

The purpose of Part "A" is to examine a candidate's knowledge of PEO functions (question 1), and the Misconduct and Ethics Codes (questions 2, 3 & 4) as found in Regulation 941, sections 72. and 77. These 2 code sections will be supplied at the examination but they should be carefully studied before the exam. Advance study will facilitate recognition of situations in the questions which may be matched to the codes, and the notating of exact code numbers and their sub-sections within the answers. Answers should be given within about 20 minutes each. During study time, try practice writing, review and re-writing, to develop a timing skill. Also try answering without aids, even using the same questions. This Study Guide may contain more material than would be expected in an answer within 20 minutes. The references given below are from the PE Act, or Regulation 941 (R 941). These references are here for study purposes only, and are not anticipated in an answer, except for 72. and 77.

1(a) Only 3 answers required, here are all given for study purposes:

Discipline Committee, can, beside revocation and suspension:

limit professional work; impose terms and conditions (including courses); impose restrictions (including work under supervision, not engage in practice alone, submitting to inspection and reporting); reprimand; revoke or suspend consulting engineer designation; fines up to \$5000; publish findings; payment of incurred costs; suspend or postpone penalty on terms. PE Act sect 27.(4)

1(b) The services offered by the Limited Licence holder are limited to those specified in the Limited Licence (Reg. 45(1)) scope of work.

1(c) Sigma requires to have a P.Eng licence, or a temporary licence issued by PEO, in order to do engineering work in Ontario. It is possible that he will be required to have a collaborator registered in Ontario. PE Act Sect 12(1).

Sigma's firm requires a Certificate of Authorization C of A. C of A is necessary in order to offer services to the public. PE Act 12(2)

1(d) The principal object of the Association is to regulate the practice of professional engineering in order that the public interest may be served and protected. PE Act sect 3.

2(a). You cannot take the work without telling Black.

-Your obligations toward Black: you are not allowed to review work of another engineer working for the same employer unless the connection of the other engineer with the work is terminated (not in this case), or the other engineer has knowledge of the review 77(7)(ii).

- Your obligation towards EngInc. You have the duty to be a faithful and loyal agent of your employer 77(1) and 77(3) and cannot notify Black of the review without White consent due to confidentiality 77(3).

- What do you tell White. You must explain to White that he cannot ask you to breach the law.

As a professional engineer you must obey the law and despite the ethic dilemma you cannot review Black's work without his knowledge. Also, White who is a P.Eng is behaving unethically by asking you this.

2(b)

- Black's conduct was disgraceful and unprofessional, 72.(5)(j). He should have treated Big Guy, his firm client, with courtesy, loyalty and he should have tried to respond positively to Big Guy's requests 77(1) and (3).

- Black should have explained to Big Guy why his design was better and should explain potential problems that can arise with other designs. 72(2)(f).

3(a) My obligations to the public

If you agree to accept to start the production line knowingly that there are 3% error rates in labeling, as instructed by BigPharma email, you can be accused of professional misconduct as negligence 72(2)(a), as failure to safeguard life, health and property of public, 72(2)(b) and as failure to act to correct a situation that may endanger the safety of public 72(2)(c).

Also the ethic course of action is to act with fidelity to the public needs 77(1)(ii).

Public interest discussion:

This question is typical of ethics dilemma: the interest of the sick people that will benefit from the new drug, versus the risk caused by mislabeling. A risk assessment is necessary to investigate risks versus benefits. Must consider the benefits of the new drug, i.e. it is used in treating life threatening disease or chronic disease, or is a preventive drug. Based on the finding, maybe postponing the production start-up is justified. Also maybe there is a stop gap method of checking the labels until the system can be fixed, in order to reduce the error. What are the risks caused by mislabeling? Based on the results of this inquiry the benefits to sick people versus endangering healthy people can be weighted.

(b) duty to the client and employer

You must act with fairness and loyalty to your employer Great and to your client BigPharma 77(1)(i), also you have a duty of confidentiality and you must be a faithful agent 77(3). So following these duties it looks that you must follow the Big Pharma request, but you cannot engage in disgraceful and dishonorable conduct by accepting the solution proposed by BigPharma 72(2)(j). You must warn BigPharma and also your company Great of the consequences of this action 72(2)(f).

(c) Course of action

Again the ethical dilemma; there is a clear conflict between your duty to public and the duty to your company and client. But the duty to the public is paramount 77(2)(i). You have to try to convince the client and you company to cooperate in solving the problem without jeopardizing public safety. If BigPharma insists to start the production line without correcting the labeling system, you must inform the authorities (whistle blowing).

(d) Consequences

If you did not fulfill your duty to the public by stopping the start-up of drug production line, you are in breach of code of ethics and discipline for professional misconduct.

The promise of BigPharma that it will assume responsibility for any liability did not excuse yourself of not following the code of ethics, also will not have any bearing in your professional misconduct.

4 This is a case of moonlighting and conflict of interest.

(a) Working arrangement, weekends and evenings (W & E) - this is 'moonlighting'. I should:

- satisfy myself the outside work will not interfere with my employment at TestCo.
- confer with my day time employer to ensure there is no objection
- give a written document to the W & E employer about my status as a daytime employee
- give a written document to the W & E employer about limitations on my outside work, 77.5.
- recognize if I do not do these things, it is a breach of ethics but is not subject to discipline, 72.(2)(g).

(b) New Product, how to test

- I should decline this assignment because of a conflict of interest, which could be construed as prejudicial to my judgment as an employee of TestCo, 77.3. and 77.4.
- To decline would also be fairness and loyalty to the client, 77.1.(i).

Perhaps there is another employee at TestCo who could do it. As an option, my supervisor might oversee the full test with me involved, and be satisfied no conflict of interest has taken place, 72.(2)(i).

(c) PEng Licence, is more needed?

- a PEng licence by itself is not sufficient since the outside services are essentially being offered to the public. I should apply for and hold my own Certificate of Authorization (C of A), PE Act section 12.(2), otherwise I would breach the Act and be subject to misconduct, 72.(2)(g).

Alternatively, an outside employer may have a C of A and I might perform services under that C of A as a contract employee. However, it would be better to have my own C of A.