

PEO INTRODUCES NEW PROFESSIONAL STANDARDS

On July 25, 2008, Regulation 260/08 was filed and became law. This regulation contains two new professional standards covering engineering services for demolition projects. Also, the standard for general review of construction was moved from O.Reg. 941 to O.Reg. 260/08. *By Bernard Ennis, P.Eng.*



THE NEW PROFESSIONAL STANDARDS cover two separate services provided by practitioners engaged for demolition projects: general review and preparation of demolition plans. The Ontario Building Code (OBC) requires anyone applying for a demolition permit to retain a professional engineer to conduct general review of the work. Prior to Regulation 260/08 coming into effect, clients, contractors, building officials and engineers did not seem to know what purpose a general review engineer served in demolition projects. Neither the OBC nor any industry standard describes this role.

The new standard rectifies this lack of information by outlining tasks that must be performed by an engineer providing this service. Now, all parties will be aware that a

professional engineer must be on site during a demolition and will ensure that demolition contractors carry out the work as prescribed by demolition plans.

PLANS REQUIRED

The OBC doesn't call for a demolition plan and building officials will not ask for one because the end point of every demolition project is a pile of rubble. Since contractors are responsible for the means and methods of producing that pile, practice within the demolition industry assumed that plans weren't needed. However, the collapse of Toronto's Uptown Theatre during demolition demonstrated that the order in which demolition progresses can be important for the safety of workers and the public. Determining the correct procedure cannot, in PEO's opinion, be left to the contractor, as this process will usually require a professional engineer's judgment and knowledge. For that reason, the general review of demolition standard explicitly states that a practitioner cannot carry out this work without a plan prepared by a professional engineer. The standard for preparation of a demolition plan identifies the issues that must be addressed by the professional engineer and describes the content to be included in a complete plan.

FIRST STANDARDS SINCE 1984

These professional standards are the first created since the *Professional Engineers Act* was amended in 1984. The act not only gives council the regulation-making power to create standards, but also includes this activity as one of the objectives of the association.

The new standards were prepared by the Professional Standards Committee (PSC) in response to a directive given by council at its January 2007 meeting. Other professional standards will be introduced when and if council finds a need for them.

WHY PROFESSIONAL STANDARDS?

Experience shows that the public's expectations about the outcome of engineering services are often different from those of practitioners. For instance, professional engineers may judge an outcome strictly on the basis of a technical assessment—does the design work and, if so, how efficiently?

However, clients and employers are more often concerned with prompt and complete delivery of professional engineering services. They want engineers to ensure that services are performed in a

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manner that minimizes confusion, delay, legal entanglements and financial difficulties, and that the product delivered by a practitioner meets the needs of all parties, including regulatory bodies to which the client or employer must answer. Other people may judge the outcome of an engineering project on the extent of public consultation, or whether the solution considers such social values as employment security, rights of third parties or risk aversion.

Recognizing that the public interest is served not just by providing technically competent services, but also by providing services in a man-

ner that is consistently professional, PEO must ensure that its members conform to at least minimal criteria of acceptable performance.

SCOPE OF SERVICES

The primary purpose of professional standards is to legislate the scope of services that PEO, through its PSC, has determined are required to provide the level of care owed by a practitioner to all those affected by the work. By codifying the criteria for how members of the profession fulfill their professional obligations while undertaking the technical work assigned to them, the association ensures professional engineering services are of a consistently high quality. By imposing professional standards on practitioners, PEO expects to promote improved practice and mitigate dissatisfaction of clients, employers and the public, who might otherwise have unrealistic expectations about what an engineer is expected to do.

The need for standards has to be balanced against the fact that licensed individuals should be entrusted with the privilege of exercising unencumbered judgment in their professional practice and to be solely accountable for their decisions. PEO's intention is to write standards that give practitioners room to exercise professional judgment and discretion. For example, a standard might state that an engineer must respond to client inquiries within a "reasonable" time frame but would not set definite limits. Instead, the standard might provide some guidance on the form of the response so that, for example, an engineer is expected only to acknowledge that the inquiry has been received, reviewed and is being addressed.

Decisions about how much discretion to leave to practitioners will depend on the complexity of the task, the range of potential outcomes, how many and the kinds of people affected, and the interests of the affected parties.

The standards will provide goals for practitioners to aim for but leave judgment of how to attain those goals in their hands. For that reason, standards are not directives or procedural

manuals; their purpose is not to provide step-by-step instructions for performing technical tasks. And PEO will not be legislating engineering knowledge and skills; best practices and technical standards used by practitioners will still be defined by technical associations, universities, research organizations and practitioners themselves. Standards are intended only to ensure that practitioners are clearly informed of the obligations and responsibilities associated with specific tasks.

Practitioners should note that because professional standards are incorporated into regulations under the *Professional Engineers Act*, failure to comply with a standard is a breach of the act and can be cause for disciplinary action against the practitioner.

A copy of the new regulation was distributed in Gazette (p. 43) in the September/October 2008 issue of *Engineering Dimensions* and can also be found on PEO's home page (www.peo.on.ca). Σ

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DID YOU KNOW?

Effective June 1, 2008, licence holders looking to reinstate their licences are subject to new rules under Regulation 941.

If you have resigned your licence or it has been cancelled for nonpayment of fees, there is a new graduated reinstatement system in place. Fees and obligations increase based on the length of time your licence has been cancelled.

For full details, see *Reinstatement Requirement—An Informative Guide* on PEO's home page, www.peo.on.ca.

