



# Minutes

The seventy-fifth meeting of the Enforcement Committee held on  
Tuesday, September 15, 2015 at 1:30 p.m., PEO Offices

- Present: Peter Broad, P.Eng. (Chair)  
Roger Barker, P.Eng. (Vice-Chair)  
Don Marston, P.Eng.  
Stephen Georgas LL.B., P.Eng.  
Gary Houghton, P.Eng.  
Solomon Ko, P.Eng.  
William Jackson, P.Eng.  
Ajai Varma, P.Eng.
- Council Liaison: Ewald Kuczera, P.Eng.
- Staff: Linda Latham, P.Eng. (Staff Advisor, Deputy Registrar)  
Steven Haddock (Enforcement and Advisory Officer)  
Maria Iannone (Administrative Assistant)
- Regrets: Edward Poon, P.Eng.  
Joe Adams, P.Eng.

## 1. Welcome and Call To Order

The Chair, Mr. Broad, called the meeting to order at 1:30 p.m. with a quorum of 8 and welcomed everyone.

## 2. Approval of Minutes of July 21, 2015

**Motion #1: That the Enforcement Committee minutes dated July 21, 2015 be approved,**  
Moved by Stephen Georgas, P.Eng., seconded by Roger Barker, P.Eng.

**CARRIED**

## 3. Approval of Agenda

**Motion #2: That the Enforcement Committee agenda dated September 15, 2015 be approved.**  
Moved by Roger Barker, P.Eng., seconded by Ed Poon, P.Eng.

**CARRIED**

## 4. Committee Membership

- a. Prepare 2016 Committee roster for approval

Mr. Haddock commented that Council will require confirmation of members who are going to continue so they can proceed with the approval of members.



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Mr. Broad commented that he will be meeting with Chris Kan of the Advisory Committee for Volunteers and will discuss members rotating between committees at that time.

Mr. Haddock commented that Council Policy is to hold Chair/Vice Chair elections at the Committee's first meeting in January, submit the results at that time for Council approval at their next meeting.

Mr. Jackson suggested to request a change in the policy to have the elections held at the last meeting of the calendar year. That way if there is a change with the Chair or Vice-Chair the incoming Chairs would be up to speed at the time they take over.

Ms. Latham suggested that Mr. Broad raise this at the Committee Chairs Workshop when meeting with Chris Kan and share the Committee's desire to bring a motion to Council to review the timing of elections.

**Motion #3: Submit a formal request to Council to propose this policy change for all non board committees and take it to the Advisory Committee for Volunteers.**

Moved by Mr. Jackson, P.Eng. seconded by Mr. Varma, P.Eng.

**CARRIED**

b. Timing of election of Chair and Vice Chair

Mr. Broad asked members if they would like to continue on as members. All agreed to remain on the Committee.

c. Volunteer Rotation

Mr. Barker suggested to review voluntary rotation across all committees at the next meeting.

Mr. Broad suggested to change the policy next year into a formal policy.

Mr. Jackson commented that members should not be on the Committee for a short term.

## 5. Council Liaison Update

Mr. Kuczera commented Council has not met since the last meeting and will be meeting on September 25<sup>th</sup>.

Mr. Kuczera commented on the following:

At Council's plenary session on September 24<sup>th</sup> there will be a presentation on the Continuing Professional Development Competency and Quality Assurance Task Force, the Legislation Committee and the Ontario Centre for Engineering and Public Policy.

Upcoming Town Hall meeting will emphasize the Elliott Lake Commission report findings and recommendations.



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At the open session of Council, the Licensing Committee will be bringing forward some position papers regarding rationale for the Technical or Confirmatory examination program and Canadian experience requirement for Licensure.

There will also be a motion to rescind a number of Council motions that were reviewed by the Legislation committee that relate to the Certificate of Authorization and the Licensing Process Task Force, that are no longer valid.

There will be a report on Election matters and a motion for default print edition of Engineering Dimensions for license holders.

Mr. Broad expressed interest on the Specialist Designation on how do we define specialist.

Mr. Kuczera commented that we are breaking new ground in this area if we proceed in this direction as it would be exclusive rights for an individual and that is not the case with any other professions. The particulars have not been worked out at this point.

## **6. Work Plan – Policy Issue A (Reporting)**

Mr. Ko discussed implications of whistle-blowing and would like to continue reviewing, revising and revisit at a later date.

Ms. Latham commented that there is a continuing effort to ensure that information on PEO's website is accurate and up to date.

Ms. Latham commented that if it is the Committee's desire to provide a 'Guide to Enforcement Reporting', then that is something that staff can undertake. We can make best efforts to commit to generate a draft Enforcement Reporting guide for the Committee to review at its next meeting.

Ms. Latham commented that the term 'Enforcement Reporting' ought to be used distinctly from 'Whistle-blowing', which implies reporting from within an organization, and puts the informant at some kind of risk. Most of the times the tips that come to PEO are not whistle blowing; they are people from the public who are checking to see if a person is an engineer. That is enforcement reporting. About 95% of the time we can achieve compliance, and the confidentiality of the complainant can be maintained. This is what we would like to say in the brochure. For the enforcement prosecutions that go to court where we need a witness, that's when the enforcement reporting person may be required to be a witness, and their participation is no longer confidential. This is what we would like to carefully state in the enforcement guide. Ultimately most of the time confidentiality is maintained.

Mr. Haddock commented on the previous brochure and Licence Please which unfortunately are out of date and would be expensive to redo. To update the web we would have to get communications involved.



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Mr. Broad commented on confidentiality. If something is brought forward to PEO we can say we did our own investigation and shield the whistle blower to a certain extent but that whistle blower may still have to take that stand. One of the comments when OSPE was formed was that they would be the Engineered Professional Union and they would shield the Engineer to a certain extent. Before we go further we may want to ask OSPE what their view is on this at the present time in a formal letter and if they are proceeding on this and what is the status.

**Action: Mr. Haddock to prepare a draft Enforcement Reporting guide for the next meeting for review.**

## 7. Work plan – Policy Issue B (Legislated Powers)

No update at the present time

## 8. Work plan – Policy Issue C (Definition of Professional Engineering)

Mr. Broad commented that there are no further updates at this time.

## 9. Work plan – Policy Issue D (Examples of Engineering)

Mr. Varma had no further information at the present time.

## 10. Repeal of the Industrial Exception

Steven commented that he has not personally had a lot of involvement but has been assisting our student Gleb who has been travelling in the summer all over Southern Ontario gathering evidence relating to Ministry of Labor prosecutions that is only available from courthouses. Marisa Sterling is continuing to manage the Repeal research project to its conclusion. We expect to have this completed by the end of the year. The Committee may be asked to review the information received.

Mr. Broad commented that Engineer of Record is a term we don't have in Ontario, no one signs off. What is the current PEO's thinking? Should there be an Engineer of Record and should it be something PEO should put to the Ministry as a good idea.

Mr. Kuczera commented that there is no Guideline or Legislation at this time for a position of Engineer of Record.

## 11. Other Business

a. Committee to provide ideas for 2016 work plan and review revised work plan for Equity and Diversity.



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Peter commented that the work Mr. Jackson, Mr. Varma and himself trying to define engineering has come to a standstill. Subcommittee will be looking ahead to where we should be going from November once we get a feedback from Council and Ministry of Labor from the Algo Mall discussions there may be areas Enforcement should look into where this is going. Where PEO should be acting more aggressively and where we might be more effective moving ahead.

Mr. Haddock commented that PEO's general policy is to seek compliance. Setting priorities is important and would like to move forward with more cases.

Mr. Haddock commented that an Act change initiative is being started by policy, who will be keeping a log of act changes. This will begin October 1<sup>st</sup>. There are 4 initiatives for project. This covers our four projects that review business names on an ongoing basis – Business Names, Corporate Announcements, Lapsed Authorizations and Name Consents. In addition, we also give responses to complaints (Outside Inquiries) about business names that come to our attention outside of these projects.

Mr. Barker commented that he feels that we should be looking at ideas for what the Committee should be doing next year and what the Subcommittee should be focused on.

Mr. Barker asked Mr. Haddock if there were areas where the Enforcement Committee could assist or advise staff in their enforcement activities that could be included in the 2016 Work Plan.

Mr. Haddock commented there are approximately 6 issues that need to be looked at with the Ministry of Consumer and Commercial Affairs at the present time. Also have more clarity for people to obey the law.

Mr. Haddock stated that he is compiling a file of issues that we have with the Ministry of Government Services. In addition, although there are automatic warnings that come up when you register online, they aren't very direct. I've never seen one, but it merely says you may need to get our permission to use the name, but it lets you register anyway. Some of the issues are:

- No prohibition against re-registering a name that has already been struck
- No prohibition against registering a business name after changing the corporate name.
- Decisions in our favor aren't always followed up with actual changes to the registry
- When we make a fuss about moving a challenge forward, we are ignored. When a registrant makes a fuss, they get moved to the top of the list
- Lengthy time until hearing (about 3 years for corporations)
- Lengthy time for decisions (6 months and counting)
- Registrant voluntarily cancelled a registration (properly) yet it still shows up

Mr. Barker inquired if there was any feedback from the Committee on the Work Plan for 2016.

Mr. Broad commented that we have had some input but no decision has been made.



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Ms. Latham commented it's difficult to come up with work plan items. Staff are always happy to provide suggestions for work plan items reflecting a staff point of view, and would provide suggestions to Mr. Barker over the next couple of weeks.

Mr. Marston suggested Engineering Canada Certification status might appeal to manufacturers in terms of the export business or otherwise. Fixed fine arrangement with potential government sanction if fines are not paid plus discretion in Council to take it further.

Mr. Georgas commented what he perceives the problem that Mr. Haddock is having in Enforcement to Business names that if there is a mechanism in place at Government level to pre screen Business names before its registered and do it at a regulation level.

Mr. Haddock commented stating that the mechanism already exists, but isn't working.

Mr. Jackson suggested that the Committee might want to consider looking at counterfeit seals and their impact. Consider looking at a policy document on how to replace the existing seal.

- b. Review the Professional Engineers Act and identify problematic section to establish an Act changes log

No update at this time

## 12. Attendance

Edward Poon and Joe Adams absent

## 13. Next meeting

Remaining 2015 meeting dates were confirmed as follows:


- Tuesday, November 17<sup>th</sup>

## 14. Adjournment


**Motion #4: To adjourn at 3:52 pm.**

Moved by Mr. Jackson, P.Eng., seconded by Mr. Varma, P.Eng.

**CARRIED**

  
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 P. Broad, P.Eng. – Chair

  
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 M. Iannone – Secretary

  
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 Date