

END OF REPEAL OPENS NEW DOORS

By Howard Brown and Blake Keidan

It's fair to say PEO was disappointed when the Ontario government passed Bill 27 in March 2017, which cancelled the repeal of section 12(3)(a) of the *Professional Engineers Act*—or the industrial exception, as it is commonly known.

The industrial exception allows certain acts of engineering on production equipment or machinery to be carried out by unlicensed individuals in a manufacturing workplace.

The government had originally announced its plan to repeal the unsafe policy on October 25, 2010, in the *Open for Business Act*. But on June 12, 2013, the government removed its previously announced proclamation date of September 1, 2013, without setting a new implementation date. On March 2, 2017, the repeal was cancelled.

"We believe the government missed the opportunity to make the workplace safer," says PEO Manager of Government Liaison Programs Jeannette Chau, P.Eng. "But we have an agreement now to work directly with the Ministry of Labour going forward to have information-sharing and regular meetings to discuss best practices and health and safety issues. This, at least, is a step in the right direction."

So what happened?

On June 9, 2016, the *Burden Reduction Act* was presented in the legislature. It included cancellation of the repeal. The repeal became a topic of lengthy discussions at many formal and informal meetings with MPPs throughout the year as PEO sought to have the act amended to remove the cancellation.

On November 29, Bill 27, the *Burden Reduction Act, 2016* passed second reading in the legislature and was sent to the Standing Committee on General Government. Prior to the committee hearings, PEO met with all the MPPs on the committee over the months of December, January and February to present PEO's position and provide them with new research data from PEO's *Repeal of the Industrial Exception Data Gathering and Analysis Research Report*.

Hearings to review the *Burden Reduction Act* were held on February 22 and 23, 2017. PEO President George Comrie, P.Eng., FEC, presented on behalf of the association on February 22 and did an excellent job presenting PEO's case. He was joined by PEO Registrar Gerard McDonald, P.Eng., Past President and Chair of the Ontario Society of Professional Engineers (OSPE) Karen Chan, P.Eng., CEO of Consulting Engineers of Ontario (CEO)

Barry Steinberg, P.Eng., PEO Deputy Registrar of Regulatory Compliance Linda Latham, P.Eng., and Jeannette Chau.

"Workplace safety in Ontario is being needlessly compromised," Comrie told the MPPs on the committee. "Not requiring engineers to carry out work in this narrow area is not a red tape reduction; it's a significant missed opportunity to protect the public.

"New research has linked at least four incidents of workplace injury and [two] deaths in Ontario to this legislative exception," said Comrie. "Repealing the industrial exception is not a partisan issue, but one of good public policy."

Catherine Fife, MPP (Kitchener-Waterloo), NDP early years, childcare, economic development, employment, research and innovation critic, spoke eloquently on PEO's position and voted to remove the reference.

"After listening to delegations, New Democrats have an ongoing concern that by having those who are not engineers, who do not have the qualifications to be an engineer, to conduct their work on and in manufacturing and industrial settings—we maintain that this is still a safety concern for us," said Fife. "We've done extensive research and consultation on this issue."

On March 2, Bill 27 was presented for third reading, voted on, and passed, which means the repeal is now cancelled.

PEO made its case solidly and was successful in several other aspects. The association:

- Developed stronger connections with ministers and MPPs of all parties, in particular with the Ministry of Labour and the New Democratic Party. NDP MPPs Fife and Taras Natyshak, MPP (Essex), NDP community safety, correctional services, digital government and international trade critic, have stood by PEO's side on this issue since first writing the government in support in 2013;
- Increased public interest in workplace issues in regards to the need for more transparency in making accident data available to PEO. The Ministry of Labour will be working with PEO to provide more transparency in workplace accidents; and
- United with OSPE, CEO and the Professional Engineers Government of Ontario (PEGO) to showcase the issue and the need for support.

With a new and enhanced relationship with the Ministry of Labour, PEO will continue to work to serve the public and fulfill its regulatory mandate. [e](#)

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