



Engineers Canada Update January 2020

Draft Bylaw Change

Our Finance and Audit Committee is bringing forward a draft bylaw change to the board in February. PEO will be consulted at their February Council meeting for preliminary feedback, please see a separate memo distributed to Council.

Board size

On January 8, 2020, the Governance Committee met to discuss topics including the requested plan for a reduced board size. Work on a re-draft of the plan for a reduced board size was concluded and this draft will be included in the February Board agenda package, ultimately it is a Members (regulators) decision.

Accreditation Board (CEAB)

The CEAB of Engineers Canada accredits Canadian engineering programs on behalf of the regulators to meet academic requirements for licensure.

As usual, November through December was a busy time with the kick-off of accreditation visits to 50 programs at 14 institutions. On Thursday, November 7, 2019 the Accreditation Board hosted its bi-annual update webinar for higher education institutions, which included topics such as recent accreditation criteria and policy changes, and current and future CEAB initiatives such as the consultation on the AU white paper recommendations and the upcoming definition of engineering design task force report. In December, the Accreditation Board's Nominating committee also issued a call for expressions of interest for one member-at-large position. The call closed on January 15, 2020.

Throughout November, the Accreditation Board's Accountability in Accreditation Committee ran a stakeholder survey on the indicators that should be used to evaluate the accreditation system. These will be used to develop an assessment framework to measure the effectiveness, trustworthiness, transparency, and efficiency of the accreditation system, as required by Strategic Priority #2 of the 2019-2021 Strategic Plan. In

early January, the committee met to discuss and finalize the qualities.

The CEAB next meets on February 8, Director Bergeron and possibly other Directors will attend.

Engineering Deans Canada

In early November, Engineering Deans Canada (formerly known as the National Council of Deans of Engineering and Applied Science) met in Sherbrooke, Quebec. An Engineers Canada delegation fielded discussion on the upcoming strategic planning process and environmental scan, the 2019 Enrolment and Degrees Awarded Survey, and updates on recent accreditation matters.

Qualifications Board (CEQB)

The CEQB of Engineers Canada sets the academic criteria on behalf of the regulators for non-CEAB applicants to licensure.

In early November, the CEQB Executive Committee met in Ottawa to discuss 2020 priorities, allocation of work, the September CEQB meeting, and planning for future meetings. The CEQB's Admission Issues Committee also met to finalize the revised "Guideline on work experience using competency-based assessment." In December, the CEQB launched a call for expressions of interest for regulators' staff and experts to join two new task forces that will work on the "Public guideline on engineers and engineering firms on the topic of diversity and inclusion" and the revised White paper on software engineering.

Officials groups

PEO staff participate in Engineers Canada Officials groups. Two officials groups met this fall. On November 5 and 6, 2019, the National Practice Officials Group met in Fredericton for their annual face-to-face meeting. The group shared regional updates and challenges, received a presentation from the CEQB, and discussed pressing issues such as CPD, as built / record drawings, engineers of record, solar panel installations, practising

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and non-practising categories of licensure, returning to active practice, and the authentication of engineering documents. On November 20, 2019, the National Discipline and Enforcement Officials met by teleconference to share updates and discuss their feedback on CEQB documents and their annual Out-of-Province effort. On December 11, 2019, the National Admissions Officials Group met by teleconference to share their quarterly updates to the National Reference Points and provide feedback on discontinuing the end of year surveys typically sent out to engineering students.

Diversity and inclusion

Throughout the Fall, Engineers Canada representatives attended and presented at the CFES Conference on Diversity in Engineering, the OSPE Equity, Diversity, and Inclusion Forum, the Ontario Network of Women in Engineering (ONWiE) Summit, and DiscoverE's, "Advance the Movement: Putting Collaboration to Work for Girls in Engineering & Technology." Topics at these conferences and meetings ranged from 30 by 30 to the future of diversity and inclusion. Cassandra Polyzou, Manager, Diversity, Equity, and Inclusion, also represented Engineers Canada at the Electricity Human Resources Canada (EHRC) Steering Committee meeting; the Canadian Coalition of Women in Engineering, Sciences, Trades and Technology's (CCWESTT) board meeting; a meeting with IEEE Canada Women in Engineering Chair, Manar Jammal; a meeting with Brittany Grimsdale, Acting Program Head at Saskatchewan Polytechnic's Indigenous Strategy and the Women in Trades and Technology (WITT) program; and a Society of Women Engineers (SWE) meeting. Each of these supported Strategic Priority 3 (SP3): Recruitment, Retention and Professional Development of Women.

In December, Engineers Canada received the top score on the EHRC Leadership Accord on Gender Diversity. The score indicates "our organization embodies the commitments outlined in the Accord." The assessment found that our office environment is welcoming and displays gender equity, and that we are effective at promoting existing best practices and promoting women.

École Polytechnique massacre

On the 30th anniversary of the École Polytechnique massacre, Engineers Canada sought ways to facilitate reflection on the impacts of the event. Prior to the October Board meeting, we hosted a panel discussion on the impacts of the massacre on engineering and shared recordings of the session on our website and through social media. We also supported Engineering Deans

Canada in launching 30yearslater.ca, which features 30 profiles of women who were engineering students at the time of the Montréal massacre. On Friday, December 6, 2019, Gerard McDonald, CEO, and Jeanette Southwood, VP Corporate Affairs and Strategic Partnerships, attended a vigil at the University of Ottawa to commemorate both the event's anniversary and the National Day of Remembrance and Action on Violence Against Women.

Indigenous people in engineering

In early November, Engineers Canada's representatives attended a training on "Working with the United Nations Declaration for the Rights of Indigenous People" (UNDRIP). This work was further supported by a meeting with Colleges and Institutes Canada on Indigenous pathways to engineering. Cassandra Polyzou also met with the Canadian Institute of Planners, to discuss their policy work on Truth and Reconciliation, and diversity and inclusion. Finally, on November 27, 2019, Cassandra participated on the Canadian Indigenous Advisory Council (CIAC) guarterly teleconference.

Government Relations

Engineers Canada advocates to the federal government on behalf of all the provincials regulators for our profession. On November 20, 2019, Prime Minister Trudeau unveiled his new, gender-balanced cabinet. which included Marc Garneau, an honorary lifetime member of Engineers Nova Scotia, who remains as Canada's Minister of Transport. Also, in November, Engineers Canada met with key government officials, including Minister Garneau and Nancy Hamzawi, Assistant Deputy Minister (ADM) Science and Technology at Environment and Climate Change Canada. On December 5, 2019, Her Excellency the Right Honourable Julie Payette, Governor General of Canada, delivered the Speech from the Throne, "Moving Forward Together," to open the 43rd session of Parliament and to outline the Government's agenda.

Globalization and sustainability

Globalization and sustainability is one the 10 Operational Imperatives in our current Engineers Canada Strategic Plan. In the fall, we again offered the Engineers Canada – Polytechnique Montréal Massive Open On-Line Course (MOOC) – Sustainability in Practice. Total enrolment for the English stream was 738 and the French stream was 608 for a total of 1,346. These numbers contributed to the total of over 4,500 people who have registered for the course including the first two deliveries in fall 2018 and spring 2019. David Lapp, Manager Globalization &

Sustainability, attended the Natural Resources Canada (NRCan) Climate Change Adaptation Platform Plenary Meeting and presented at the Building Climate Resilience: Infrastructure Design and Planning with Uncertainty Conference in St. John's, NL. Finally, negotiations began in November for the divestment of the PIEVC Protocol and Program.

Member services

Engineers Canada offers member services to some but not all participating regulators across Canada. Affinity supplier meetings took place throughout the fall with Great-West Life (now called Canada Life), our independent advisors AON and RSM, TD Insurance, and Manulife. On November 25, 2019, APEGA advised us that they will depart the National Employee Group Benefits Program provided by Manulife through Engineers Canada. APEGA will continue to participate in the national program offered to APEGA members for term life and accident insurance, health and dental insurance, critical illness insurance, and other Manulife offerings through Engineers Canada. This announcement has no financial effect on our budget.

C-531

Briefing Note – Information

Legislation Committee Update

Purpose: To update Council on the Legislation Committee's activities since November 2019

No motion required

Prepared by: J. Max, Manager, Policy

1. Status Update

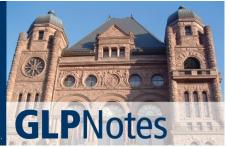
- At the January 10th Legislation Committee Meeting (the first since October 25th), the Legislation Committee discussed ongoing work on two sets of upcoming changes to the *Professional Engineers Act* (PEA) that had been approved by Council at their November meeting. The first set of Act changes concerns amendments to subsection 19(1) to restore the express requirement that the Registrar shall issue Notices of Proposal to applicants who are refused a licence. LEC determined that staff should contact the provincial government to determine if stakeholder consultations will be required for these Act changes.
- The second set of changes concerns Council's decision to require annual reporting by all licensed engineering practitioners to comply with the Radiohead Coroner's Inquest recommendations, and LEC directed staff to conduct a survey of the annual reporting practices of other regulators, including the legislative authority they use to collect this information and possible sanctions for noncompliance..
- The LEC also discussed which of their members should become the LEC's representative on the Licensing Committee, and it was decided that Leila Notash could best fulfill this role. This appointment is only until the end of the current Council year.
- The Committee also discussed two letters staff had sent to the Ministry of the Environment, Conservation and Parks seeking to resolve conflicts between the PEA and other legislation, and two possible regulatory guidance issues. No further action was required. Finally, the Committee reviewed the progress on its annual Work Plan.

2. Background

- Section 30(1) of By-Law No. 1 grants Council the power to appoint the Legislation Committee. The Legislation Committee is not a policy-generating committee.
- By Resolution dated May 8th, 2009, Council appointed the Legislation Committee as a Board Committee, comprised entirely of sitting Councillors.
- The Legislation Committee's mandate in its Terms of Reference (last amended December 2017) is:

- "...to provide oversight and guidance to matters pertaining to PEO's Act, Regulation and By-Laws. This will include but not be limited to:
- (i) acting as custodian for PEO Legislation, identifying PEO policies, rules and operational issues which touch on or affect PEO Legislation and providing guidance as to which of these should be put into legislation;
- (ii) overseeing draft changes to PEO Legislation;
- (iii) keeping Council apprised of relevant external Legislative initiatives and changes which may affect PEO Legislation;
- (iv) in accordance with the Regulatory Policy Protocol approved by Council, reviewing all referred policy proposals that involve authority from the Act, Regulations or By-Laws, and providing regulatory impact analysis and recommendations to Council pursuant, and;
- (v) reviewing Ontario legislation that conflicts with the authority or provisions of the *Professional Engineers Act* or its Regulations, and making recommendations for corrective actions pursuant.





Current issues that impact PEO to keep Government Liaison Program (GLP) members informed and aware

Produced by the PEO Government Liaison Committee (GLC) Regulatory Issues sub-committee.

GLP Info Notes 18.0 - Council Approves Action Plan to Implement Recommendations of External Review

Issued Jan 2020

For GLP info only. No action required.

Reproduced from Engineering Dimensions, November/December 2019.

At its September 2019 meeting, PEO Council approved an action plan to implement the 15 recommendations in the final report of PEO's external regulatory performance review (see "Council to discuss external review action plan," Engineering Dimensions, September/October 2019, p. 7).

The independent review—prepared by Harry Cayton, international consultant to United Kingdom—based Professional Standards Authority—was conducted following a Council decision in September 2018 to undergo an external regulatory review to identify any gaps between PEO's current practices and those exhibited by the best regulators.

It assessed PEO's performance against its statutory mandate and legislative requirements, internal policies and the standards of good regulation across its core regulatory functions: licensing and registration; complaints, discipline, compliance and enforcement; and professional standards.

The review's final report was received by Council at its June meeting, when Council instructed CEO/Registrar Johnny Zuccon, P.Eng., FEC, to initiate a high-level action plan based on the report's feedback for Council to consider at its September meeting. Council approved a motion to make the report public on PEO's website:

https://www.peo.on.ca/sites/default/files/2019-10/PEOReviewReport.pdf Over the summer months, Zuccon and PEO's senior management team worked to develop the three-year action plan, which outlines the organizational transformation required to implement the recommendations while ensuring that a steady state in PEO operations is maintained.

It maps out each of the 15 recommendations, taking into account the organization's existing capacity and promotes evidence-based decision making.

The plan includes a change vision; guiding principles; the identified problems, objectives and key steps for each recommendation; and criteria for setting priorities and timelines for action, including short-, medium- and long-term activities.

Essentially, the approved plan is meant to provide direction for change while respecting the distinct authorities of Council and the registrar, focus on what can be implemented within PEO's current capacity, and bolster the organization's agility and capacity to manage change in the future.

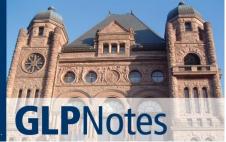
Since the action plan was approved, Zuccon has communicated the plan to staff and stake- holders and is currently working to develop a tool for assessing the regulatory purpose of the activities of all PEO committees, chapters, subcommittees and working groups for Council's approval.

He is also working to maximize efficiencies within the existing infrastructure by addressing issues such as the security risks related to paper files, the inventory of aging licence applicant files, automation of the professional practice exam and online renewals of certificate of authorization.

The action plan can be found at:

https://peo.on.ca/sites/default/files/2019-10/PEOActionPlan.pdf





Current issues that impact PEO to keep Government Liaison Program (GLP) members informed and aware

Produced by the PEO Government Liaison Committee (GLC) Regulatory Issues sub-committee

GLP Info Notes 18.0 - Council Approves Action Plan to Implement Recommendations of External Review

Cayton Report's 15 recommendations:

- 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 OFC 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 license 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 designation 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 upto 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 PEAK program** to ensure it is proportionate and outcome focused and achievable by licensed engineers. It should then make participation in this CPD 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, give fuller reasons for disciplinary decisions and publish them.
- 12) Members of the COC and the DIC should not be drawn from the members of the Council. The members of these committees must be able to make judgements 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 for to manage licensing and C of A applications, CPD and complaints and discipline. It should aim for automation of processes. In the meantime, it must improve the security and confidentialty 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 time-frame for implementation from its executive staff. When it approves the action plan, Council should commit the necessary resources to deliver it.

RCC Report for February 7, 2020 Council Meeting

Below are the highlights of what RCC dealt with since the November 15th, 2019 Council meeting:

- <u>Chapter Leaders Conference</u>: held in Toronto, this annual conference welcomed two representatives from each of PEO's 36 Chapters to a full day of workshops and networking. The theme of this year's conference was "Paving the Way to a Stronger Regulator".
- <u>Centralized Banking</u>: RCC, supported by the PEO Chapter Office, have sent numerous messages and have setup three teleconference calls to discuss Chapter centralized banking. Of note, the importance of full compliance by December 31st, 2019 was communicated clearly with ample support and notice provided.
- <u>Chapter Allotments</u>: each of the five Senior Regional Councillors have reviewed their respective Chapter 2020 Business Plans and allotted funds accordingly, in-line with Council-approved budget and the RCC regional distribution model.
- <u>Chapter Communication with membership</u>: The deadline for the membership who have yet to express their communication preference, through the licence renewal portal, as set by Council, was December 31, 2019. All members who have not responded to the question of if they want to receive commercial e-mails from PEO have been defaulted to "no", as of January 1, 2020.
- <u>Regional Offices</u>: RCC had decided to cease with the operations of both, Western and Northern Regional Offices as of 2020. The Northern Regional Office has reported a balance in their funds, and so has been allowed to stay open until they are exhausted. Estimated closure to be in the spring of 2020.

Next RCC meeting on April 4th, 2020 @ PEO Head office, Toronto.

By: Serge Robert, P.Eng., FEC, RCC Chair, Senior Northern Region Councillor, January 9, 2020

Briefing Note – Information

C-531

Registration Committee's comments on the PSA Report

Purpose: To provide Council comments from the Registration Committee (REC) on the Independent Regulatory Review.

No motion required

Prepared by: Bogdan Damjanovic, P.Eng., Chair, Registration Committee

1. Background

The Final Report of the Independent Regulatory Review was released in June 2019. The Report includes a number of items relevant to the Registration Committee (REC) and the REC has reviewed and discussed these items at its meeting on October 10, 2019. The Comments were then put together in the report (attached Appendix A) and circulated to the committee as a whole for the final review.

The REC asks that Council take note of the REC comments on the Report.

Appendices – Appendix A (REC Comments on the PSA Report)

REC Observations on "A review of the regulatory performance of Professional Engineers Ontario"

Comments of a general nature on the role of PEO volunteers

There are a number of comments regarding PEO volunteers, many of which are applicable to the Registration Committee (REC). Of note is the first sentence in paragraph 3.23:

"Volunteers have significant control of PEO but are not held to account in the same way as professional staff."

Decisions of REC panels are subject to appeal in Ontario Divisional Court, which provides a high level of accountability to the people of Ontario.

Background on the Registration Committee (REC)

Activities of the REC are governed by two acts of the Ontario legislature:

- Professional Engineers Act (PEA)
- Statutory Powers Procedures Act (SPPA)

There is nothing in the report that would indicate that the reviewers were aware of the *SPPA*. The *SPPA* applies to all tribunals operating under the authority of the Ontario legislature, including those related to health disciplines. In addition to looking at the specific requirements under these Acts, we must also keep in mind the legislature's intent when it enacted these Acts.

The *PEA* states that proceedings before the REC have two parties: the Registrar and the Applicant. The legislature's intent is that REC proceedings be adversarial, with the REC panel as the unbiased decision-maker.

Under common law, the onus is on the person asking a tribunal to exercise its power. When an applicant requests a hearing by the REC, the onus is on applicants to demonstrate that either:

- They meet PEO's requirements for licensure;
- An exemption from a PEO requirement is appropriate; or,
- With conditions, they will perform engineering with competence and integrity.

Although REC panels are independent and look at issues afresh, the legislature did not intend for the REC to ignore the PEO's licensing requirements. Rather, it intended that the REC have the flexibility, time and experience to more fulsomely review and analyze whether the Applicant will practice professional engineering in Ontario with competence and integrity.

Registrar not issuing Notice of Proposal at first opportunity

"4.20 Where the ERC finds that an applicant does not have the necessary experience to meet licensing requirements, four options are currently offered to them: they may defer their application until such time as they have gained the necessary experience; provide new or additional information that was not previously available to the ERC and request another interview; request that their application file be closed or request the Registrar to issue a Notice of Proposal to Refuse a Licence (NoP) in order to obtain an appeal hearing before the Registration Committee. We consider that this latter requirement, that applicants must request that the Registrar issue a NoP in order to obtain an appeal hearing before the Registration Committee, is not aligned with the principle of fairness and appears to be in contravention of section 19(1) of the Act, which places the onus on the Registrar to issue a NoP where an applicant is not considered to meet requirements for licensure. The number of Registration hearings is relatively low and we were told that PEO rarely issues NoPs for this purpose. Staff also told us that if applicant requests to issue NoPs were not required the number of requests for hearings could significantly increase and would be difficult to manage. Notwithstanding, we find this policy by PEO acts as a potential deterrent to applicants who are unhappy with decisions made at the ERC and that changes to remove this requirement should be pursued."

The reviewers have focussed on the Registrar refusing to issue a licence due to a lack of appropriate experience. However, it should be noted that the Registrar may refuse to issue a licence for failure to meet any of the five requirements for licensure and therefore hearings before the REC are not limited to situations where the engineering experience of the Applicant is in dispute.

The reviewers correctly noted that failed applicants currently have at least four different paths they can take:

- Take some action that will result in meeting the missing requirement;
- Ask the Registrar to reconsider;
- Abandon the application; or,
- Ask for a hearing before the REC.

PEO staff have no way of knowing which of the paths an applicant intends to take. Of the four paths, the most expensive and time-consuming for both PEO and the person is a hearing before the REC. The reviewers seem to be recommending that PEO staff automatically assume that the most expensive and time-consuming path should be taken.

Consider the following example:

An applicant has 36 months of relevant engineering experience (the other 12 months of experience the applicant included had nothing to do with the application of engineering). The ERC interviews the person and correctly determines that an applicant has 36 months of relevant engineering experience. The applicant currently has the following options:

- Accept this at face value, get another 12 months of relevant experience and then ask PEO to proceed with the application;
- Disagree and ask PEO to review the ERC interview record;
- Disagree and request another ERC interview;
- Abandon the application process; or,
- Ask for a Notice of Proposal (NOP) and a hearing before the REC.

Typically, the Registrar will only issue a NOP at the conclusion of the licensing process.

Where the applicant disagrees with the Registrar's decision, the reviewers seem to be recommending that instead of allowing the PEO to use the more cost-effective options of reviewing the interview record or having another interview, the PEO immediately proceed to issuing a NOP and proceed to a REC hearing. There is a high probability that this applicant will not be successful at a REC hearing. This seems to be inconsistent with the reviewers view that the licensing process needs to be simpler.

Observations on REC panel hearings

"4.23 The Registration Committee hears registration appeals. We found that panels conducting Registration Committee hearings and those conducting ERC interviews are not required to include at least one member who is representative (in gender, race, background) of the applicant who is appealing or being interviewed. We observed a hearing involving an international applicant where not one member of the panel, the expert witness or PEO legal counsel were themselves of an ethnic minority background and find this apparent disregard for equality concerning."

First, a factual correction for the above hearing: The Applicant is not "international." The REC panel did not know whether the Applicant is a Canadian citizen or a permanent resident since it was not relevant. The Applicant resides and works in Canada and all of the evidence presented was related to activities that took place in Canada.

A REC hearing is not an appeal of the Registrar's decision, nor is it a review of the Registrar's licensing process. Rather, it is a fresh opportunity for applicant to provide evidence to convince the REC panel that the applicant either meets the requirements for licensure or is deserving of exemptions from certain requirements.

The hearing discussed in the report took place over three days, two in November 2018 and one in February 2019. The reviewer observed only the February 2019 sitting and there is no indication that the reviewer was aware of what happened during the first two days of the hearing. The bulk of the evidence, including the Applicant's own testimony, was presented at the November 2018 hearing days.

Persons appearing before a REC panel are, as are persons appearing before any tribunal in Canada, entitled to procedural fairness. In practice, what this means is that:

- Decisions are made based only on the evidence properly before the panel;
- Panel members are independent and unbiased;
- Only panel members that heard all of the evidence can decide the case;
- Applicants are entitled to know the case against them;
- Applicants are entitled to answer the case against them;
- Applicants are entitled to present their own case;
- Applicants are entitled, at their own expense, to retain and instruct counsel; and,
- Since REC decisions are subject to appeal to Ontario Divisional Court, applicants are entitled to written reasons.

In the case under discussion, all of the above were met.

Procedural fairness does not require that panel members reflect the person appearing before the panel. Panel members are either competent or they are not and they either accord the person procedural fairness or they do not. If the panel does not accord a person procedural fairness, this is an error in law and the panel's decision will be overturned by the court.

PEO has a comprehensive approach to training and professional development for REC panel members. Many REC members have certificates in adjudication from the Osgoode Hall Law School and the Society of Ontario Adjudicators and Regulators, and REC members participate in at least one professional development session annually. One of the members of the REC panel attended by the reviewer is a Queen's Counsel. REC panels are also advised by independent legal counsel, who does not participate in the panel deliberations, but advises the panel and the parties on applicable legal principles.

Makeup of REC panels

"4.24 PEO staff told us that panels are constituted primarily on the basis of volunteer availability, and this largely influences panel composition. Although female members make up approximately 15% of the PEO register, we confirmed that female applicants are usually interviewed by panels that do not include a female member. PEO staff told us that it would be very difficult to arrange interviews with female ERC members with similar work experience without causing delays. We find that the process is not as fair as it should or could be."

REC panels do not interview Applicants. As intended by the Ontario legislature, the REC process has two parties, the Applicant and the Registrar. The REC panel is the unbiased decision-maker responsible for weighing the evidence properly put before it by those two parties.

"4.28 We observed a general reluctance on the part of staff to pursue process improvements because of the work involved or the level of difficulty that may be encountered. We were told it would be very difficult to validate all relevant information about registrants (whether old or new) for inclusion on the register; it would be too difficult to arrange to ensure interviews and hearings are conducted by panels who are representative of the applicant(s); and that a failure to issue NoPs would make it difficult to maintain a manageable level of requests for hearings. We conclude that, while attempts have been made to make the licensing

and registration processes more 'fair', PEO has in fact created a licensing system that is overly complex and less fair overall."

Panel member are selected by the Chair of the REC, not by PEO staff.

Recommendation 5

"The process for application for a professional engineering license 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 (4.16–4.27)."

Hearings before the REC are available on request of the applicant. The current method of triggering such a request is by the applicant requesting that the Registrar issue a NOP.

With regards to providing legal advice, the REC rules currently allow for a pre-hearing conference, where a member of REC presides to: facilitate whether a temporary, provisional or limited licence may be appropriate; identify areas of agreement; advise the applicant of the process that will be followed; identify the necessary disclosure requirements; etc.

Currently, all other costs associated with REC pre-hearing conferences and hearings (notices, hearing room, transcription facilities, independent legal counsel for the REC panel, preparation of the joint book of documents, travel costs for panel members) are already borne by PEO (essentially current licence holders). Is there a professional regulator anywhere that provides legal assistance to failed applicants for an appeal?

COMPLAINTS & INVESTIGATION STATISTICS

	2017	2018	2019
COC's Caseload			
Filed Complaints ¹ not disposed of by COC at previous year-end	75	65	70
Complaints Filed (PEAct s. 24. 1(a)) during the Year	63	58	121
Total Caseload in the Year	138	123	191
Total Filed Complaints Disposed of by COC in the Year (for details see COC's Disposition of Complaints below)	73	53	90
Total Filed Complaints Pending for COC Disposition (for details see <i>Status of Active Filed Complaints</i> below)	65	70	101
COC's Disposition of Complaints			
Direct that the matter be referred, in whole or in part, to the Discipline Committee. (PEAct s. 24. 2(a))	8	5	7
Direct that the matter not be referred. (PEAct s. 24. 2(b))	44	28	66
Take such action as COC considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. (PEAct s. 24. 2(c))	21	20	17
COC's Timeliness Regarding the Disposition of the Compl	aint²		
Complaint disposed of within 90 days of filing	0	0	1
Complaint disposed of between 91-180 days of filing	7	3	7
Complaint disposed of after more than 180 days of filing	66	50	82
COC Processing Time – Days from Complaint Filed to COC	Disposition	(12 mo rolli	ng avg.)
Average # Days	562	475	330
Minimum # Days	97	168	41
Median # Days	343	342	210
Maximum # Days	2327	2183	1023

 $^{^{\}rm 1}$ Signed Complaint Form filed with the Registrar. $^{\rm 2}$ Days from Complaint Filed to date COC Decision is signed by COC Chair.

Status of Active Filed Complaints

Active Filed Complaints - Total		101
Complaints filed more than 180 days ago	64	64
Pending Approval and Reason regarding COC Decision	18	
Complaints under active consideration by COC	10	
Completed Investigation ready for COC consideration	3	
Regulatory Compliance Investigation	33	
Complaints filed between 91-180 days ago	23	23
Pending Approval and Reason regarding COC Decision	3	
Complaints under active consideration by COC	0	
Completed Investigation ready for COC consideration	2	
Regulatory Compliance Investigation	18	
Complaints filed within the past 90 days	14	14
Pending Approval and Reason regarding COC Decision	0	
Complaints under active consideration by COC	0	
Completed Investigation ready for COC consideration	0	
Regulatory Compliance Investigation	14	

Note:

Review by Complaints Review Councillor (PEAct s. 26. (s))

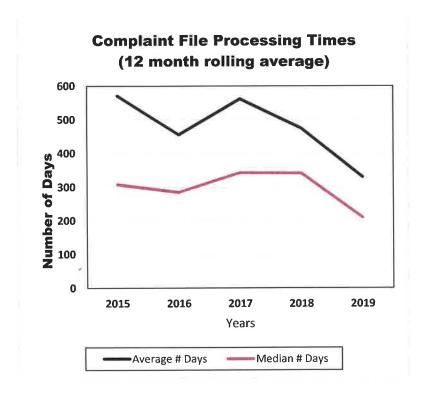
Where a complaint respecting a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence has not been disposed of by the Complaints Committee <u>within ninety days</u> after the complaint is filed with the Registrar, upon application by the complainant or on his or her own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

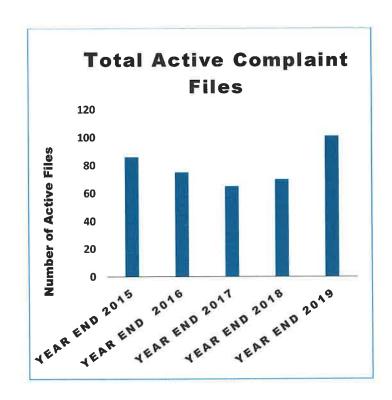
Glossary of Terms:

Complaint Filed – Signed Complaint Form filed with the Registrar.

Investigation Complete – Investigation Summary document prepared and complaint file ready for COC consideration

Complaints and Investigation Statistics (As at December 31, 2019)





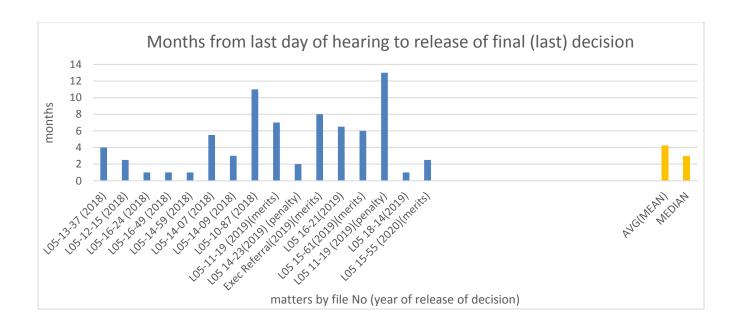
DISCIPLINE STATISTICS – February 2020 Council Meeting Report

Discipline Phase

2018	2019	2020
		(as of Jan 20)

Matters Referred to Discipline	5	7	0
Matters Pending (Caseload)	8	10*	10
Written Decisions Issued	11	7	1
DIC Activity			
Pre-Hearing Conferences Held	7	5	2
Hearings Phase commenced (but not completed)	0	0	0
Hearings Phase completed (but no	3	1	1
D&R issued)		(decision on	(decision on
		penalty)	penalty)

^{*}Two referrals were combined into 1 and were counted as 1.



PROFESSIONAL ENGINEERS ONTARIO P. ENG. STATISTICS 2019

C-531

													C-531
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ост	NOV	DEC	TOTAL
Members on Register													
Beginning	83,716	83,777	83,976	84,245	84,335	84,632	84,818	84,871	85,110	85,286	85,234	85,556	83,716
New Members	316	304	357	370	405	331	297	356	330	305	436	176	3,983
Reinstatements	25	22	32	34	40	28	36	28	23	22	49	39	378
Resignation - Regular	(55)	(42)	(27)	(49)	(51)	(42)	(50)	(43)	(49)	(51)	(46)	(25)	(530)
- Retirees	(18)	(16)	(12)	(27)	(28)	(43)	(57)	(35)	(57)	(38)	(23)	(26)	(380)
Deceased	(22)	(25)	(31)	(17)	(41)	(28)	(11)	(18)	(23)	(16)	(26)	(27)	(285)
Deletions - Regular	(85)	(39)	(47)	(89)	(34)	(56)	(71)	(49)	(47)	(137)	(64)	(58)	(776)
- Retirees	(100)	(5)	(3)	(132)	6	(4)	(91)	0	(1)	(137)	(4)	(8)	(479)
Total Ending	83,777	83,976	84,245	84,335	84,632	84,818	84,871	85,110	85,286	85,234	85,556	85,627	85,627
Members on Register Summary													
Full Fee Members	69,114	69,336	69,491	69,608	69,917	69,992	70,230	70,460	70,565	70,633	70,779	70,781	70,781
Partial Fee Remission - Retired	12,908	12,951	13,017	12,924	12,962	13,015	12,957	12,968	13,017	12,920	12,960	13,003	13,003
Partial Fee Remission - Health	388	388	385	385	386	384	383	376	388	393	390	392	392
Maternity and/or Parental Leave, Unemployment,													
Postgraduate remission & Others	1,367	1,301	1,352	1,418	1,367	1,427	1,301	1,306	1,316	1,288	1,427	1,451	1,451
Total Membership	83,777	83,976	84,245	84,335	84,632	84,818	84,871	85,110	85,286	85,234	85,556	85,627	85,627
Membership Licence													
Initial Applications	371	332	393	453	582	380	615	494	452	603	499	436	5,610
Applications Approved for FCP	240	100	111	103	63	19	9	1	0	1	0	0	647
							·						
Female Members on													
Register - Beginning	9,507	9,547	9,587	9,633	9,681	9,747	9,803	9,831	9,892	9,925	9,950	10,016	9,507
New Female Engineers	40	40	46	48	66	56	28	61	33	25	66	10	519
Total Female Engineers	9,547	9,587	9,633	9,681	9,747	9,803	9,831	9,892	9,925	9,950	10,016	10,026	10,026

PROFESSIONAL ENGINEERS ONTARIO ENGINEER IN TRAINING - STATISTICS 2019

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	TOTAL
Recorded													
Beginning of Month	14,709	14,928	14,902	14,935	14,823	14,836	14,876	14,904	14,730	14,497	14,679	14,580	14,709
New Recordings	233	142	158	182	203	186	161	338	370	418	396	280	3,067
New Recordings-FCP	284	159	131	96	131	71	108	28	0	5	0	0	1,013
Reinstatements	22	30	22	37	25	18	21	9	16	36	17	27	280
P. Eng. Approvals	(78)	(204)	(149)	(211)	(156)	(126)	(149)	(214)	(149)	(152)	(197)	(163)	(1,948)
Resignations/Deletions	(106)	(28)	(27)	(121)	(93)	(28)	(46)	(255)	(409)	(47)	(135)	(38)	(1,333)
Lapse/Non Payment	(136)	(125)	(102)	(95)	(97)	(81)	(67)	(80)	(61)	(78)	(180)	0	(1,102)
Deceased	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Ending	14,928	14,902	14,935	14,823	14,836	14,876	14,904	14,730	14,497	14,679	14,580	14,686	14,686
Female Recording on													
Register													
Beginning	3,165	3,200	3,210	3,213	3,183	3,185	3,182	3,188	3,166	3,125	3,177	3,161	3,165
New Female Recordings	35	10	3	(30)	2	(3)	6	(22)	(41)	52	(16)	25	21
Total Female Recordings	3,200	3,210	3,213	3,183	3,185	3,182	3,188	3,166	3,125	3,177	3,161	3,186	3,186

PROFESSIONAL ENGINEERS ONTARIO CERTIFICATE OF AUTHORIZATION - STATISTICS 2019

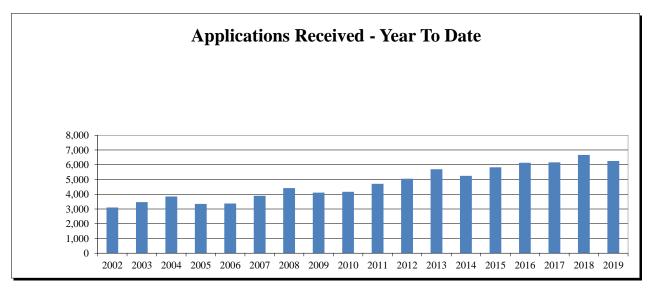
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	TOTAL
C of A Holders - Beginning													
Regular	5,755	5,776	5,807	5,813	5,857	5,871	5,871	5,895	5,921	5,855	5,846	5,867	5,755
Temporary	30	31	30	27	27	27	30	28	27	29	31	30	30
Sub Total	5,785	5,807	5,837	5,840	5,884	5,898	5,901	5,923	5,948	5,884	5,877	5,897	5,785
New Certificates Issued													
Regular	42	40	40	55	60	34	41	33	32	35	48	54	514
Temporary	1	0	0	0	1	3	1	0	2	2	0		10
Sub Total	43	40	40	55	61	37	42	33	34	37	48	54	524
Reinstatements													
Regular	0	0	0	0	4	2	0	0	3	0	0	0	9
Temporary	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub Total	0	0	0	0	4	2	0	0	3	0	0	0	9
Deletions													
Closed	(21)	(9)	(34)	(11)	(50)	(36)	(16)	(7)	(101)	(44)	(26)	(60)	(415)
Suspended, Revoked and other	0	0	0	0	0	0	(1)	0	0	0	(1)	0	(2)
Temporary	0	(1)	(3)	0	(1)	0	(3)	(1)	0	0	(1)	(1)	(11)
Sub Total	(21)	(10)	(37)	(11)	(51)	(36)	(20)	(8)	(101)	(44)	(28)	(61)	(428)
Total Ending													
Regular	5,776	5,807	5,813	5,857	5,871	5,871	5,895	5,921	5,855	5,846	5,867	5,861	5,861
Temporary	31	30	27	27	27	30	28	27	29	31	30	29	29
	5,807	5,837	5,840	5,884	5,898	5,901	5,923	5,948	5,884	5,877	5,897	5,890	5,890

PROFESSIONAL ENGINEERS ONTARIO CONSULTANTS - STATISTICS 2019

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	TOTAL
Consultants													
Beginning of Period	980	973	972	980	976	976	979	978	977	980	969	964	980
New Designations	0	1	10	6	0	6	4	2	6	3	5	3	46
Reinstatements	0	0	0	1	0	0	1	0	1	0	0	0	3
Deletions	(7)	(2)	(2)	(11)	0	(3)	(6)	(3)	(4)	(14)	(10)	(3)	(65)
Total Ending	973	972	980	976	976	979	978	977	980	969	964	964	964

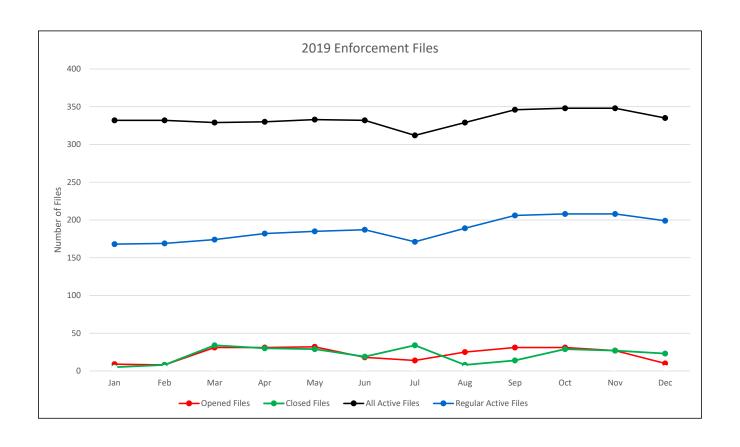
PROFESSIONAL ENGINEERS ONTARIO APPLICATIONS RECEIVED 2002 - 2019

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
JANUARY	341	539	440	364	316	308	372	336	393	414	397	440	530	561	453	565	599
FEBRUARY	222	260	345	259	319	257	234	338	276	278	384	422	380	422	460	403	422
MARCH	234	169	298	340	316	272	345	379	373	453	398	428	395	368	265	435	436
APRIL	277	279	304	269	291	280	381	294	239	338	297	414	361	356	484	383	472
MAY	299	394	425	270	298	293	278	279	303	314	353	394	324	292	450	415	451
JUNE	220	221	337	264	273	279	332	320	306	322	374	388	356	472	421	485	482
JULY	265	200	297	286	254	355	460	395	332	398	482	529	486	555	554	513	603
AUGUST	269	357	272	301	285	367	413	326	358	493	508	505	495	547	638	601	661
SEPTEMBER	352	455	382	254	251	333	415	402	383	451	388	512	542	466	567	586	557
OCTOBER	206	257	253	263	282	396	419	428	372	469	540	646	568	648	566	664	672
NOVEMBER	238	190	236	304	226	505	430	340	497	481	503	525	416	565	754	651	802
DECEMBER	178	140	261	168	260	248	334	270	336	295	432	491	392	576	525	460	510
TOTAL	3,101	3,461	3,850	3,342	3,371	3,893	4,413	4,107	4,168	4,706	5,056	5,694	5,245	5,828	6,137	6,161	6,667
MONTHLY AVERAGE	258	288	321	279	281	324	368	342	347	392	421	475	437	486	511	513	556
YEAR TO DATE	3,101	3,461	3,850	3,342	3,371	3,893	4,413	4,107	4,168	4,706	5,056	5,694	5,245	5,828	6,137	6,161	6,667



Monthly Enforcement Statistics for 2019

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement	Open Backlog	164												164
Standard Files	Files Opened	9	8	30	31	32	18	14	25	31	31	27	0	256
	Files Closed	5	7	25	23	29	16	30	7	14	29	27	9	221
	Net Active Files	168	169	174	182	185	187	171	189	206	208	208	199	199
	Active in Past 12 Months	694	629	560	526	497	457	409	410	394	372	356	334	
	Median Active Days	19	57	78	95	118	158	183	171	196	211	221	251	
	Closed in Past 12 Months	525	459	385	343	311	270	238	221	209	204	204	191	
	Median Days to Close	1	1	1	1	14	57	74	78	99	111	132	143	
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement	Open Backlog	164												164
Business Name	Files Opened	0	0	1	0	0	0	0	0	0	0	0	0	1
Challenges	Files Closed	0	1	9	7	0	3	4	1	0	0	0	0	25
with MGCS	Net Active Files	164	163	155	148	148	145	141	140	140	140	140	140	140
	Active in Past 12 Months	179	179	180	179	179	179	179	179	179	179	174	165	
	Median Active Days	1095	1123	1154	1184	1215	1245	1276	1307	1337	1366	1384	1429	
	Closed in Past 12 Months	15	16	25	31	31	34	38	39	39	39	34	25	
	Median Days to Close	958	992	1464	1570	1570	1537	1518	1522	1522	1522	1502	1540	
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement	Open Backlog	328												328
Total Case Load	Files Opened	9	8	31	31	32	18	14	25	31	31	27	10	267
	Files Closed	5	8	34	30	29	19	34	8	14	29	27	23	260
	Net Active Files	332	332	329	330	333	332	312	329	346	348	348	335	335
	Active in Past 12 Months	873	808	740	705	676	636	588	589	601	610	616	595	
	Median Active Days	122	174	238	262	283	343	419	432	412	379	361	359	
	Closed in Past 12 Months	540	475	410	374	342	304	276	260	255	262	268	260	
	Median Days to Close	1	1	1	11	37	83	134	153	154	133	133	120	



REGISTRATION STATISTICS – February 2020 Council Meeting Report

Registration Phase

	2018	2019	2020 (as of Jan. 20)
Requests for Hearing	0	8	0
Premature Applications	0	0	0
(No Notice of Proposal)			
Matters Pending (Caseload)	1*	6**	6
Written Final Decisions Issued	2	1	0
Appeals to the Divisional Court	0	0	0
REC Activity			
Pre-Hearing Conferences Held	1	5	0
Hearings Phase completed, but no D&R issued	0	0	0

^{*} The Registrar granted a license in 2018 to two of the applicants; no hearing required. ** Two matters were withdrawn by the applicants.