

PEO TO STUDY REGULATIONS FOR ENGINEER OF RECORD AND REVIEW COMMITMENT

472nd MEETING, SEPTEMBER 22, 23, 2011

By Nicole Axworthy

AT SEPTEMBER'S MEETING, Councillor Michael Hogan, P.Eng., made a presentation to council in which he recommended that PEO create in regulations the requirement for an Engineer of Record to take responsibility for all work related to the practice of professional engineering. Hogan's presentation included a review of the history of the Engineer of Record concept, beginning with the experience of the Engineer of Record of the Kansas City Hyatt-Regency walkway collapse of July 17, 1981, in which 14 people were killed and 200 injured. His presentation also referred to British Columbia's experience with an Engineer of Record requirement, quoting BC association CEO/Registrar Derek Doyle, P.Eng., that "clarity for practitioners" is the signpost to "excellence in practice." Councillor Hogan also provided examples of situations in Ontario where a clear line of responsibility provided by an Engineer of Record might have prevented conflicts, collapses and catastrophes.

In discussion, several councillors noted that although the building permit approval process requires engineers to sign an undertaking to municipalities that they will watch the construction to ensure it is done according to the drawings, there are practitioners, dubbed "rent a stamps," who will for a modest fee sign that they've seen a building go up, even if they haven't. Councillors all appeared to agree that an Engineer of Record properly defined might go a long way toward stopping this practice.

However, it was also noted that defining a clear line of responsibility is not simple, in cases of pre-engineered buildings, or complex, multidisciplinary engineering works, for example. Invited by council to address the issue, Bill De Angelis, P.Eng., chair, Consulting Engineers of Ontario, noted that, at present, there is not even a consensus on what Engineer of Record really means.

To address such concerns, President Dave Adams, P.Eng., FEC, clarified that what council was being asked to approve was a policy review, the beginning of the regulation-making process, with full consultation of stakeholders. He also said the issue is bigger than just buildings, that there is engineering done in factories that affects the safety of workers, "but there is no question we need someone to take total responsibility." In his presentation, Hogan also noted that with the removal of the industrial exception, practising engineers in industry will have authority commensurate with their responsibilities, and that employers and owners knowing the name and credentials of the engineer taking clear responsibility for the job should lead to an improvement in status and earnings.

In its approved motion, council directed the CEO/ registrar to undertake a study, in consultation with the Professional Standards Committee, and to propose amendments to regulations 941 and 260 under the *Professional Engineers Act* and PEO guidelines to incorporate an Engineer of Record and Review Commitment, with proper peer review and consultation, to ensure lines of responsibility are clear for all work related to the practice of professional engineering. The motion also established the study premise that in a multidisciplinary project, each discipline must be signed off by a professional engineer. The CEO/registrar is to report back to council at its March 2012 meeting.

ELECTRONIC OR MAIL VOTING APPROVED

The 472nd meeting of council, held for the first time at PEO's newly renovated headquarters, opened with a plenary session to discuss possible changes to voting procedures for the 2012 PEO council election. In accordance with Regulation 941/90, s. 11, which requires council to decide on the

voting method each year, council for the first time approved giving members a choice of voting by means of a mail ballot or electronically over the Internet.

Other approved changes to the voting procedures for 2012 include eliminating the use of a secrecy envelope—saving PEO approximately \$32,000—and outsourcing the position of chief elections officer to someone not on PEO's staff and appointed by the 2012 Central Elections and Search Committee. The 2012 voting and publicity procedures, nomination petitions and candidate acceptance forms are available from the PEO website at www.peo.on.ca/Elections/Elections2012/Election2012.html. Nominations opened on October 1, 2011 and close at 4:00 p.m. on December 15.

COMPLAINTS AND DISCIPLINE FINAL REPORT

Council approved PEO forming a committee of experienced practitioners to propose more concise definitions of incompetence, unprofessional conduct and conduct unbecoming a professional, a process for sifting complaints and defining the requirements of those suitable for resolution by a simple peer review process without lawyers, and a simple peer review process that is fair, economical, and would be a prerequisite of such complaints before they enter the formal complaints and discipline process. Council also approved 23 of 24 recommendations in the final report of the Complaints and Discipline Process Task Force (CDPTF). The committee of experienced practitioners is the alternative to the report's 24th recommendation, which council did not approve.

Council established the CDPTF at its November 2010 meeting to review concerns expressed by members related to PEO's complaints and discipline

processes, with the view to strengthening the processes and the public's and members' confidence in the processes. The task force provided its interim report at council's April 2011 council meeting (see *Engineering Dimensions*, May/June 2011, p. 81), at which council provided direction to the task force to complete its report. Shortly thereafter, three of the members of the task force resigned and Nancy Hill, P.Eng., FEC, and Tim Benson, P.Eng., FEC, assumed the role of co-chairs to complete the requested work.

EMERGING DISCIPLINE POSITION STATEMENTS

Council approved position statements related to nanotechnology and molecular engineering (NME) and communications infrastructure engineering (CIE) that reaffirm PEO's recognition of them as new engineering disciplines. Based on reports by the Emerging Disciplines Task Force, council recognized NME in April 2010 and CIE in September 2010 (see "PEO takes leading position on regulation of nanotechnology," *Engineering Dimensions*, July/August 2010, p. 29 and In Council, November/December 2010, p. 62). The new position statements are available at www.peo.on.ca/consultation/Positions.html.

These position statements will assist PEO with its public awareness and messaging campaign regarding these emerging disciplines. Engineers Canada's Canadian Engineering Qualifications Board is now developing a national technical examination syllabus for nanotechnology engineering, with PEO contributing two experts to the effort.

EXPERT WITNESS GUIDELINES

Council approved for publication an updated guideline for *The Professional Engineer as an Expert Witness*. The revisions to the guideline were required by changes in the Rules of Civil Proceedings that require expert witnesses to be aware that their duty is to the court, not their clients. The guideline explains this duty and the legal basis.

NATIONAL ENGINEERING MONTH

Council approved recommendations, based on an independent consultant's report, to help achieve the funding partners' mutual objectives for National Engineering Month, including clarifying roles and establishing a funding members' oversight mechanism; refocusing the name and role of the National Engineering Month Ontario Steering Committee; conducting annual programming reviews; and establishing the role and function of the service provider.

Council also approved amending the objectives of National Engineering Month to better align with the mandate of the funding members, as:

[IN COUNCIL]

- To increase public awareness of the role of engineering and technology regulation and certification;
- To encourage young people to consider engineering and technology as their career of choice; and
- To broaden support for science, technology, engineering and infrastructure.

The National Engineering Month Ontario Steering Committee (NEMOSC) was established 19 years ago with founding (and funding) partners PEO, Consulting Engineers of Ontario (CEO) and the Ontario Association of Certified Engineering Technicians and Technologists (OACETT). In 2001, the Ontario Society of Professional Engineers (OSPE) became a founding partner. In 2006, OSPE became the service provider and fundraiser for the program.

NEMOSC has recently encountered operational deficits and diminished cash reserves, leaving its long-term viability in question. As a result, PEO, CEO and OACETT engaged Bloom Strategic Solutions to analyze and develop plans to

support the committee as it moves forward. OSPE was invited to participate in the study, but declined.

SUPPORT FOR MANUFACTURING SOCIETY

Council approved PEO support for a “Take back manufacturing” initiative of the Society of Manufacturing Engineers (SME) within PEO’s regulatory mandate under the *Professional Engineers Act*.

PEO will help publicize the SME initiative to members and the public, appoint a council member to attend SME’s meetings, promotions and trade shows as PEO’s representative, and generally help advance the initiative in any way it can. Σ



Professional Engineers Benevolent Fund

The Professional Engineers Benevolent Fund helps PEO members who are experiencing extreme financial hardship. The fund is administered through the Ontario Professional Engineers Foundation for Education, a member-supported organization sponsored by PEO and OSPE.

PEO members who have been licensed for at least one year can apply. To qualify for benevolent assistance, applicants must have a demonstrable need and substantiate a claim of indigence. **Conditions include but are not limited to:**

- **rehabilitation following mental or physical disability;**
- **retraining (e.g. engineers whose jobs have disappeared because of redundancy or obsolescence);**
- **compassionate circumstances requiring urgent assistance;**
- **unemployed members enduring an unusually prolonged job search; and**
- **enterprising individuals suffering financial hardship arising from unfortunate business or economic circumstances.**

The fund is not intended to provide an income supplement on an ongoing basis. Applicants who have substantial income or assets are generally considered ineligible for assistance.

For more information, visit
www.penged.on.ca/benevolent.html
or call 416-224-1100, ext. 1222.

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