



# Microsoft reverses position on using engineer title

holders of its designation must agree to use the "full name of the certification or the acronym in all communications."

The 2001 agreement with Microsoft that saw it advise Canadian designation holders to use only the "MCSE" abbreviation resulted from a visit by representatives of the Canadian Council of Professional Engineers (CCPE) and several of its constituent members, including PEO, to Microsoft's head office in Seattle, Wash. The representatives explained the legal issues in Canada surrounding the use of the title "engineer" and asked the corporation to stop referring to holders of the MSCE credential in Canada as engineers.

In reversing its previous position, "Microsoft also considered in detail, the legal arguments in opposition to this position," the company's latest release said.

"This process confirmed the view the term 'systems engineer' is a well-recognized title that has been used for many years in the IT industry and it does not represent that one is a professional engineer."

On July 30, CCPE issued a news release in response to major media outlets and targeted high tech and engineering publications across Canada. "CCPE is extremely disappointed with Microsoft's announcement," Marie Lemay, P.Eng., CCPE chief executive officer, said in the release. "By reversing this decision, it has become clear that Microsoft Canada is no longer interested in continuing to work with the engineering profession or in assisting their certificate holders in avoiding the associated enforcement issues."

The CCPE statement warns that MCSE holders who follow Microsoft's advice to use the designation in full could face measures by Canada's provincial and territorial engineering licensing bodies, which are obliged to enforce against a use of the title "engineer" that can be demonstrated to contravene their engineering licensing legislation. Pointing out the differences in the requirements to earn an MSCE designation and a P.Eng. licence, Lemay notes: "It is important for the public to know that the term 'engineer' refers to a person with a university engineering education and engineering experience who follows a professional code of ethics, not someone with just a few months IT training."

Since the CCPE release, several of CCPE's constituent members have also issued their own releases, which advise MSCE holders to continue to use only the abbreviation in Canada to avoid risk of prosecution, and the issue is receiving heavy coverage in the computer industry press.

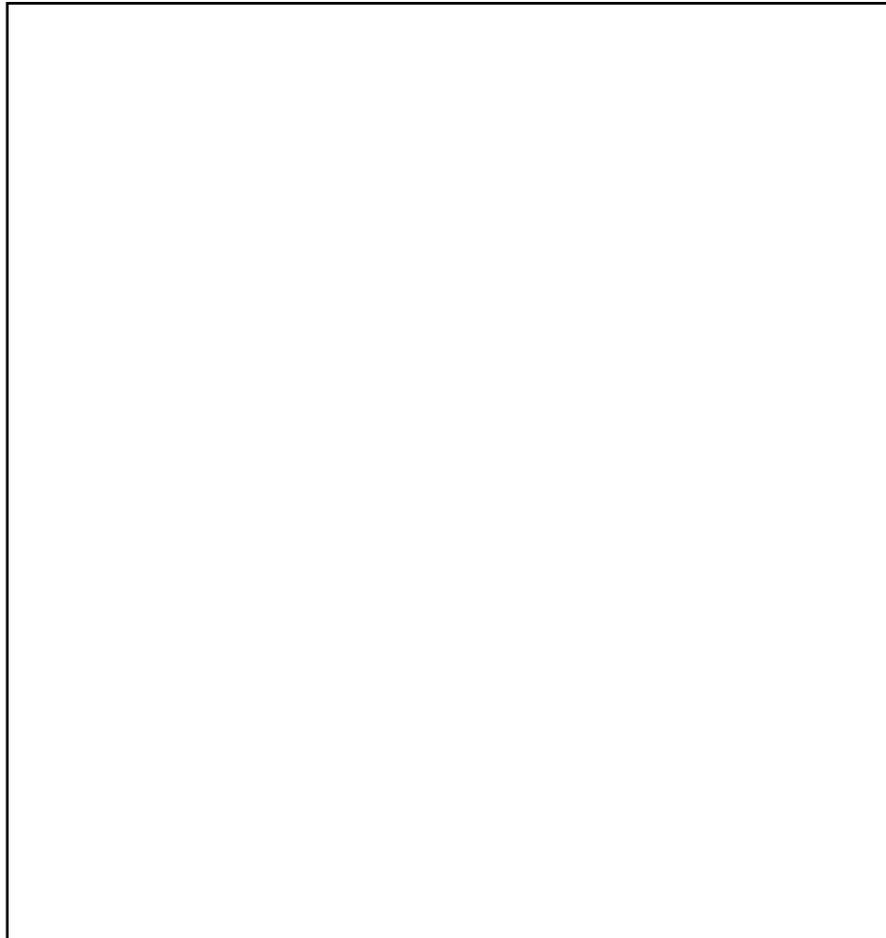
It is PEO's position that the use of the "Microsoft Certified Systems Engineer" designation in full could be in violation of Ontario's *Professional Engineers Act* and could lead to enforcement action. Subsection 40(2)(b) of the act makes it an offence for anyone to use a "term, title of description that will lead to the belief that

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by Dwight Hamilton

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On July 25, Microsoft Corp.'s Canadian subsidiary told holders of the company's "Microsoft Certified Systems Engineer" designation to resume using the full title, reversing an agreement made with Canadian engineering licensing bodies in May, 2001. Simultaneously, Microsoft Canada distributed a statement to the media saying it does not believe using the "engineer" title in the context of its designation violates provincial professional engineering licensing laws. It claims all



the person may engage in the practice of professional engineering." A recent change to the Act, expected to be proclaimed into law shortly, will protect the title engineer explicitly by excepting from the licensure requirement those using the title or an abbreviation "in a manner that is authorized or required by an act or regulation." By extension, use of the title in any other manner will be effectively prohibited. A further change to be proclaimed at the same time requires that defendants prove that the use of the title will not lead to the belief that the person may engage in the

practice of professional engineering, unless the title "is authorized or required by an act or regulation." Previously, PEO was required to prove that the title was misleading. PEO recommends that MCSEs continue to use only the acronym.

At press deadline, CCPE and its constituents were continuing to develop a national strategy for the profession's longer-term response. To raise awareness of software engineering as a recognized discipline for professional engineer licensing, and correct use of the "software engineer" title, PEO several years ago established a

Software Engineer page on its website ([www.peo.on.ca/enforcement/Software\\_engineering\\_page.html](http://www.peo.on.ca/enforcement/Software_engineering_page.html)). The page includes coverage of information on licensing for software practitioners without degrees in software engineering, the accreditation of programs in software engineering at Canadian universities, the May 2001 agreement with Microsoft Canada, and subsequent developments. Readers should refer back to this page frequently for continuing coverage of this evolving situation.

## BRRAG act to take effect in under two years

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by Dwight Hamilton

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The Building Code Statute Law Amendment Act (Bill 124), first introduced in the Ontario legislature in November 2001 and based on recommendations of the government's Building Regulatory Reform Advisory Group (BRRAG) (see *Engineering Dimensions*, November/December 2001, p. 15; January/February 2002, p. 26; May/June 2002, pp. 34-36), received Royal Assent on June 27 and it's anticipated the legislation will be in force in mid-2004, says an official from the Ministry of Municipal Affairs and Housing.

The new act's regulations are due to be made public this fall, which will be followed by an 18-month implementation period before the changes will take effect. At that time, "PEO practitioners will have to be certified in any area of practice for which they will be submitting any drawings to support a building permit application, whether they be small or large building structures or services like plumbing or HVAC," says Bernard Ennis, P.Eng., PEO manager, professional practice.

Achievement of the qualifications to be defined in the regulations will be a precondition for appointment as a building official, authorization as a designated person within a Registered Code Agency (RCA), or designation within a design firm to take responsibility for a

design submitted in connection with a building permit application or general review of construction.

To be certified, practitioners will pass a written test on the appropriate sections of the building code. The legislation sets out 12 classes of qualifications for practitioners according to the nature of their services: houses; small buildings including houses; on-site sewage; plumbing-houses; plumbing-all buildings; large building construction; large buildings-fire safety; complex buildings; building structural; building services (other than plumbing); chief building official; and registered code agent. "If you're a designer and you're submitting plans for building permits, you will have to be registered in whatever qualification class is reflected in the design for which you are taking responsibility," says Ennis. Only the engineer taking responsibility for the work needs to be qualified and registered, he adds.

Under the act, engineering design firms and those working as RCAs must also carry professional liability insurance. "If you're doing building code-related work, you will not be able to use the compulsory disclosure option in Regulation 941 under the *Professional Engineers Act*," warns Ennis. Also, the minimum insurance coverage requirement for designers under Bill 124 will be \$1 million for each claim and \$2 million aggregate each year. This is four

times the minimum coverage now required under Regulation 941. The ministry will also require that projects be covered for major structural defects for seven years after completion and is working with the insurance industry to develop a suitable product.

Because the ministry has recognized PEO as the regulatory body for the self-governing engineering profession, PEO is being given the opportunity to administer the ministry-set qualification exams for professional engineers seeking certification as designers and maintain the certification registry. The Ontario Association of Architects is also being given this opportunity in relation to architects seeking certification. PEO will deal with suspension or revocation of certifications for professional engineers having outstanding complaints against them by owners or building officials, and any subsequent appeal of these penalties. PEO is in the process of meeting with the housing ministry to discuss its role in the testing and enforcement regime.

Engineers seeking certification as chief building officials, inspectors, or on behalf of RCAs will be tested and certified by the housing ministry. The legislation allows municipalities and builders to outsource building site inspections and building permit plan reviews to RCAs, tasks formerly handled by local building departments.

# PEO responds to Walkerton Report

by Dwight Hamilton

In letters to Premier Ernie Eves and Environment Minister Chris Stockwell, PEO has offered its assistance to Queen's Park as it implements the recommendations of Part Two of the *Report of the Walkerton Inquiry. A Strategy for Safe Drinking Water*, which was released on May 23, 2002.

Written shortly after the report was made public, PEO President Richard Braddock's letter to Eves congratulates the government for commissioning the inquiry and accepting its reports. It states that PEO is reviewing the then just-released report so that it can advise the government "on where PEO's mandate and legislative instruments under the *Professional Engineers Act* can assist in realizing the recommendations relating to the practice of engineering and drinking water quality regulation."

"As the self-regulatory body that licenses Ontario's 65,000 professional engineers, 1600 designated Consulting Engineers and 3900 holders of Certificates of Authorization, PEO is bound by its statutory obligations and its ethical responsibilities to the people of Ontario to protect their well-being where the practice of professional engineering is involved," the letter notes.

In the later letter to Stockwell, written after detailed review of the report, Braddock points out that many of the new positions that will result from the report within the environment ministry, municipal water systems and accredited operating agencies will likely be ones for which professional engineers are eminently qualified. However, he notes, "PEO's concern is in ensuring that professional engineers are responsible for those positions that are the practice of professional engineering under the *Professional Engineers Act*." He says that PEO would be pleased to assist the ministry in interpreting which of any new positions would be professional engineering positions under the Act.

"We believe we might also contribute meaningfully," the letter continues, "to the recommended standards-setting exercises, in particular the recommended Advisory Council on Standards and the recom-

mended initiative for your ministry to spearhead development of a drinking water quality management standard. Specifically, we believe our input would be best directed to reviewing how any recommended standards relate to the requirements in the *Professional Engineers Act*, Regulation 941 and our professional practice guidelines, since there are others qualified and better positioned than PEO to offer technical evaluations."

When the Ontario government established a public inquiry into the Walkerton tragedy, PEO obtained standing for Part Two, which was aimed at making recommendations to ensure the safety of drinking water across Ontario. PEO submitted its paper, *The Roles and Responsibilities of Professional Engineers in the Provision of Safe Drinking Water*, in May 2001, and in

September made a presentation to Public Meeting No. 7 in Toronto. PEO also worked closely with environment ministry staff to draft the section on Engineer's Reports in Regulation 459/00. For information on PEO's full Walkerton-related activities, visit [www.peo.on.ca/news/walkerton\\_home.htm](http://www.peo.on.ca/news/walkerton_home.htm).

Meanwhile, the Ontario Society of Professional Engineers issued media releases in response to both parts of the Inquiry Report. Its statement on Part One, "Walkerton Inquiry backs need for public accountability, engineers say," was issued on January 18, 2002. It issued a statement on Part Two, "Engineers call for swift endorsement of Inquiry recommendations," on May 23. Both releases can be found in the newsroom section of the Society's website at [www.ospe.on.ca](http://www.ospe.on.ca).

## Conference focuses on women in science and technology

by Sharon Van Ihinger

Over 500 engineers, scientists, and students from 46 countries gathered in Ottawa July 27-31 to share ideas and affirm their roles as leaders in their community and workplace. "Women in a knowledge-based society," was the theme for the 12th International Conference of Women Engineers and Scientists, where conference organizers aim to provide a global forum for learning, discussion, and networking—all key to strengthening the position of women in engineering and science.

Women in computing, engineering, industry, science and technology; women in research and development; affirmative action and policies; gender equity; and balancing work and personal life were some of the topics featured during the conference's more than 70 presentations and workshops.

A symposium on ethics and science was chaired by Claire Deschênes, ing. and co-chaired by Vera Straka, P.Eng., PEO representative and chair of the Women in Engineering Advisory Committee (WEAC).

"As engineers and scientists, we have an important leading role to play," Straka told the audience. Defining and supporting ethics within science and the development of innovation and technology were the focus of presentations by renowned speakers, including Margaret Somerville, professor and founding director of the Centre for Medicine, Ethics & Law, McGill University. A presentation by the conference organizer and chair, Monique Frize, PhD, P.Eng., OC, titled "The Bold and the Brave" honed in on female engineers striving for change. During the session, other presenters talked about gender inequity in engineering, violence in the workplace, and professional development initiatives that work to advance career success.

Issues surrounding diversity, dealing with the global workforce and efforts to bring change to the culture of engineering will again be addressed at the upcoming annual Claudette MacKay-Lassonde Memorial Forum, organized by WEAC, which will be held Oct. 19, 2002 at the University of Toronto, ([www.peo.on.ca](http://www.peo.on.ca) for information).

# Saskatchewan schedules P. Eng. fee increase

by Sharon Van Ihinger

Members of the Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS) voted unanimously at its annual meeting in May to support a revised fee structure for 2003 and beyond. At \$300, up from \$225, APEGS members (both resident and non-resident) will pay more to be licensed in Saskatchewan than professional engineers licensed in any other province. The association has been operating without a fee increase for 11 years.

According to APEGS, escalating costs, due in part to a changing regulatory environment, were what prompted its Council to pass a motion proposing amendments to its Administrative Bylaws to raise the fees. As of April 1, 2002, APEGS has been participating in a national program providing secondary professional liability insurance to all members of the participating associations. The program is coordinated by the Canadian Council of Professional Engineers, which will cover

the cost of providing the insurance for the participating associations' engineers for the first year of the program; associations that license geoscientists, like APEGS, will cover the cost for geoscientists. The associations will cover the costs of all of their members in the future.

The new APEGS fee structure also means increases to all of its other annual fees, such as those for Certificates of Authorization, temporary licences, exams, academic credential assessment, and members in training.

The median annual licensing fee of APEGS' counterparts across Canada is \$185 plus applicable taxes. Engineers licensed by the associations in British Columbia (APEGBC), Manitoba (APEGM), Nova Scotia (APENS), Newfoundland (APEGN), and the Northwest Territories (NAPEGG) are above the median, while the fees of PEO, Quebec (OIQ), New Brunswick (APEGNB), Prince Edward Island (APEPEI) and the Yukon (APEY) are below.

PEO's current annual fee is \$170, plus GST. Assumptions being used to draft the 2003 budget foresee a \$20 increase in 2003.

## 2002 Annual Fees

(note: fees exclude taxes)

APEGBC	.....	\$200
APEGGA	.....	\$195
APEGS	.....	\$225
APEGM	.....	\$226
PEO	.....	\$170
OIQ	.....	\$180
APEGNB	.....	\$176
APENS	.....	\$212
APEPEI	.....	\$180
APEGN	.....	\$224
APEY	.....	\$165
NAPEGG	.....	\$214

# PEO signals end to automatic reinstatement

by Joan Bailey

Professional engineers and limited licence holders who have let their licences expire will have until November 18, 2002 to pay their fees, before facing licence cancellation.

As reported in the June/July issue of *The Link*, engineers whose annual licence fees are not paid in full by the due date will face the full reinstatement process as mandated by the *Professional Engineers Act* and Regulation 941. P.Engs will no longer be able to request automatic reinstatement, which had been granted in the past upon full payment of all outstanding fees, provided payment was made within 12 months of termination.

Ron Sparrow, CGA, PEO manager of accounting, says the association has delayed enforcing the legislated reinstatement process until November to ensure that members have had due notice and to "give

everyone a chance to bring any overdue payments up to date."

Currently, licensees are being reminded with each licence renewal notice of the provisions of the regulation. The first renewal notice is sent about two months before the payment is due. Once the due date has passed, a reminder notice is sent. Licensees have 70 days after the reminder notice to pay before they are considered to be in default. "Printed on the back of each of these notices is the provision of section 51 of Regulation 941, which spells out the additional reinstatement provisions as a result of not paying on time," says Sparrow.

Retirees, individuals on parental leave and those for whom annual fees are being deferred because of ill health, unemployment, or postgraduate study will still be eligible for automatic reinstatement, he adds.

By comparison, the College of Physicians and Surgeons (CPSO) levies a

\$200 late payment fee for its overdue members once they have missed the June 1st annual renewal date. Doctors receive their annual invoice in April. If the payment is not made by the renewal date, they are assessed the late payment fees and notified that they are in default. If CPSO still has not received payment by August 1, it suspends their certificate of registration and they no longer have the right to practise in Ontario. To regain the right to practise, they must reapply to the college.

## Send us your stories

*Engineering Dimensions* welcomes submissions of articles and stories. Stories should focus on the legal, regulatory and ethical aspects of the profession.

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