



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, October 16, 2018

PEO Offices

Members:

Fanny Wong, P. Eng. (Chair)

Neil Kennedy, P. Eng. (Vice-Chair)

Jamie Catania, P. Eng.

Denis Dixon, P. Eng. *[via teleconference]*

Roger Jones, P. Eng.

Dale Kerr, P. Eng.

Nicholas Pfeiffer, P. Eng.

Brian Ross, P. Eng.

Heather Swan, P. Eng.

Council Liaison:

Lisa MacCumber, P. Eng.

Staff:

Sherin Khalil, P. Eng.

Regrets:

James Lowe, P. Eng.

Guest:

Ken Slack, P. Eng., Manager, Complaints & Investigations

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 9 members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

The following new item was added to the agenda:

Item 4.5 - Request from Experience Requirements Committee

A motion was made to approve the agenda as modified.

Moved by: B. Ross

Seconded by: D. Kerr

CARRIED

1.2 Pre-Start Health and Safety Reviews

Ken Slack, Manager, Complaints & Investigations, PEO attended the meeting to provide some information regarding Discipline cases which are relevant to Pre-Start Health and Safety Reviews.

K. Slack reported that PEO has received 8 complaints over the last ten years relating to Pre-Start Health and Safety Reviews, some of which were referred to the hearing process.

K. Slack provided the discipline case "Summary of Decision and Reasons: Antero M. Gomes, P. Eng.". The Member was found guilty of professional misconduct as defined in the *Professional Engineers Act*, pursuant to Sections 72(2)(a), (b), (d) and (j) of Regulation 941, for sealing an engineering opinion that failed to recommend an adequate safeguarding barrier over the in-feed conveyor on a shrink wrapper machine and that failed to recommend certain required hard-wired, or equivalent, interlocks as safety features on shrink wrapper machines.

There was a discussion on the Ministry of Labour guideline. A PSC member commented that the Ministry of Labour guideline does not provide detailed information on what should be included in a Pre-Start Health and Safety Review.

A PSC member commented that a performance standard should be developed to enforce requirements and provide a benchmark for engineers, as a prudent engineer would comply with either a practice guideline or a performance standard.

A PSC member commented that it would be up to the owner of a facility to implement the proposed recommendations in the Pre-Start Health and Safety Review.

A PSC member questioned who usually filed a complaint to PEO in a Pre-Start Health and Safety Review related matter, a facility owner or an engineer? The PSC members were advised that these type of complaints were usually filed by employee engineers, either because incidents occurred or inadequate Pre-Start Health and Safety Reviews were provided.

A PSC member commented that there is competition on the pricing of Pre-Start Health and Safety Reviews, rather than on the quality of the review.

There was a discussion regarding the Ministry of Labour's inspectors as they are not engineers. If there was a critical injury, Ministry of Labour engineers would review the proposed Pre-Start Health and Safety Reviews received from the engineers who were hired to provide the reviews to verify whether or not the review was adequate.

The PSC Chair asked the PSC members whether the existing guideline should be updated. The PSC members reported that PEO had only received 8 complaints over the last ten years, which was not enough evidence to update the guideline. However, some of the subject matter experts and Ministry of Labour staff advised that the guideline was still relevant.

The PSC members suggested that PEO staff review the existing the guideline in consultation with the subject matter experts and point out the areas that should be updated.

A PSC member commented that the guideline does not provide any information to assist engineers on what should be included in Pre-Start Health and Safety Reviews.

There was a discussion regarding the requirements for reporting Pre-Start Health and Safety Reviews under Section 7(4) of O. Reg. 851, which are not very detailed/definitive or, in other words, limited.

Action: Staff to contact subject matter experts to review the guideline and point out areas that require updating.

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of September 11, 2018 Meeting

The wording under Item 3.3 - Guideline for Design Evaluation of Demountable Event Structures was revised.

A motion was made to approve the Minutes of the September 11, 2018 meeting as revised.

Moved by: R. Jones

Seconded by: D. Kerr

CARRIED

2.2 Action Items of September 11, 2018 Meeting

Staff reported on the status of the Action Items.

3. GUIDELINES

3.1 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

There was nothing new to report as the Ministry of Government and Consumer Services is currently updating their Regulation on Performance Audits and Reserve Fund Studies.

3.2 Guideline for Structural Condition Assessments of Existing Buildings and Designated Structures

There was nothing new to report.

It was previously reported that the Ministry of Municipal Affairs developed a white paper on "Potential Changes to Ontario's Building Code Parking Structures". The subcommittee members will start working on the performance standard as soon as the Ministry of Municipal Affairs updates their Regulation.

Staff has contacted the Ministry of Municipal Affairs to follow up regarding the update of their Regulation; however, no response has been received as yet.

3.3 Guideline for Design Evaluation of Demountable Event Structures

Staff sent a doodle poll to the subcommittee members to schedule a meeting for sometime in October or November 2018 to address the public consultation comments.

3.4 Use of Seal Guideline

The subcommittee members met with the legal team (two lawyers) on September 17, 2018 to review the proposed draft performance standard.

3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects

The subcommittee members are revising the draft guideline as per the PSC's comments, and are working on a draft for public consultation.

3.6 Guideline for Preparing As-Built and Record Documents

A lawyer has been retained to review the proposed practice guideline. The first meeting with the lawyer will be scheduled for sometime in November 2018.

3.7 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee met on September 17, 2018, and will have the first draft of the guideline ready for the PSC's review and comments by their November 2018 meeting. Also, the subcommittee Chair will be attending the meeting to present the guideline and address any questions that the PSC may have.

3.8 MECP - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)

There was nothing new to report.

A meeting will be scheduled to address the comments from the Ministry of the Environment, Conservation and Parks.

H. Swan, Chair of the ESDM and AAR Reports subcommittee, and a member of the PSC, has resigned effective October 16, 2018.

The PSC will look into appointing a new Chair for the ESDM and AAR Reports subcommittee.

3.9 Coordinating Licensed Professional Joint Subcommittee

The subcommittee members met on September 13, 2018 and discussed next steps and the PEO process to approve guidelines. The subcommittee is currently working on the draft guideline.

4. OTHER BUSINESS

4.1 PSC 2019 H.R. and Work Plans

Staff provided the 2019 PSC H.R. and Work Plans to the PSC members for their review and approval. The PSC members made some changes to the proposed PSC H.R. and Work Plans.

A motion was made to approve the PSC 2019 H.R. and Work Plans, as modified.

Moved by: N. Pfeiffer Seconded by: D. Kerr CARRIED

4.2 Council Update on PSC Related Issues

L. MacCumber was approved as the new Council Liaison for the PSC.

L. MacCumber reported that the Disposition of Motions is available on the PEO website. However, there was nothing relevant to the PSC.

4.3 Proposal to Develop Practice Bulletin for OHS Act Section 54(1)(k)

Staff will organize a meeting with Ministry of Labour staff to discuss Section 54(1)(k) of the *Occupational Health and Safety Act* to get a better understanding of this section.

Action: Staff to send a reminder to the PSC to provide comments and/or any concerns regarding Section 54(1)(k) of the *Occupational Health and Safety Act*.

4.4 Practice Advisory Review (PAR) Project

This item was for information only.

4.5 Request from Experience Requirements Committee

The PSC Chair reported that a request was received from the Experience Requirements Committee that the Professional Standards Committee review and endorse the Experience Requirements Committee's proposed changes to the Guide to the Required Experience to be Licensed as a Professional Engineer in Ontario and to ensure that the proposed changes are consistent with the "Assuming Responsibility and Supervising Engineering Work" guideline.

The PSC members will discuss this item in detail at the next meeting.

Action: Staff to send the request and proposed revised experience guide to the PSC members.

5. ADJOURNMENT AND NEXT MEETING

The PSC members thanked H. Swan for her contributions over the last seven years. As well as being a member of the PSC, she was also Chair of the ESDM and AAR Reports subcommittee and Solid Waste Management subcommittee, and a member of the Conducting Practice Reviews subcommittee. Furthermore, H. Swan has contributed to the “Assuming Responsibility and Supervising Engineering Work” guideline.

The PSC members and PEO staff provided their best wishes to H. Swan.

The next meeting is scheduled for November 13, 2018.

The meeting adjourned at 8:00 p.m.