

COUNCIL APPROVES PUBLIC RELEASE OF ITS EXTERNAL REVIEW

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528TH MEETING, JUNE 20–21, 2019

At its June meeting, Council accepted the report *A Review of the Regulatory Performance of Professional Engineers Ontario* submitted by Harry Cayton, international consultant to United Kingdom-based Professional Standards Authority (PSA) and approved a motion to make it available publicly no later than June 27, 2019. The report—which is now available on PEO’s website at www.peo.on.ca/index.php?ci_id=33533&la_id=1—comes after PEO commissioned Cayton in September 2018 to assess its performance as a regulator (see “PEO undergoes external review,” *Engineering Dimensions*, January/February 2019, p. 8) and includes 15 recommendations for improving PEO’s performance based on the standards of good regulation developed by PSA covering three regulatory activities: licensing and registration; complaints, discipline, compliance and enforcement; and professional standards and guidance.

The review found that PEO meets one out of seven standards for licensing and registration; six (and partially meets one other) out of 11 standards for complaints, discipline, compliance and enforcement; and one (and partially meets two others) out of four standards for professional standards and guidance. The 15 recommendations are:

1. PEO should review all its committees, subcommittees and working groups to ensure they are both necessary and fit for a regulatory purpose.
2. PEO should clarify the roles of Council members, staff and volunteers. It should delegate more operational decision-making and responsibility to executive staff and streamline its internal accountabilities, policies and procedures.
3. PEO should consider if its chapters are either necessary or desirable in delivering its functions as a regulator and should redirect its financial support for them to its core regulatory functions and activities.
4. PEO should implement all the recommendations of the Office of the Fairness Commissioner in his report of 2014 and his subsequent letters. It should consider the way it uses negative language about everyone who is not a licensed P.Eng. and describe people as what they are rather than as what they are not.
5. The process for application for a professional engineering licence should be simplified and speeded up; the discriminatory aspects of written examinations, a Canadian year of experience and face-to-face interviews should be discarded. Appeals against refusal of licence should be made available on request of the applicant, who should be provided with legal support in the event of an appeal hearing.
6. PEO should review and revise all its current licensing categories and designations and eliminate those that do not directly contribute to protection of the public/serving the public interest.
7. The public register of licensed engineers and other public directories published by PEO must be complete and kept up to date. Currently they are neither.
8. Licensed engineers employing another engineer should be required as a matter of good practice to check their registration status. PEO should promote to employers and the public the

value of checking the register before engaging an engineer.

9. PEO should establish a formal process for keeping engineering standards up to date and relevant to contemporary practice in all the fields of engineering that it aims to regulate. PEO should engage fully with setting standards as well as with guidance. PEO should be clear about the enforcement of guidance in complaints and discipline.
10. PEO should revise its Practice Evaluation and Knowledge (PEAK) program to ensure it is proportionate and outcome focused and achievable by licensed engineers. It should then make participation in this continuing professional development program mandatory for licensed engineers.
11. PEO should review its approach to complaints and discipline. In particular, it should:
 - take a more confident approach to the interpretation of its legislation, seeking to protect the public rather than itself;
 - enforce guidance;
 - pay more regard to professional conduct and ethics, as breaches of these bring the profession and its regulator into disrepute; and
 - give fuller reasons for disciplinary decisions and publish them.
12. Members of the Complaints Committee and the Discipline Committee should not be drawn from the members of the Council. The members of these committees must be able to make judgments independent of the interests of PEO Council.
13. PEO should commission a full digital strategy for the organization. This should include implementation of an electronic case management system and a database to manage licence and certificate of authorization applications, continuing professional development and complaints and discipline. It should aim for automation of processes. In the meantime, it must improve the security and confidentiality of paper files.
14. PEO should work with the attorney general’s office to seek changes to its statute to modernize its organization and regulatory powers.
15. Council should assess and implement these recommendations. It should require an action plan and timeframe for implementation from its executive staff. When it approves the action plan, Council should commit the necessary resources to deliver it.

At its June meeting, Council also directed the registrar to develop a high-level action plan for PEO to act on the above recommendations for consideration at the September Council meeting. [e](#)