



Minutes

**The third meeting of the Repeal of the Industrial Exception Task Force
Wednesday, February 16, 2011 at 5:00 p.m.
Room 104, PEO Offices, 40 Sheppard Ave. W., Toronto**

Present: Mr. Chris Maltby, P.Eng. (Vice-Chair)
Mr. Peter Broad, P.Eng. (Chair) from 6:00 p.m.
Mr. Clarence Klassen, P.Eng.
Ms. Stela Stevandic, P.Eng. (by teleconference) from 5:40 p.m.
Mr. Julien Samson, P.Eng. (by teleconference)
Mr. Michael Wesa, P.Eng. (by teleconference)
Mr. Edward Poon, P.Eng. (by teleconference)
Mr. Ken Warden, P.Eng. (by teleconference)

Absent: Mr. David Adams, P.Eng.
Mr. James Lowe, P.Eng.
Mr. Eduard Guerra, P.Eng.
Mr. Austin Walker, P.Eng.
Mr. Wayne Kershaw, P.Eng.

Staff: Ms. Marisa Sterling, P.Eng. (Staff advisor)
Mr. Steven Haddock (Staff advisor, Secretary)
Ms. Maria Ianonne (Staff support)

1. Welcome and Call to Order

Mr. Maltby took the Chair in the absence of Mr. Broad. He called the meeting to order at 5:05 p.m. and welcomed everyone

2. Approval of Agenda

It was moved by E. Poon, P.Eng, seconded by J. Samson, P.Eng.

That the agenda be approved.

CARRIED

3. Approval of minutes of January 19, 2011

It was moved by J. Samson, P.Eng., seconded by M. Wesa, P.Eng.

That the minutes of January 19, 2011 be approved.

CARRIED

4. Task Force Membership – New Member Applications

It was moved by C. Klassen, P.Eng., seconded by E. Poon, P.Eng.

That Duncan Blatchford, P.Eng., be approved for membership in the task force.

CARRIED

It was moved by C. Klassen, P.Eng., seconded by J. Samson, P.Eng.

That Ahmad Khadra be approved for membership in the task force.

CARRIED

It was moved by E. Poon, P.Eng., seconded by M. Wesa, P.Eng.

That Rene Malignam, P.Eng., be approved for membership in the task force.

CARRIED

5. Communication with targeted associations

The task force reviewed the draft of the letter to be sent to the targeted associations.

A suggestion to include the consequences of violation of the Act in the letter was rejected.

It was decided to amend the letter to request a reply to the letter by March 15.

It was noted that the only information on our web site about the repeal is a link to the amended *Professional Engineers Act* on Ontario e-laws, and an article in *Dimensions*. We are trying to set up a web site, but it is not ready yet and won't be ready by the time the letter goes out. We are currently preparing FAQs. We will add a link to PEO's web site in the letter.

It was decided to add a reference to the specific sub-section of the *Professional Engineers Act* that will be repealed.

It was moved by K. Warden, P.Eng., seconded by E. Poon, P.Eng.

That the letter be sent out to the associations on Friday, February 18, 2011.

CARRIED

Mr. Wesa believed that there were associations that should be notified that were not on our existing list. The possibility of contacting national associations was discussed as long as the message was focused to make it clear it only applied to Ontario.

It was moved by J. Samson, P.Eng., seconded by K. Warden, P.Eng.

That the members of the task force may provide us with the names of additional industrial associations that are nationally based by the morning of Friday, February 18, 2011 to be distributed between Wednesday, February 23, 2011 and Friday, February 25, 2011.

CARRIED

6. Communication with PEO members

We have developed a schedule of chapter AGMs and who will be attending on behalf of the task force to speak about the industrial exception. We may also approach other chapters about special meetings. We are also proposing to prepare a letter to be included in chapter newsletters.

The task force was reminded again that the industrial exception is often seen as applying to products as well as to industrial machinery and this will have to be an important part of our message.

There was a discussion about whether we have to be clearer about what is an “engineering principal” for the purposes of the definition of the practice of professional engineering. The Chair suggested that we bring back ideas of what is clearly an engineering principle and what is arguably an engineering principle by our next meeting.

Mr. Klassen noted that we will have to provide employers with a way to get licensed engineers into their operations and develop a strategy for the association.

Mr. Haddock will approach Bernard Ennis, P.Eng., for permission to distribute the draft supervision guideline as it may provide a way for employers to use non-licensed persons in conjunction with licensed persons. The task force realized that PEO may have to come up with creative solutions to deal with individuals who don't fit within the existing licensing rules.

It was moved by J. Samson, seconded by E. Poon.

That a letter be drafted by the next task force meeting to draft a letter from the task force to be included in chapter newsletters.

CARRIED

Mr. Haddock noted that we have already been getting feedback regarding whether a professional engineer's liability will be affected by the change and we will have a response to those concerns going forward.

Staff has anticipated there will be difficulties uncovering unlicensed practice once the exception is repealed.

7. Communications with employers

Ms. Sterling has compiled a large list of all employers registered in PEO's database. There are about 15 pages covering firms with more than ten employees. It is clear that this database will not include all the employers who will have to be contacted. We are aware that there are many companies with no professional engineers in their manufacturing divisions.

The Chair stressed that in addition to providing the legal requirements, we will most likely have to make a good business case as well as a business case is more likely to be persuasive. We must avoid the appearance that the reason for the change is to raise PEO's revenues.

It was noted that as we reach out to employers, we will probably get questions and concerns that we haven't been able to anticipate. It is clear we will have to explain the scope of the exception and any misconceptions about it when we approach employers.

Mr. Haddock suggested that, as with the associations letter, we will have to focus on key messages that have to be communicated, but we may be able to leave some of them out of the initial contact as long as it is clear we will cover them later.

The Chair suggested that each task force member approach their own employer and ask what they would like to know about the changes and how it might affect their business. Mr. Haddock agreed that we have to anticipate what replies we will receive before the message goes out.

Mr. Samson suggested that we take the approach of sending the first message to the employers who employ the most professional engineers and use the feedback from that message to further tailor the next message, which will go out to the next largest group of employers. As we continue to get feedback, the message will be tailored until it goes out to employers who have no professional engineers on staff.

Moved by M. Wesa, P.Eng., seconded by P. Broad, P.Eng.

That the task force members will contact their employers directly about the repeal and provide a summary of the comments from their employers in advance of our next meeting.

CARRIED

8. Timeline

The Chair realized that once the message goes out to employers about the changes, it is likely that any delay in being able to implement the repeal will be obvious. As such, we should communicate to the legislative committee that although we expect to contact every affected person we can reach by June 2011, by the end of April we will know if there are likely to be any delays in carrying out the communications plan.

There were concerns raised about whether the time between our last contact and proclamation would be sufficient for unlicensed persons to come into compliance. The issue will be discussed at further meetings of the task force and we certainly would communicate any widespread communications difficulties to government. However, the government has already made it clear that they would like to make the proclamation as soon as possible. It was determined that if there was a widespread compliance issue, it would likely become apparent sometime in May 2011. Mr. Klassen anticipates there will be large numbers of companies that would not be in compliance. A lot would depend on when PEO would actually start enforcing the provisions and how PEO would approach persons not in compliance.

Concerns were expressed that companies and individuals may not be aware of whether or not they are or are not in compliance.

Mr. Haddock noted that as the Task Force goes forward, it will have to discuss what resources PEO will need to both get individuals in compliance with the Act and to enforce these provisions once the repeal goes into effect.

The Chair noted that we will have to communicate well with the Legislation Committee regarding any delay in implementing the repeal and with Council on any issues that will affect PEO resources.

Mr. Haddock noted if a compliance issue arises, the Act is flexible enough to allow solutions to be created under regulation without going back to the legislature. He also noted that at some point our communications will have to contain an actual date when the repeal will be effective and this is probably the most important fact we will have to communicate.

Mr. Maltby agreed to create a timeline of our communication plan to be provided to the Legislation Committee.

9. Budget

There do not appear to be any budget implications as this point. However, it is likely that by April it will become clear whatever additional resources may have to be made available.

10. Next Steps

It was moved by P. Broad, P.Eng., seconded by S. Haddock, P.Eng.

That the next meeting be held on Wednesday, March 23, 2011 from 5 p.m to 7 p.m.

CARRIED

Mr. Haddock reviewed the decisions and action items decided at the meeting.

- The letter to the associations will go out Friday, February 18.
- Task force members will provide us with the names of additional associations by the morning of Friday, February 18.
- Mr. Haddock will provide a copy of his memo regarding engineering principles to the Task Force.
- Prepare a draft letter for the chapter newsletters.
- Task force members will speak to their employers about what their concerns would be if they received a letter about the repeal and report back in advance of our next meeting for distribution to the other task force members.
- Mr. Maltby will create a communications timeline which will be provided to the Legislation Committee

It was agreed that all committee correspondence will be provided in .doc format or .pdf format and not .docx format.

11. Adjournment

The meeting was adjourned at 7:00 p.m.

Mr. Peter Broad, P.Eng., Chair

Mr. Steven Haddock, Secretary