

# PEO'S RELATIONSHIP WITH GOVERNMENT A TWO-WAY STREET

By Michael Mastromatteo

THE ENGINEERING REGULATOR'S relationship with the provincial government has had its ups and downs over the last 20 years. For years, the "silent profession," as engineering was widely known, went about its business of enforcing the *Professional Engineers Act* (PEA), establishing standards and regulations, and licensing new members with little fanfare and only routine contact with the government and the ministry with carriage of its legislation—the Ministry of the Attorney General.

For example, section 48 of the PEA requires PEO to report annually to the attorney general (AG), who submits the report to the lieutenant governor in council and the legislature, while one of PEO's additional objects (section 2(4)(4) of the PEA) requires the association "to promote public awareness of the role of the association." Presumably, legislators are part of this public.

However, Brendan Crawley, senior coordinator, media relations, Ministry of the Attorney General, told *Engineering Dimensions* in June 2015 the government has other means of keeping tabs on engineering regulation, citing the *Fair Access to Regulated Professions and Trades Act* with its creation of the Ontario Fairness Commissioner as a mechanism the province has developed to review the registration practices of regulated professions and trades. The fairness legislation is aimed at ensuring there are no unnecessary obstacles to internationally educated professionals (IEPs) becoming licensed in Ontario. PEO has a largely positive relationship with the provincial fairness commissioner and gets fairly positive reviews of its Fair Registration Practices Reports ([www.peo.on.ca/index.php?ci\\_id=2103&la\\_id=1](http://www.peo.on.ca/index.php?ci_id=2103&la_id=1)), although the Canadian experience required for licensing remains of concern.

The AG is also responsible for ensuring that engineering and the other professions under the ministry's purview comply with the requirements of the *Ontario Labour Mobility Act*, which supports full labour mobility for professional and skilled workers across Canada who want to work in Ontario.

In addition, the lieutenant governor in council appoints lay people to the various councils and boards of the self-regulated professions to ensure the public interest is represented. In PEO's case, up to 12 lieutenant governor appointees (LGAs) are appointed to PEO council by the government.

"The attorney general and ministry officials meet periodically with representatives of the self-governing professions [the ministry oversees] to discuss issues of mutual concern," Crawley said. "In the professional engineering context, for example, there have been ongoing discussions

on the recommendations made by the Elliot Lake Commission of Inquiry."

## ONGOING DIALOGUE

The silent profession moniker does not suggest PEO has always taken government relations work entirely for granted. The Elliot Lake Commission of Inquiry cited by Crawley is just one example of PEO liaising with the provincial government to better protect public safety. Several times over the past 25 years, the regulator has been called on to offer input and advice to various provincial ministries in the development of technically sound public policy.

In 1995, for example, PEO put together a team of engineer experts to respond to incidents of breakaway wheel assemblies on tractor trailers. The resulting PEO report in September 1995 made 11 recommendations, ranging from better training for truck mechanics to more severe penalties for operators looking to cut corners on safety and maintenance schedules.

The Walkerton, Ontario, tainted water incident in 2000, which resulted in the deaths of seven people, and the December 2003 Uptown Theatre collapse in Toronto, which killed an international student, are two additional examples of PEO being impelled by circumstances to work with the provincial government to improve public safety and close gaps in regulation.

Before the creation of PEO's Government Liaison Program (GLP) in 2005, most government relations work at PEO was carried out on an issue-driven basis, overseen by a Government Affairs Committee (GAC). PEO's government relations manager, Hanna Pilar, and then-Executive Director Peter Large, P.Eng., carried out environmental scans to stay on top of issues of public importance. If a regulatory issue concerning engineering was identified, the GAC recruited a team of experts to offer advice and recommendations to elected officials.

## ONE LASTING OUTCOME OF THE HOUSING MINISTRY INCURSION ISSUE AND BRYANT'S CHALLENGE TO PEO IS THE ONGOING WORK OF THE REGULATOR'S GLP.

Now working as manager of digital communications for the Ontario Ministry of Health and Long-term Care, Pilar believes this early government relations work succeeded in having the province look to PEO as a trusted partner.

"I think PEO's government relations work was relatively sophisticated for its time," Pilar said in April. "I think what we had was a very thoroughly thought-out process for getting submissions in. And by showing that we knew what we were talking about, [we were] getting PEO's name known within government. I think that was a very good way of doing it. We were trying to show them how good we are and demonstrate what we know."

Pilar cited PEO's involvement in a safety review of the Highway 407 express toll road (ETR) north of Toronto as an example of positive, mutually beneficial government relations. At the time, the province was committed to using the services of US-based experts for its safety review of the highway, which officially opened to traffic in 1997. By engaging with the ministry of transportation, however, PEO convinced it that a safety review of the highway was best left to a panel of Ontario engineers.

### GOVERNMENT INCURSION

Yet despite the positive track record of PEO-Ontario government interaction, in 2003 the dynamic changed when the provincial government strayed into PEO's statutory jurisdiction by way of the Building Regulatory Review Advisory Group (BRRAG), through which the Ministry of Municipal Affairs and Housing (MMAH) sought to revise and update certain elements of the Ontario Building Code.

Early on in the public consultation, PEO noticed the ministry was looking to impose additional qualifications on practitioners involved in the building design area. Because much building design work is clearly within the purview of professional engineering, and because the PEA authorizes PEO to set the qualifications for engineering practice, the additional qualifications regime proposed by the housing ministry was at odds with the PEA.

In a 2005 media release, PEO took issue with provincial ministries introducing amendments to their legislation to impose additional regulatory control over licensed professionals.

"Such additional regulatory regimes typically create conflict for the established regulatory bodies, and provide questionable enhancements to public protection," PEO states in the release.

In the months preceding the ultimate legal showdown between PEO and MMAH—a judicial review eventually won by PEO—the regulator's top officials approached then-Attorney General Michael Bryant with a message about protecting the regulator's statutory authority in matters of engineering. It was Bryant who first suggested that if PEO wanted the province to better understand the regulator's role and function, it was incumbent on PEO to educate all MPPs to that effect.

One lasting outcome of the housing ministry incursion issue and Bryant's challenge to PEO is the ongoing work of the regulator's GLP. Now entering its second decade of operations, the GLP enables volunteer engineers from each of PEO's 36 chapters to build new or strengthen existing partnerships with MPPs and other government leaders. It is through chapter GLP subcommittees that the regulator's response to contemporary issues that impact engineering regulation and public safety are disseminated to legislators across the province.

### PARTNERS IN PROBLEM-SOLVING

Supported by PEO's chapter system, the GLP engages members through a comprehensive three-pronged approach: facilitating strong, ongoing relationships between chapter members and their local MPPs; actively monitoring and taking action on policy proposals and upcoming legislation that could affect PEO and the PEA; and expressing PEO policy positions to government policy-makers.

Other hallmarks of the GLP and PEO's stepped-up government relations work are such activities as the regulator's Queen's Park receptions, and the Take Your MPP to Work days, an idea borrowed from the Registered Nurses' Association of Ontario that allows MPPs to experience first-hand a day in the life of a professional engineer.

Jeannette Chau, P.Eng., PEO's manager, government liaison programs, reported in April that PEO is taking stock of past GLP efforts to make the program even more effective.

"It's clear the GLP has been a real benefit to PEO over the years," Chau says. "It has played a key role in keeping the engineering profession top of mind with MPPs throughout the province. In fact, some MPPs are now asking us for opportunities to come out and meet engineers in their constituencies."

## [ GOVERNANCE ]

Chau adds, however, that while the GLP handles the lion's share of PEO's government relations with elected officials, there is still an important role for senior management. When the PEO president, registrar or deputy registrar feel the need to bring a regulatory issue to the attention of government, they now sit down with Chau and Howard Brown, PEO's government relations consultant, to schedule meetings and prepare briefing notes. Over the past 12 months, PEO officials have met with AG Madeleine Meilleur, cabinet members and both opposition party leaders to articulate PEO's position on matters ranging from the Elliot Lake Commission of Inquiry into the partial collapse of the Algo Centre Mall to the repeal of the industrial exception.

Meanwhile, PEO's Legislation Committee, which was resurrected in 2009, provides additional oversight and guidance on matters pertaining to the PEA, regulations and bylaws.

These meetings complement a more grassroots approach as chapter-based GLP volunteers often meet local MPPs, not only to discuss engineering in general, but also to keep regulatory and licensing issues front and centre in the policy development area.

Darla Campbell, P.Eng., chair of PEO's Government Liaison Committee, which oversees the GLP and coordinates activity, said in April that it's important for the regulator to continually review its government relations work, especially as governments at all levels strive for increased transparency and openness in their stakeholder engagement.

"Our workplan is to take a look at ways to improve the effectiveness of the overall program," she says, adding that while there have been past achievements, there are always ways to become even more successful.

The committee will also review the government relations work of other self-regulated professions to see if best practices can be incorporated into PEO's efforts.

"In some ways, government relations work is a culture shift for engineers," Campbell says. "Engineers didn't like their work being discussed in the newspapers, because it generally meant that something went wrong. But now there is an expectation that engineers can assist government in developing more effective public policy options and they have to be more prepared to talk about what they do and how they can assist the government in some of its policy options."

GLP volunteers echo Campbell's statements. Daniel Liao, P.Eng., for example, chair of York Chapter's GLP Committee, is one of the most active GLP volunteers in the province.

"Any legislated profession requires strong relationships with the government and elected officials," Liao told *Engineering Dimensions* in April. "Generally, people think that engineers

are a highly respected but inward-facing group of professionals. I try to change that perception by engaging politicians who have the capability to magnify the voice of the profession as they are most often leaders within their communities. I also became interested in GLP after volunteering a number of years for York Chapter and realizing the program's relevance in terms of public engagement, as it is essentially a top-down approach through the elected politicians, which is complementary to the rest of the chapter's activities that are more grassroots."

This kind of motivation on the part of GLP volunteers and other socially conscious engineers bodes well for government relations work going forward. It's most manifest at PEO's engineering reception at Queen's Park. Now in its 10th year, the reception is a showcase for PEO and the Ontario government to celebrate a growing partnership. This year's reception, scheduled for October 26, will be preceded by a conference featuring a government relations panel of experts who will give GLP volunteers special insight into their work. It should provide additional inspiration to these PEO spokespeople as they look to take government relations work into the next decade. **Σ**