

Consistent approaches to regulation—a better way to serve public interest?

The Canadian Framework for Licensure is an ambitious, long-term project aimed at reducing the diversity of regulatory practices among engineering regulators across the country in favour of a more consistent, nationwide approach.



By Michael Mastromatteo

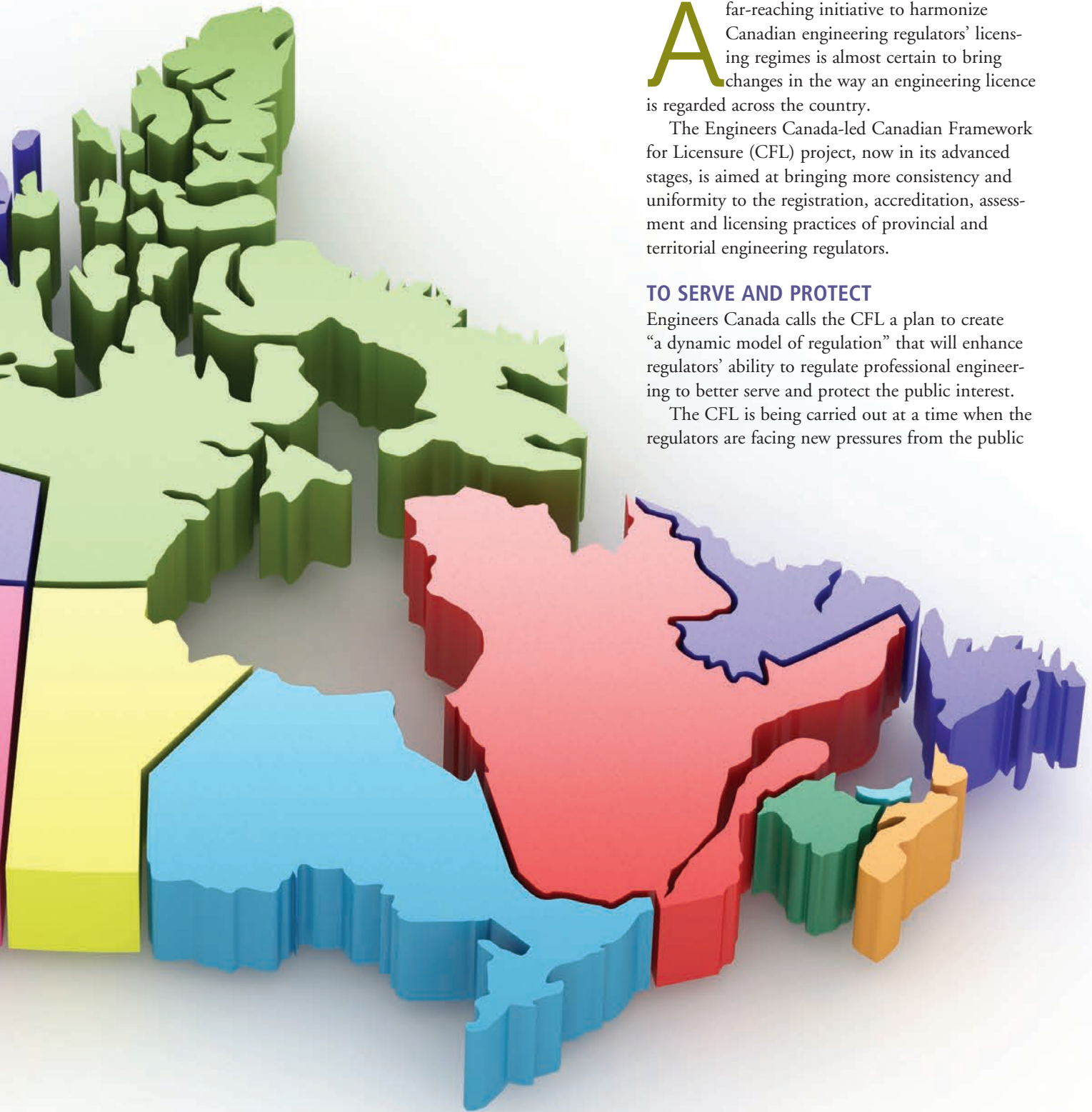
A far-reaching initiative to harmonize Canadian engineering regulators' licensing regimes is almost certain to bring changes in the way an engineering licence is regarded across the country.

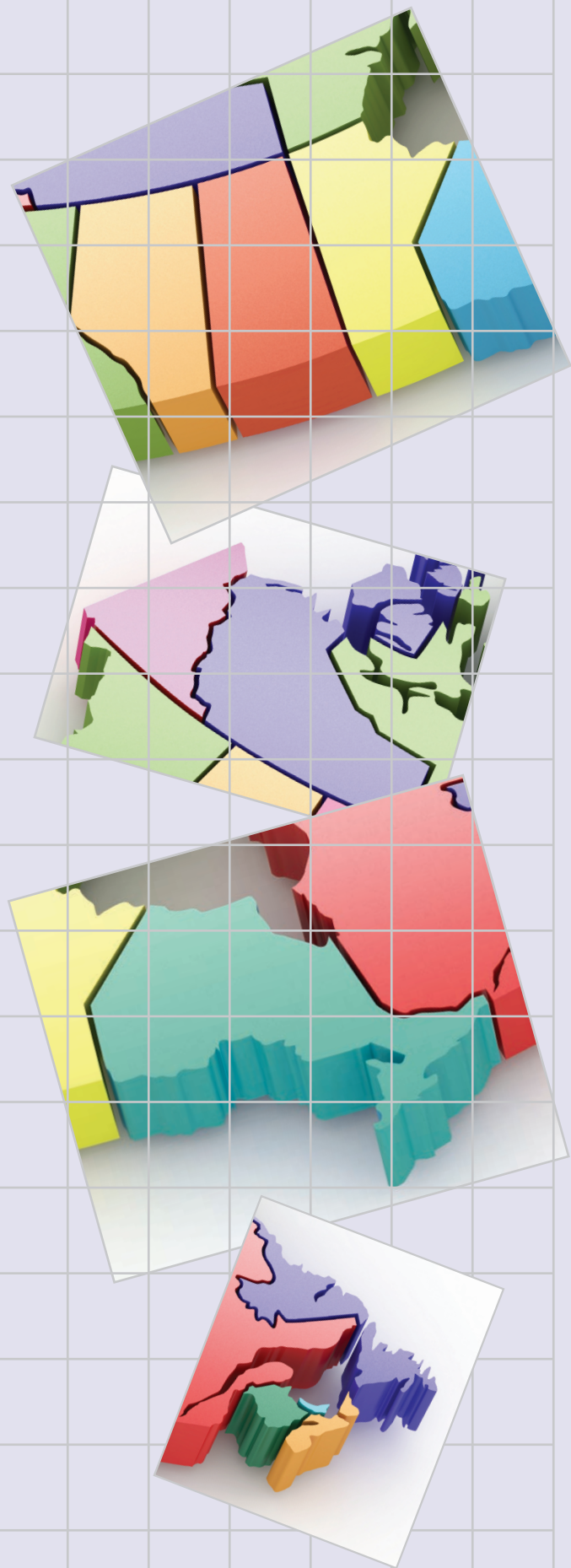
The Engineers Canada-led Canadian Framework for Licensure (CFL) project, now in its advanced stages, is aimed at bringing more consistency and uniformity to the registration, accreditation, assessment and licensing practices of provincial and territorial engineering regulators.

TO SERVE AND PROTECT

Engineers Canada calls the CFL a plan to create "a dynamic model of regulation" that will enhance regulators' ability to regulate professional engineering to better serve and protect the public interest.

The CFL is being carried out at a time when the regulators are facing new pressures from the public





and licence applicants to demonstrate transparency, accountability and fairness in their operations, and governments are mandating increased mobility of professionals across provincial boundaries.

To develop the CFL, volunteers are developing a series of “foundational documents” covering elements of licensing and regulation, which are circulated to Engineers Canada’s constituent associations (CAs) for comments. Eventually, the CAs are asked to concur with continuing development of the policy direction and key considerations of the element, via a council motion. Once elements are finalized, CAs may incorporate them into their practices or legislation as they are able to.

WHAT IT COVERS

The CFL focuses on the essential aspects of regulation, including admissions, discipline processes and continuing professional development.

Each aspect is called an “element” of the framework. The elements are based on research of regulatory best practices. Key considerations and implementation details for each element are developed collaboratively, with extensive input from the engineering regulators. When finished, these elements will form a national framework—a model that is available to any engineering regulator that wishes to amend legislation, bylaws or regulations.

Stephanie Price, P.Eng., Engineers Canada manager of qualifications, says the CFL is progressing well, with many of the project’s endorsed elements on their way to becoming operationalized through “implementation documents.”

PROVINCIAL ASSOCIATION BUY-IN

Price describes the implementation documents as blueprints for turning high-level key considerations into programs and processes that CAs, including PEO, can use in their daily operations.

Those guiding development of the CFL are now awaiting feedback from the CAs on the core functions of each engineering regulator. Among these are principles for complaints, investigations and discipline, complaint and investigation practices, the definition of the practice of professional engineering, objects of the engineering act, public identification of engineering expertise, and standards of professional conduct.

It’s expected that responses on these elements will be on the agenda for Engineers Canada’s February 2014 chief executive officers meeting.

CAs’ endorsement/concurrence of finalized foundational documents on enforcement practices and the Code of Ethics are due at Engineers Canada by January 2014, while acceptance of the foundational document on titles, rights and responsibilities is due in February.

CLC TASK FORCE

PEO’s participation in the CFL falls largely to a task force chaired by former president Diane Freeman, P.Eng., FEC. In a November interview with *Engineering Dimensions*, Freeman said the CFL has several key drivers. “The hope is that increased consistency [among regulator practices] will improve public safety overall,” she said. “This would be achieved through regulating similar high standards throughout Canada.”

She added that federal and provincial mobility legislation is requiring licensed engineers be enabled to move more freely across Canada and be licensed in new jurisdictions with fewer restrictions. “Ensuring consistently high standards for assessing the depth and breadth of academic and experience requirements across Canada will ultimately ensure that all engineers are licensed based on the same standards,” she says.

Freeman also suggested the CFL could bring more consistency to regulators’ complaints and discipline practices, lessening the perception that differing licensing requirements have led to differently qualified practitioners.

“There is a perception that it is easier to be licensed in some jurisdictions than others and that this ease results in potential public safety issues,” Freeman said. “I do not believe there is tribunal evidence to support this perception. Under the CFL, if provinces move to a more consistent framework of regulation, however, this perception can be reduced and possibly eliminated.”

MORE SUPPORT

Len White, P.Eng., CEO/registrar, Engineers Nova Scotia, says talk of licensing practice uniformity has gone back more than 10 years. He says overviews of basic registration processes identified a number of areas where regulators could become more responsive to the needs of applicants and members.

“The CFL project is an attempt to resolve those differences while developing a set of best practices for the engineering regulatory bodies,” White says. “Those best practices are developed nationally, and can be adopted by the provincial and territorial licensing bodies at their discretion. The goal at the end of the day is to build public confidence in the regulation of professional engineering, while facilitating the convergence of provincial legislation and making both licensing and enforcement easier and more effective.”

White cites the case of regulators adopting individual codes of ethics. “This has always puzzled me. Try explaining to the general public why professional ethics should be different in every province! Some would counter that this is driven by differences in provincial legislation across Canada, but I really don’t think that’s a good answer.” White adds: “Through the CFL project, a new national model Code of Ethics has been developed and is being considered by all of the associations. Nevertheless, we still have much more work to do in developing a consistent national system for engineering licensure.”

MANY BENEFITS

Mark Flint, P.Eng., CEO, Association of Professional Engineers and Geoscientists of Alberta (APEGA), agrees there are many benefits that could flow from a more cohesive and coordinated set of registration and licensing practices for all Canadian engineering regulators. “From Alberta’s perspective, it’s fair to say there is a large degree of support, both from me personally and from most of our council, to work towards an extremely mobile system in which people can move across the provinces quickly and without unnecessary bureaucratic encumbrance,” Flint told *Engineering Dimensions*. He likened the

proposed national type of engineering licence to a driver’s licence, giving holders the right to practise outside their geographic boundaries by satisfying an agreed-upon set of conditions.

SAME LEVELS OF TRAINING AND COMPETENCE

“We’re trying to ensure the public interest is best served and I think, in this particular case, the CFL serves that interest by enabling our people to do their work quickly and easily, but also by trying to reassure the public that a qualified member in one province has the same level of training, competency, and education and skill as somebody from another province,” Flint says.

Flint suggests, however, the work toward a CFL could be impeded without full buy-in from each engineering regulator across the country.

Meanwhile, the CFL is moving forward by researching regulatory best practices in such areas as discipline procedures, a code of professional conduct, and appeals of regulatory decisions. Future elements of the framework under development include:

- supervision of engineers-in-training;
- licensing, other-identification, life members, reduced fees;
- governance;
- disclosure of information in the public interest;
- geographic jurisdiction of enforcement and discipline;
- discipline and inter-association applicants—refusal to admit due to discipline;
- fee-setting power;
- relationships with other professions; and
- use of the engineering seal.

Ultimately, it is hoped the CFL will be a model of best practices for engineering regulation, says Engineers Canada, referencing all aspects of regulation and serving as a resource for the CAs. It’s also hoped the effort will help to build public confidence in the regulation of engineering, promote renewal of the profession, and increase the effectiveness of enforcement and discipline activities. Done right, the CFL should also better protect the Canadian public through consistent regulation, even as licence holders enjoy full mobility across the country.

More information about the CFL is available at www.engineerscanada.ca/status-report. Σ