



Minutes

**The thirteenth meeting of the Repeal of the Industrial Exception Task Force
Tuesday, February 21, 2012 at 5:00 p.m.
Room 507-A, PEO Offices, 40 Sheppard Ave. W., Toronto**

Present: Mr. Peter Broad, P.Eng. (Chair)
Mr. Duncan Blachford, P.Eng.
Mr. Clarence Klassen, P.Eng.
Mr. James Lowe, P.Eng.
Mr. Phil Smith
Mr. Thomas Chong, P.Eng.
Mr. Chirag Shah, EIT (by teleconference)
Ms. Ranee Mahalingam, P.Eng (by teleconference)
Mr. Ahmad Khadra, EIT (by teleconference)
Mr. Eduard Guerra, P.Eng. (by teleconference)

Absent: Mr. Wayne Kershaw, P.Eng.
Ms. Stela Stevandic, P.Eng.
Mr. Chris Maltby, P.Eng. (Vice-Chair)
Mr. Ken Warden, P.Eng.
Mr. Tilak Gunaratne, P.Eng.
Mr. David Adams, P.Eng.
Mr. Michael Wesa, P.Eng.
Ms. Tracy McColl-Galizia, P.Eng.
Mr. Julien Samson, P.Eng.

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

1. Welcome and Call to Order

The meeting was called to order at 5:06 p.m. with Mr. Broad in the Chair.

2. Approval of Consent Agenda

Mr. Blachford requested the matter of the CEO Expert List be taken off the consent agenda

It was moved by C. Klassen, P.Eng., seconded by D. Blachford, P.Eng.

- a. That the agenda be approved.
- b. That the minutes of the meeting of January 17, 2012 be approved without amendment.
- c. That the task force receive an update on the communications plan.

CARRIED

d. CEO Expert list

Mr. Blachford asked that the disclaimer on the expert list include different areas of practice in addition to machinery and equipment. He also asked if the list could contain more specific areas of expertise. Mr. Haddock will contact the companies on the list for more information.

Mr. Haddock confirmed that the compliance plan will require supervising engineers to report misconduct of unlicensed persons to PEO. The existence of any confidentiality agreement would not affect the ability of a professional engineer to report misconduct to the PEO.

3. Compliance Plan Guideline

The compliance plan allows us to exercise some control over individuals and employers who are working towards compliance, but cannot get into compliance by the time of the proclamation.

Ms. Mahalingam joined the meeting by teleconference at 5:16 p.m.

The task force agreed that the compliance plan should be available to individuals as well as employers. It was suggested by Mr. Blachford that the compliance plan should be tied to the submission of an application. However, Mr. Haddock noted that although submission of the application was a key element, we would also have to ensure applicants were diligently pursuing their applications. As well, an individual and/or employer can get into compliance by using the supervisory licence exception s.12(3)(b) of the *PE Act* which would not necessarily result in a new licence application.

There was a discussion about how long it would take for a diligent applicant to complete the licensure process. Mr. Smith expressed skepticism that the two year time period proposed would be sufficient for most cases. Staff has approached licensing to determine how long it will realistically take for a typical applicant to become licensed and the response was nine (9) months from the date of a completed application.

PEO's enforcement personnel probably do not have the resources to track several hundred applicants as they seek licensure due to limited administrative support. Licensing does have more resources, but even they are largely applicant driven and do not have the resources to track compliance. As such, the thrust of the compliance plan is to place the onus on employers and individuals to keep PEO enforcement informed on their progress.

Staff realizes that it would not be a desirable nor realistic outcome if all non-compliant persons were to stop doing professional engineering work on the date of proclamation. It is unlikely employers could find licensed replacement personnel, but PEO expects employers and individuals to have a plan to comply with the Act within the 2 year compliance period.

Mr. Haddock admitted that if PEO was to draft a compliance plan template, then it would have to be reviewed by legal counsel before it is released generally. However, the plan is to have employers and individuals write their own unique plans so that they own it; therefore PEO will not be creating a compliance plan template.

Mr. Khadra joined by teleconference at 6:00 p.m.

Mr. Broad still felt that one of the key issues non-licensed persons will have is trying to figure out is whether the work they are doing is professional engineering. However, he did suggest that Enforcement concentrate on those persons using "Engineer" in their job title as it is more likely than not that they will have to come into compliance. Mr. Broad agreed with Ms. Sterling that the definition of professional engineering is not as vague as most people would make out. However, Ms. Sterling made the point that staff is making every effort to educate about the definition and asked the task force to concentrate both on acts within the practice of the profession and title use.

The task force agreed it will receive a seminar from Marisa and Steven to help interpret the definition of professional engineering as an agenda item at its next meeting.

Mr. Guerra joined the meeting by teleconference at 6:15 p.m.

There was a discussion about what deadline should be imposed on receiving the compliance plan. The task force was in agreement that a deadline of three (3) months after proclamation to file a compliance plan along with a licence application(s) if necessary should be sufficient.

4. Compliance Toolkit

Minor changes have been made to the toolkit. At this point, it will be distributed within PEO to P.Eng. staff and management for further comment.

Ms. Sterling agreed with Mr. Klassen that it would be acceptable for an employer to hire a consultant to do any necessary professional engineering work.

Ms. Sterling assured Ms. Mahalingam that they can include in the toolkit contact information for PEO staff to assist with any questions they might have.

5. Enforcement Flowchart

There was a discussion about the adequacy of the PEO licence application form and whether a checklist might be helpful. It was noted that trying to have a suggested form for the compliance plan received a cool reception from industry as it is really the employer and/or the individual's plan to own.

There was a discussion about what delay in the licensing process may be attributable to the applicant and which is attributable to PEO's processes.

PEO cannot make a distinction between someone who is "qualified" and someone who is licensed and accountable. Given the nature of the legislative scheme, all unlicensed persons have to be presumed to be unqualified no matter what their actual qualifications. As a result of the licensure process, the public has someone who is accountable for the work.

Mr. Shah left the meeting at 7:03 p.m.

Ms. Mahalingam left the meeting at 7:03 p.m.

It was agreed that the task force would like to meet with PEO's licensing department to determine what time frame would be reasonable before the flowchart is distributed. The task force would also like more clarification of what would constitute a hardship. Mr. Haddock conceded that if applicants are not able to get into compliance within the timelines due to systematic delays in PEO's application process, the RIETF would have to re-evaluate the two (2) year compliance period position.

Mr. Guerra left the meeting at 7:15 p.m.

It was moved by J. Lowe, P.Eng., seconded by D. Blachford, P.Eng.

That the task force make a recommendation to PEO Council to designate a staff member as the compliance plan manager once the repeal of section 12.(3)(a) in the Act is proclaimed

CARRIED

It was moved by D. Blachford, P.Eng., seconded by T. Chong, P.Eng.

That PEO Council augment the membership of the Experience Requirements Committee with engineers who have particular industrial and manufacturing engineering experience, in preparation for new applications as a result of the repeal of section 12.(3)(a) of the Act.

CARRIED

Staff agreed to work with PEO's licensing department and IT department to have application files tagged to show that they were filed in order to get into compliance with the repeal of section 12.(3)(a) of the Act.

The task force pointed out that they were concerned that the compliance timelines may allow unlicensed practice to continue and appear to be tolerated. Staff countered that unlicensed practice may continue even in the absence of a compliance plan, but from a public protection standpoint it would be better for PEO to know about it. In addition, the timelines in the compliance plan are there to make it clear that PEO will eventually step up enforcement efforts at the end of the two (2) year compliance period.

6. Election of Chair and Vice-Chair

It was moved by J. Lowe, P.Eng., seconded by P. Smith

That Peter Broad, P.Eng., be re-elected as Chair of the task force.

CARRIED

It was moved by J. Lowe, P.Eng., seconded by P. Smith

That Chris Maltby, P.Eng., be re-elected as Vice-Chair of the task force.

DEFEATED

It was moved by T. Chong, P.Eng., seconded by J. Lowe

That Duncan Blachford, P.Eng., be elected Vice-Chair of the task force.

CARRIED

7. Date of Next Meeting

The next meeting was set for Tuesday, March 27, 2012 at 5:00 p.m. at the PEO offices. A hot meal will be served starting at 4:00 p.m. in PEO's 8th floor dining room.

It was agreed that a representative of PEO's licensing department would be invited to attend the next meeting of the task force.

It was agreed that information about the "Take Back Manufacturing" initiative would be placed on the next agenda if possible.

8. Adjournment

The meeting was adjourned at 7:42 p.m.

Mr. Peter Broad, P.Eng., Chair

Mr. Steven Haddock, Secretary