



# Minutes

## LEGISLATION COMMITTEE MEETING

Friday, February 13, 2015 - 11:00 a.m.

PEO Offices - Room 1A

### Members:

Annette Bergeron, P. Eng.

George Comrie, P. Eng.

Roydon Fraser, P. Eng. *[via teleconference at 11:40 a.m.]*

Sharon Reid

### Regrets:

Bob Dony, P. Eng. (Chair)

Dave Adams, P. Eng. (President; Ex-Officio Member)

Thomas Chong, P. Eng. (President-Elect; Ex-Officio Member)

### Staff:

Josie D'Aluisio, Administrative Assistant

Bernie Ennis, P. Eng., Director, Policy and Professional Affairs *[at 12:15 p.m.]*

Jordan Max, Manager, Policy

Johnny Zuccon, P. Eng., Deputy Registrar, Tribunals and Regulatory Affairs

**[NOTE:** *The items in the following Minutes are recorded in the order in which they were addressed at the meeting.]*

# 1. PROCEDURAL

## 1.1 Opening Remarks

By consensus, G. Comrie was appointed Acting Chair of the meeting in the absence of Chair B. Dony.

The Acting Chair called the meeting to order at 11:30 a.m., and welcomed and thanked everyone for attending.

## 1.2 Approval of Agenda

The members were asked if there were any additions or changes to the agenda. No additions or changes were provided.

A motion was made to approve the agenda as written.

**Moved by: A. Bergeron                      Seconded by: S. Reid                      CARRIED**

## 1.3 Approval of Minutes of January 9, 2015 Meeting

The members were asked if there were any additions or changes to the Minutes. No additions or changes were provided.

A motion was made to approve the Minutes of the January 9, 2015 meeting as written.

**Moved by: S. Reid                              Seconded by: G. Comrie                      CARRIED**

## 1.4 Action Items Update from January 9, 2015 Meeting

The members were referred to the Actions Items Update document included in the agenda package.

It was noted that Items 1.4 (a) and (b) are still outstanding due to more recent priorities and will, hopefully, be ready for the March 2015 meeting. Item 1.4 (c) will be addressed when the Professional Standards Committee resolves the "Prime Consultant" issue.

J. Max noted that Items 2.1 and 4.2 are waiting for the President and Registrar to sign the Regulation approved by Council on February 6, 2015, after which time the Regulation will be forwarded to the Attorney General for Cabinet approval sometime in March 2015. At the advice of the Deputy Registrar, Licensing and Finance, the LL/LET components of the Regulation change would come into effect on July 1, 2015 to allow for final implementation preparations in

conjunction with OACETT, whereas the rest of the Regulation changes would be effective on proclamation (approximately 3 weeks after Cabinet approval).

With respect to Item 3.1, as Council had approved the recommended actions for the Registrar and Professional Standards Committee, they would be carried out, but there were no action items for the Legislation Committee's further attention.

## 2. FOR DISCUSSION

### 2.1 Follow-Up to Members in Good Standing

The members were referred to the document included in the agenda package.

J. Zuccon reminded the members that, although the Committee had discussed this item in May 2014, the Secretariat is still recording the action on it as incomplete, and asserting that the Committee is required to deal with it.

After reviewing and discussing at some length the background material assembled by staff, the Committee came to the same conclusion that it reached in May of 2014, namely, that Council did not provide appropriate direction as it did not pass any motion and did not make clear the policy intent behind defining "member in good standing", especially in terms of what restrictions should be placed on members who do not satisfy the definition, and whether this was to be applied to Councillors, Chapters, all volunteers, or all members. It was, however, noted that the notion of "members in good standing" is used externally in inter-association "transfers" under our mobility agreements and in two pieces of external legislation in Ontario to define a "professional engineer".

The Committee agreed to:

- (i) Have staff verify with the Attorney General, for the next Legislation Committee meeting, that PEO has the legal authority to define "member in good standing" (and if so, where), as well as the term's usage in other pieces of legislation.
- (ii) Have staff ascertain, for the next Legislation Committee meeting, if having the definition is important to PEO's Licensing and Registration functions.

Assuming a positive response to (i), the Legislation Committee would pass the item to ACV, CESC, RCC, and HRC for policy input, specifically as to whether or not there remains a compelling need to define "member in good standing", and what restrictions should be placed on members who do not satisfy the "good standing" criteria.

**Action:** Staff to contact the Attorney General’s office to verify if PEO has the authority in the Act to define “member in good standing” and to report back to the Committee at the next meeting.

**Action:** Staff to seek input from the Licensing and Registration Department regarding the importance of “member in good standing” to PEO’s licensing functions.

**Action:** Staff to review how the matter was reported to the 2014 AGM as a follow-up on the AGM submission the previous year, and to report back to the Committee at the next meeting.

## 2.2 Anti-Harassment Policy - Removal of Councillor

The members were referred to the document included in the agenda package.

J. Zuccon reminded the members that the origin of this issue, and its need for decision, is similar to the previous agenda item. J. Max noted that, for use in Regulations, a specific referenced, dated document was required and, as such, it was unclear whether the “Council Policy” referred to in the motion was only the Anti-Harassment Policy, or other policies as well.

A. Bergeron noted that the subject of a Councillor Code of Conduct remains on the agenda of HRC. It was felt that the Legislation Committee should await the results of the HRC's recommendations to Council, and Council's decisions on them, before doing further work on this item.

## 3. **WORK IN PROGRESS**

### 3.2 Regulation 941 Amendments (13-TK Version – Combined LL and C of A Regulation) - Update

The members were referred to the document included in the agenda package.

J. Max reported that, in the context of the outstanding proclamations from the *Open for Business Act* to implement the LL/LET/C of A changes, the Attorney General had also inquired about the possibility of proclaiming the changes to Sections 18(3) and 22(1) of the *Professional Engineers Act*.

The Committee discussed the two sections and the pros and cons of proclaiming them now. With respect to Section 18(3), since it was connected to the Provisional Licence, it was decided to await resolution of the Provisional Licence motions within the “TK-17” Work Plan. With respect to Section 22(1), as it was connected to moving fees from regulations into by-laws, and that this was

awaiting an Act change to address the by-law confirmation threshold, it was decided to wait as well. Staff is to communicate these decisions to the Attorney General.

**Action:** Staff to notify the Attorney General’s office that PEO would prefer not to proclaim the changes to Sections 18(3) and 22(1) at this time.

3.1 Work Plan for Resolving Council Policy Motions - C of A Category, Academic/ Examinations Category, Experience Category, Character Category, Registration Category, Governance Category

The members were referred to the documents included in the agenda package.

J. Max reviewed the process and requirements for the Committee to use in assessing the outstanding Council policy motions. The motions have been broken down into thematic categories, and a recommendation to Council for each motion is required (to approve and draft, to rescind, or to refer to subject matter experts for more information). To date, the Committee has worked on part of the Certificate of Authorization category.

The Committee considered the Governance Category motions and recommended that the drafting of the Regulation changes (reasons for removing a Councillor) be deferred until the HRC has completed its work on Removal of a Councillor for “material breach of Council Policy” so they can be incorporated into the reasons for removing a Councillor.

Due to lack of time, the remainder of these items were deferred to the next meeting.

**4. NEXT MEETING AND ADJOURNMENT**

A motion was made to adjourn the meeting.

**Moved by: S. Reid**

**Seconded by: R. Fraser**

**CARRIED**

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for Friday, March 6, 2015 at 11:00 a.m.