

PEO RENEWAL: IN THROUGH THE OUT DOOR

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As I look back on my past year as PEO president, I reflect on the challenges facing the association, its future and what's required to position ourselves as an effective engineering regulator as we move into the third decade of the 21st century.

In my July/August 2018 column, "Is it time to self disrupt?" (p. 6), I examined the growing public distrust in many professional regulators' ability or will to effectively oversee their licence holders. I pointed to several media and government investigations of Canadian regulators—lawyers, doctors, nurses and engineers—that suggest some regulators are perceived to be less than transparent in their regulatory processes, notably those around complaints and discipline. This growing distrust reflects increasing public attitudes that many regulators are not taking the privilege of self-regulation seriously and are more concerned with protecting their members than the public. I posited the idea that PEO should disrupt itself now while we're not under the microscope—ensuring we're doing all we can to confirm our regulatory processes are sound and transparent—before outsiders do it for us.

Unfortunately, that time has come sooner than expected; we are now facing scrutiny thanks to November 2018 letters to Ontario Attorney General Caroline Mulroney from Consulting Engineers of Ontario (CEO) and the Ontario Society of Professional Engineers (OSPE). The letters charged that PEO Council is too preoccupied with day-to-day operations than the strategic direction of the organization. They also suggested PEO has lost its regulatory focus and spends too much time and resources on non-regulatory activities that are not aligned with the objects set out in the *Professional Engineers Act* (PEA).

Now that PEO is officially "on the radar" of our boss, the attorney general, the need for change is urgent. We must get our house in order and refocus on our regulatory role before we're ordered to do so by government—as has happened to our engineering regulatory colleagues in Quebec and British Columbia. As I suggested in my July column, PEO is currently undertaking a regulatory performance review that will assess PEO's performance against our statutory mandate and legislative requirements, our internal policies and the standards of good regulation across our core regulatory functions (licensing and registration; complaints; discipline; compliance and enforcement; and professional standards.) The review is being led by Harry Cayton, an international advisor to the United Kingdom-based Professional Standards Authority, an organization recognized for their expertise in developing international standards for regulatory effectiveness and applying them to professional regulatory bodies around the world. The review will



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provide an honest appraisal of our regulatory effectiveness to ensure we perform them well. We owe it to ourselves and the public we protect to measure our performance and bridge any gaps that are identified.

The review will take four months to complete, with a final report issued in June. The report will be made public on the PEO website.

While we lay the groundwork for regulatory renewal, we must also start seriously thinking about the future of engineering in all its forms and PEO's ability to oversee it all. In my last column, I noted PEO's regulatory focus on licensure and enforcement is proving limited in its capacity to regulate the full gamut of engineering in Ontario, especially in an age when technology is advancing exponentially. In our current form, we simply can't enforce licensure and exclusive rights to practice in a time when new disciplines and technologies are emerging regularly.

Regulating engineering in this new environment will likely mean exploring new regulatory models, such as the entity regulation model now gaining traction among Canadian legal regulators. That model focuses more on regulating the entity providing professional services, in addition to regulating the individual professional, and requiring the entity be accountable under the PEA.

Whatever model we adopt, it must be driven by public demand. Amid all the emerging disciplines creating new technologies, the public interest must remain paramount. If the public doesn't see a PEO logo on the bottom of an organization's website, they will look elsewhere to those who do—confident that the P.Engs they're dealing with abide by a code of ethics, providing product or work with honesty and integrity and are ultimately accountable to PEO.

PEO is approaching 100 years regulating engineering, and it's time for renewal. I believe the regulatory review is our starting point—a cornerstone on which to build a PEO that's up to the task of regulating modern engineering. I'm proud of having achieved this first step, but it's now up to incoming presidents and Council—as well as PEO licence holders—to build from here. **e**