

RISK, ACCOUNTABILITY, AND PUBLIC TRUST



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RECENTLY, my attention was drawn to an article in the June 29 edition of the *Toronto Star* under the headline “B.C. to end self-regulation of real estate industry,” with the tagline “Premier Christy Clark says a report shows that self-regulation of the industry must end because consumers are being put at risk.” The article went on to say:

British Columbia’s real estate industry no longer deserves the privilege of self-regulation and will have that authority stripped away. Premier Christy Clark announced after a damning report concluded the sector had lost the public trust. Clark said Wednesday that the province will hire a new superintendent of real estate, who will take over the rule-making and oversight powers that have been held by the Real Estate Council of B.C. since 2005. “The real estate sector has had 10 years to get it right on self-regulation and they haven’t,” Clark told a news conference. “So we are going to end the right of the real estate sector to self-regulate.”

The announcement comes a day after an independent advisory group tasked with restoring consumer confidence in the industry released a report with 28 recommendations, including hefty fines for misconduct. The report did not make a recommendation on self-regulation, but it said a self-regulatory regime works when members of the profession hold themselves and each other to a higher standard than anyone else would. “Each member of a self-regulating industry needs to be part of the compliance regime and report misconduct promptly,” it said.

Now I’m not suggesting that the engineering profession anywhere in Canada should expect the same fate as B.C.’s real estate industry. For the most part, I believe we engineers have maintained public confidence and trust for more than 90 years, and I am proud to be able to say that the engineers I know and have worked with over the years have been

exemplary in their acceptance of responsibility to serve and protect the public interest. But as Engineers Canada President Chris Roney, P.Eng., BDS, FEC, points out, this development in B.C. does reinforce the fact self-regulation is a privilege, not a right.

In our efforts to assimilate emerging disciplines, such as software engineering (which, arguably, emerged nearly 40 years ago), within the practice of professional engineering, we are often questioned what it is that distinguishes the practice of professional engineering—for which a licence to practise is required—from the practice of unlicensed people who may have similar technical backgrounds and experience. This can be an especially sensitive issue when many established practitioners in the emerging discipline lack formal education or credentials in it, having learned “on the job.” We all know folks who have studied the same subjects we studied, and who have acquired the same domain of knowledge we have, but without ever obtaining licensure as professional engineers. Most of them are probably honest, responsible people to boot. So what’s the case for licensure?

In my University of Toronto days, I often found myself trying to explain to students the extra value they would get out of an engineering degree program, as compared to an arts and science program that covered the same basic science (chemical engineering vs. honours chemistry, or computer engineering vs. computer science, for example). My answer usually included something about the additional exposure engineering students receive to the practical applications of the basic science they are studying. But for me, the biggest difference was what we sometimes referred to as the engineering method: the disciplined approach to problem solving, to defining problems and requirements properly, and to assessing and mitigating against risks of failure and harm. Almost from my very first day as an undergraduate engineering student, I was taught to think about the consequences of getting it wrong, with real examples of lessons learned by some of my predecessors in the profession to which I aspired. The difference was we engineering students were being conditioned to become

[PRESIDENT'S MESSAGE]

professionals who would have to take personal responsibility for our work and its consequences.

In the 40-plus years since graduation, I have become even more convinced that this taking of personal responsibility is the essence of professionalism. No one else is going to watch over us and catch our mistakes. The buck stops here! If we don't protect public safety, or the environment, who will? At the end of the day, it is impossible to achieve the same outcomes for society by replacing professional competence with systems of checks and balances, codes and standards, third-party inspections, or other forms of output regulation. That's why I believe our system of professional self-regulation delivers the best possible value to society when compared to other possible regulatory schemes.

So what are the implications of this questioning of the appropriateness of self-regulation—with its licensing and exclusive rights to practise—for us as professional engineers? Let me suggest a couple of things.

First, we need to promote aggressively our value proposition as licensed professionals who accept accountability for our work and its impact on public safety, prosperity, and well-being. When I think of the serious public consequences of the engineering work that is taking place daily out of sight and mind of most members of the public, I find it ironic that a government zeros in on dishonest real estate agents as putting the public at risk. We are running out of time to educate the public at large, and lawmakers in particular, of the critical role engineering plays in their day-to-day lives, and of the many ways professional engineers are safeguarding them and protecting their interest.

Second, we need to adopt systematic reviews of our respective engineering practices to identify, evaluate, and mitigate against factors in our work and our work environments that may represent risks to the public. PEO's Continuing Professional Competence Program (CP)² Task Force is developing a self-assessment tool to assist us in this task. Remember: practice risk analysis and mitigation is an essential component of professionalism in

general, and of the engineering approach in particular.

Finally, we need to increase our vigilance against and our intolerance for unethical behaviour within our ranks. It would appear that unethical behaviour, not technical incompetence, caused the B.C. real estate industry to lose its privilege of self-regulation. It is my observation that most complaints against professionals, including engineers, deal not with incompetence but rather with professional misconduct. Of the three fundamental requirements for professional licensure (knowledge, skill and character), I assert that character is the most important.

As Zig Ziglar used to say, "Folks don't care how much you know until they know how much you care." Whether we think it fair or not, we professionals must hold ourselves to a higher standard of ethical behaviour than the average member of the public if we hope to maintain public trust.

The bottom line is this: the privilege of professional self-regulation is ours to lose. So far we have enjoyed it for more than 90 years. Let's do what it takes to maintain it for the next 90! Σ

PRACTICE RISK ANALYSIS AND MITIGATION IS AN ESSENTIAL COMPONENT OF PROFESSIONALISM IN GENERAL, AND OF THE ENGINEERING APPROACH IN PARTICULAR.