

## [ IN COUNCIL ]

### COUNCIL APPROVES NEW PRACTICE REVIEW GUIDELINE, PILOT VOLUNTARY REVIEW PROGRAM

494TH MEETING, JUNE 9, 2014

By Jennifer Coombes

AT THE JUNE meeting, council approved the *Guideline for Professional Engineers Conducting a Practice Review*, a document designed for use by P.Engs who review the policies and procedures of individual practitioners, companies, organizations, departments or any entity providing professional engineering services. The primary intent of the guideline is to ensure reviews are conducted in a consistent manner, whether requested by a discipline panel or undertaken voluntarily. The document provides “guidance on the professionally acceptable manner for conducting the operation and management of a professional engineering practice,” as well as information for conducting reviews of such practices: the purpose of a review, the recommended steps to be taken in conducting one, the topics to be reviewed and ethical obligations.

Council directed the registrar to publish the guideline, and stood down the Guideline for Practice Review Subcommittee of PEO’s Professional Standards Committee, which prepared the guideline.

In addition, council gave the green light to a pilot Voluntary Practice Review Program, in which practising engineers or engineering companies will voluntarily undertake a practice review. The confidential results of the practice reviews submitted by companies participating in the pilot will help PEO determine whether a formal practice review program should be in place for Ontario entities providing engineering services and what form it should take.

#### GENERAL REVIEW COMMITMENT FORM

Council endorsed a revised form called *Owner commitment to have general review undertaken by architects and/or professional engineers* created by Engineers, Architects and Building Officials (EABO), of which PEO is a member. The form was revised to clarify that “a general review shall not commence until a permit is issued.” This wording replaces the statement: “Whereas architects and engineers are prohibited by law from undertaking general review of construction if a permit has not been issued,” which council did not support.

The “owner commitment” form is referred to in the PEO guideline *Professional Engineers Providing General Review of Construction as Required by the Ontario Building Code*, which is available under the Forms & Publications tab at [www.peo.on.ca](http://www.peo.on.ca).

#### PROFESSIONAL DESIGN COORDINATION

Council gave its support, in principle, to an amendment to the Ontario Building Code that would require a principal coordinating professional, either an engineer or an architect, to be involved in every project’s permit application. The proposal for the professional design coordination role stems from a review by EABO that concluded “the proper coordination of elements in a professionally designed building is not assured by the provisions of current regulations which apply to owners and designers. This has the potential to lead to situations where buildings will not comply with minimum regulatory standards.”

In addition to amending the building code, EABO recommends that the *Architect’s Act* and the *Professional Engineers Act* also “clearly set out the standards of practice for this function.”

The consensus among EABO’s professional association representatives is that the building code should require owners to retain and identify a principal or coordinating designer as part of the permit application process. The Ontario Association of Architects and PEO will establish professional standards for this role through regulation and/or practice guidelines.

#### EPTF FINAL REPORT RECOMMENDATIONS

At the June meeting, council reviewed peer reviews by the Complaints, Discipline and Legislation committees and the National Framework Task Force of the Experienced Practitioners Task Force (EPTF) final report. Council requested the reviews following receipt of the report and accompanying recommendations in November 2013.

The EPTF was formed in September 2011 to propose:

- i. More concise definitions of incompetence, unprofessional conduct, and conduct unbecoming a professional;
- ii. A process for sifting complaints and defining the requirements of those suitable for resolution by a simple peer review, without lawyers; and
- iii. A simple peer review process that is fair and economical, and that would be a prerequisite of such complaints before they enter the more formal adversarial area of complaints and discipline.”

Of the nine recommendations put forward in the EPTF final report, three were approved by council:

- That council acknowledge that section 72 of Regulation 941 does not need to be rewritten to provide more concise definitions of unprofessional conduct;
- That council require the registrar to provide annual caseload statistics, such as the number of open and disposed complaints, matters currently before the Discipline Committee, matters resolved by the Discipline Committee, together with the time taken at each step, starting with the date complaint is filed; and
- Stand down the EPTF.

Of the six remaining recommendations, one was not moved and five were defeated by council. Σ