and wear that often accounts for failures.

“You have to know the state of a structure, you need technical resources and investments, as well as rigorous followup of the application of such management plans, especially under the supervision of an engineer,” Ghavitian said in the OIQ brief. “To ensure that such a program is

“To ensure that such a program is sustainable, the government must institute a strong, centralized public agency, a kind of watchdog charged with making sure that citizens have access to infrastructure that is open, safe and functional, and offers the public the possibility of verifying the condition of a particular engineering structure. Public infrastructure must be sheltered from political and economic cycles.”

Zaki Ghavitian, ing., president, Ordre des ingénieurs du Québec (OIQ)

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