

Policy Title: Enforcement
Issue Date: January 2005
Approved by: Council

Review Date: December 31, 2009
Review Responsibility: Registrar
Function: Regulatory Compliance

The Policy Statement	<p>PEO will take action against individuals or entities who are not licensed, who practice professional engineering or offer professional engineering services to the public. In addition, PEO enforces against those who may misrepresent themselves as professional engineers or use the reserved titles defined under Section 40 of the Act.</p> <p>Enforcement (Compliance) action taken by PEO can range from something as simple as a letter directing compliance with the licensing and Certificate of Authorization (C of A) provisions of the Act, up to and including instituting legal proceedings against offenders.</p>
Rationale Statement	<p>The Association of Professional Engineers of Ontario (PEO) is established under the Professional Engineers Act (the Act) to regulate the practice of professional engineering in the province, in order that the public interest may be served and protected. One way in which PEO carries out this mandate is by enforcing the Act against individuals or organizations who may be illegally practising or offering to provide professional engineering services to the public; or misusing the term "Professional Engineer" and other engineering titles.</p> <p>The Enforcement policy has been created to formalize and guide the enforcement practices followed by staff in administering the respective sections of the Act</p>
Responsibilities	<ul style="list-style-type: none"> • Staff are responsible for administering the enforcement activities of PEO, including informing any person or entity who reports an alleged enforcement violation of the outcome of the investigation. • The Enforcement Committee acts as an advisory body to the CEO/Registrar on policy matters relating to operational aspects of enforcement.
Exceptions	<p>The Deputy Registrar Regulatory Compliance will answer specific questions and approve actions to be taken</p>
Who Should Know This Policy	<ul style="list-style-type: none"> • Staff should adhere to the policy and follow its procedures in enforcing the Act • Staff should understand the policy in order to answer queries from members of the public related to enforcement matters • Members should understand the policy in order to report matters to staff for investigation and action
Related Documents	<p>The <i>Professional Engineers Act</i></p> <p>The restrictions on who may practice professional engineering or engage in the business of providing professional engineering services to the public, together with exceptions, are found in section 12 of the Act, and set out two regimes (Licence and Certificate of Authorization).</p> <p>The legal remedies available to PEO against persons or entities who violate the Act are found in Sections 39 and 40 of the Act.</p>
Definitions	<p>The practice of professional engineering is defined in Section 1 of the Act.</p> <p>Enforcement is action taken against individuals or entities who are not licensed, who practice professional engineering or offer professional engineering services to the public, who misrepresent themselves as professional engineers or use the reserved titles defined under Section 40 of the Act.</p>
Exclusions	<p>Section 12 of the Act</p>

Procedures	<p>All inquiries and complaints received are reviewed and investigated by staff. A determination is made as to whether the inquiries/complaints are a matter of concern to the PEO or whether they constitute a clear violation of the Act.</p> <p>PEO's policy with respect to matters of concern is to contact the offenders, educate them as to the enforcement provisions of the Act, give them "a reasonable chance to comply" with the legislation and negotiate a satisfactory settlement. Legal proceedings are only utilized as a last resort where there is no cooperation from the offenders and where there is compelling evidence of an offence.</p> <p>In cases which are clear violations of the Act, and evidence is available (i.e. good documentary evidence and/or convincing witnesses), PEO policy is to commence legal proceedings without delay.</p> <p>In addition to investigating and acting on complaints, PEO undertakes the following proactive activity:</p> <ul style="list-style-type: none">• Ongoing review of Yellow Pages Advertising;• Review of newspaper job advertising and construction reports;• Web Site review;• Review of new corporate names;• Chapter initiatives and outreach;• Government and corporate initiatives• Review of Ontario licence status of engineers residing in Ontario who are members in other provincial engineering associations;• Assisting in the ongoing proactive efforts of the Enforcement Communications Plan.
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