

COMPETENCE ASSURANCE FOR PROFESSIONAL ENGINEERS



George Comrie
MEng, P.Eng., CMC, FEC
President

BY NOW YOU should be aware that task forces commissioned by PEO council have been addressing for almost two years the subject usually referred to as continuing professional development, continuing professional competence or professional quality assurance, with a view to recommending additional regulatory measures for adoption by council and licensees. Because this terminology seems to carry some negative baggage in the minds of practitioners, I have chosen a slightly different one for the subject—and for the title of this message—that I hope will focus readers on the real objective of such measures: assuring ourselves and the public

that we remain competent and ethical throughout our professional careers. A wise former council colleague used to say that “PEO is in the competence assurance business.” I find that observation useful when assessing PEO’s effectiveness as a regulator. So from here on I will refer to the subject at hand as competence assurance.

To my mind, competence is an amalgam of three basic components: knowledge, practice skill and character. These components are tightly interwoven and cannot be separated. And I can’t consider myself competent as a professional unless I measure up in all three areas. These are the factors we attempt to measure when assessing an applicant for initial licensure, and these are the factors by which we, as professionals, must assess our continuing competence throughout our careers.

I have also chosen to present my thoughts in the form of answers to questions I keep hearing from PEO members on the subject. But first a disclaimer: While I hope to give readers a sense of where I see us going with competence assurance and the thinking behind that direction, the views expressed are my own as your president and do not necessarily reflect the will of council. (Council is expected to discuss the issue at the November 2016 council meeting.)

WHY IS PEO CONSIDERING ADDITIONAL COMPETENCE ASSURANCE MEASURES? WHAT IS THE PROBLEM WE ARE TRYING TO SOLVE?

To begin, we’re not doing this because someone in authority has directed us to. In the Report of the Elliot Lake Commission of Inquiry, Commissioner Paul R. Bélanger recommended that PEO establish a system of “mandatory continuing professional education” for its members as soon as possible, but the commission did not hear any evidence that the tragedy might have been averted had such a program been in place for professional engineers.

There also exists no evidence of widespread incompetence or negligence on the part of licensed professional engineers. Relative to members of other senior professions, PEO members attract relatively few complaints. And in those cases that are referred to discipline, the allegations are most often of professional misconduct, not incom-

petence. In other words, the licensee knew what should have been done and how but failed to do it, or knew what not to do but did it anyway. I am satisfied that most of you take your professional responsibilities seriously, including the responsibility to keep up to date in your technical knowledge and skills.

None of these observations, however, implies that a professional regulator like PEO should not require anything of its licensees beyond their initial licensure. Knowing that life-long learning and upgrading of skills is an integral part of any skilled profession, the public has an expectation that regulators will at least monitor whether such learning and upgrading is taking place, if not mandate certain development activities, possibly even with some recertification. I can attest that former Ontario attorney general Madeleine Meilleur made it clear in meetings with PEO that she expected us to implement some form of competence assurance for licensees. She wasn’t about to tell us exactly what to do or how to do it, but she was quite insistent that we do something and was encouraged by the fact that we had a task force working on proposals.

So our problem is a credibility problem. PEO needs to be seen to be engaged in monitoring its licensees’ ongoing competence assurance activities, not simply trusting that they are taking place. It is becoming increasingly difficult to convince those outside our profession that we are self-regulating when PEO does not even know, except anecdotally, our licensees’ scopes of professional practice. Ironically, I am convinced the fact that we do not require anything of our licensees on an ongoing basis other than payment of their annual dues contributes to their apathy and indifference towards PEO. The status quo in terms of competence assurance is not a sustainable option for PEO or its members.

WHAT ARE THE CONCERNS PEO MEMBERS HAVE EXPRESSED WITH TYPICAL COMPETENCE ASSURANCE SYSTEMS? HOW IS THE PROPOSED SYSTEM DIFFERENT FROM MOST OTHER MEASURES IN PLACE TODAY?

Historically, PEO members have resisted imposition of the typical competence assurance measures that have been implemented in many other professional organizations on the grounds that they:

PRESIDENT'S MESSAGE

- Are one-size-fits-all—they do not take into account adequately the diversity of scopes of engineering practice or practice environments;
- Are formula-based—so many hours per year of different types of allowable continuing education activity;
- Force practitioners to take courses that may have no relevance to their individual practices, with associated costs and loss of earning time; and
- Are just window-dressing—they are not focused on reducing risk to the public of incompetent or unethical practice.

A PEO task force was therefore tasked with designing a competence assurance system that would be:

- Risk-based—to take into account the risks to the public associated with the individual licensee's scope(s) of practice and practice environment;
- Flexible—to accommodate the development needs of the individual practitioner, as well as different approaches to practice quality improvement; and
- Measurable—in terms of its efficacy in promoting competent and ethical practice.

I am impressed with the innovative approach the task force has developed for PEO licensees. It deals substantively with the truth that only the individual practitioner can determine what he or she needs to learn and where he or she needs to improve practice in order to remain competent. Rather than simply prescribing a fixed number of hours of specified competence assurance activity over some period of time, it attempts to engage the practitioner in an honest assessment of his or her needs for continuing education to enhance his or her practice environment, and to “sharpen the saw” in terms of sensitivity to ethical challenges.

HOW WOULD THE PROPOSED COMPETENCE ASSURANCE SYSTEM AFFECT ME AS A PRACTITIONER?

The first and arguably most fundamental change from current PEO practice would be the requirement for all licensees to report annually on their status as a practitioner—whether or not they are practising professional engineering within the meaning of the *Professional Engineers Act* and if they are, in what specific scope(s) of practice. This requirement would, for the first time in our history, provide us

with real data about the nature of engineering practice in Ontario that would enable PEO to focus its regulatory efforts on gaps in practice standards and enforcement of rights to practice. The data would also go a long way towards enhancing public and government confidence in PEO as a regulator.

The practising versus non-practising question deserves special mention. We recognize that many PEO members are, through the evolution of their careers, no longer practising professional engineering within the meaning of the act. Such individuals would not be expected to engage in competence assurance activities—at least ones related to engineering technology and practice. They would, however, be expected to complete, on a periodic basis (perhaps annually) a short online ethics refresher module that would pose cases involving ethical dilemmas. The purpose of this component is to encourage each licensee to reflect on his or her ethical obligations and how they play out in day-to-day practice. The reason that even non-practising members would be required to complete it is that the P.Eng. is not just a right to title—it is a right to practise. And unless an individual has given up that right to practise by signing a declaration of non-practising status and returning his or her seal, he or she could resume active practice at any time.

For those who report they are engaged in the practice of professional engineering, the next step would be to complete a short questionnaire on his or her practice environment. The main purpose of this questionnaire is to cause the licensee to reflect on the activities and processes in place in his or her work environment that contribute to reducing the risk of errors and omissions, and thereby enhance public safety. At the conclusion of the questionnaire, a number of hours of competence assurance activity would be suggested to the licensee, as an indirect measure of the perceived risks associated with his or her scope(s) of practice and practice environment. It is important to note that, in the process of answering the questionnaire, the respondent would be able to see the effects of putting in place quality assurance processes on the suggested number of hours of continuing education activity.

We would also want to know what activities the licensee has engaged in during the reporting period to maintain technical and professional competence, and approximately how much time and cost was involved. Once again, this information in aggregate would be invaluable in maintaining public confidence in our self-regulation.

In summary, the substantive requirement of the proposed competence assurance system is a requirement to reflect and report on what I, as a practitioner, see as my vulnerabilities to competent, ethical practice, and on what I have been doing in the past and propose to do in the future to address those vulnerabilities. I believe the benefits to our professional competence as practitioners and to our credibility as a self-regulating profession will greatly outweigh the modest cost of the proposed measure to us and to PEO. Σ