

1. *Title of Submission*

Strict compliance with the objects of the Professional Engineers Act.

2. *Please briefly describe the issue, problem, risk or gap that this submission addresses.*

Whereas:

The privilege of self-regulation was granted to engineers through the Professional Engineers Act where the principal object of the The Association of Professional Engineers of the Province of Ontario is “**in order that the public interest may be served and protected**” and five additional objects exclusively “*for the purpose of carrying out its principal object.*”

3. *Please summarize the action that you are requesting from Council and how it will address the issue, problem, risk or gap stated above.*

Be it resolved that:

A motion be placed on the agenda at the next regular meeting of Council affirming:

- 1- That this Association will strictly comply with the Professional Engineers Act by restricting its activities to its legislated principal object and five additional objects.
- 2- The Association will immediately stop collecting money for other organizations like the Ontario Society of Professional Engineers (OSPE).
- 3- The Association immediately desist from every other activity that directly or indirectly supports (financially or otherwise) the OSPE.

4. *Please cite and briefly summarize any research that supports the proposed action.*

Professional Engineers Act, R.S.O. 1990, c P.28

5. *As applicable please describe how the proposed action will contribute to serving and protecting the public interest as it pertains to the regulation of professional engineering and the engineering profession.*

By definition (Professional Engineers Act)

6. *Please identify any legal considerations (eg., the need for changes to the statute, regulation, by-laws etc.) that may affect Council's ability to implement the proposed action.*

None

7. *Please identify any considerations that are relevant to the timing (or urgency) of the proposed action.*

OSPE's May 6, 2020 letter -- see bold text, 1/3 of the way down on page 3

**To address this the government must:**

**Immediately, as a temporary measure, revoke PEO's power of self-regulation and place it under trusteeship of the provincial government, just like Quebec did from 2016-2019.**

**For long-term sustainability, this regulatory reform, should establish an independent body, like the Office of the Superintendent of Professional Governance (OSPG) in British Columbia, who will be responsible for ensuring consistent and independent oversight of all professional regulators.**

8. *Please provide any other information that you feel will assist members of the AGM and Council in understanding your submission, in particular your proposed action.*

OSPE's consistent and repeated lobbying campaign of the Ontario government against PEO.

9. Please list any attachments to this document.

The Professional Engineers Act, R.S.O. 1990, c. P.28 <https://www.ontario.ca/laws/statute/90p28>

2020 OSPE letter dated May 6, 2020

2019 OSPE letter dated February 12, 2019

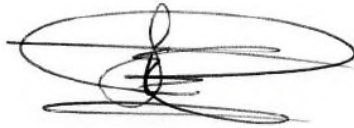
2018 OSPE letter dated November 22, 2018

*Pre-record a brief introduction to this submission.*

Yes

Member #1 (name/signature):

Peter Cushman, P.Eng.



Member #2 (name/signature):

Keivan Torabi, P.Eng.



Date:

2020-05-15

*PLEASE FORWARD THE COMPLETED SUBMISSION ELECTRONICALLY, WITH ANY ATTACHMENTS TO:  
CEO/REGISTRAR, c/o AGMSUBMISSIONS@PEO.ON.CA AT LEAST TEN (10) DAYS PRIOR TO THE ANNUAL GENERAL  
MEETING*

*Approved by Council – March 20, 2020*



May 6, 2020

Honourable Rod Phillips  
Minister of Finance  
Chair, Jobs and Recovery Committee  
7<sup>th</sup> Floor, Frost Building South,  
7 Queen's Park Crescent  
Toronto, ON M7A 1Y7

**RE: Ontario's Post COVID-19 Economic Recovery Plan**

Dear Minister Phillips,

The Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession. We represent Ontario's 85,000 professional engineers and 250,000 engineering graduates. The engineering profession's commitment to safeguarding the public interest has always been extremely important, and in these uncertain times, there is no exception.

Engineers generate wealth for the province, through the development and commercialization of new technologies and by designing innovative and sustainable solutions for the benefit of all Ontarians. Engineers also ensure safety and stability, by designing resilient infrastructure and reliable energy and water systems that Ontarians rely on daily. Engineers create opportunities and hope. During this pandemic, engineers have led the redesign of manufacturing processes to create much needed Personal Protective Equipment (PPE) and ventilators. Engineers use 3D printers to create tens of thousands of face shields and frames for our front-line workers. They are in the med-tech industry working diligently to bio-engineer new medications and a new vaccine to combat COVID-19. In times of crisis, you will always find engineers working tirelessly, in the background, without much accolade, diligently supporting the communities they serve.

Unfortunately, the engineering community has been severely impacted by this pandemic, as thousands of engineering jobs are directly linked to the infrastructure, manufacturing, technology and research and innovation sectors. Key activities such as the development of technical designs, studies, planning, operations management, and construction have ceased. This has not only affected engineers and engineering graduates but the entire Ontario economy.

Engineering knowledge and talent is beyond capable of leading Ontario's industries into the future and will play an important role in the immediate, short- and long-term economic recovery of our province. As such, the province must now support the engineering community in rebuilding the engine that drives Ontario, and the rest of the country.

Ontario's historic funding allocations and strategic planning unfortunately fell short of serving the province's needs during this crisis, and we would like to assist in re-introducing resiliency and value in Ontario's workforce and systems. To ensure preparedness for future events and build an economy that is strong and benefits all people, it is imperative that new funding allocations provide a sustainable benefit for diverse, future generations by ensuring a targeted focus on **building sustainability, investing in talent development and retention, and fostering innovation.**

We would like to commend the Government of Ontario for its leadership to date in addressing the impacts of the COVID-19 pandemic and taking an inter-ministerial approach to provide solutions for businesses and individuals alike.

**OSPE would like to provide you and the Jobs and Recovery Committee with specific recommendations for consideration as part of the province's post COVID-19 economic recovery plan.**

The engineering community believes that Ontario's economic recovery plan will be better suited to deliver tangible results if it is considered from a three-phase approach:

- **Phase 1:** Immediate and urgent measures needed today to create the conditions to re-open the economy, looking at strategic multi-sectoral economic levers.
- **Phase 2:** Short-term investments required to sustain the initial economic growth in Phase 1. These measures should support technologies that drive efficiencies and reflect the work force reality post COVID-19.
- **Phase 3:** Additional medium and long-term supports that create a prosperous transition to a knowledge-based, innovative economy that engineers are key in helping create and sustain.

OSPE would like to present the following recommendations, pertaining to **Phase 1**:

### **Immediate and Urgent Actions**

**OSPE believes that the government must prioritize certain actions that will enable the most prosperous recovery for Ontario. COVID-19 has taught everyone the great importance of building a resilient economy that is better prepared to withstand unknown threats of this magnitude.**

A resilient economy can be supported by:

- Leveraging Ontario's existing assets
- Building the assets that both businesses and workers of the future need to succeed
- Strengthening Ontario's competitive advantage

These urgent actions should seek to build a sustainable, resilient, and innovative Ontario, where its talent is properly developed and nourished.

#### **1. Adopt, in the immediate term, the recommendations presented by the Construction & Design Alliance of Ontario (CDAO) in their letter dated April 22, 2020.**

OSPE believes that proper, smart, and prioritized investment in sustainable infrastructure will help alleviate the economic burden the province is facing, while decreasing unemployment rates in several critical sectors of the economy.

Developing a comprehensive project investment pipeline document, which is informed by existing regulated municipal asset management plans will facilitate the prioritization of early works. These projects are not only 'shovel-ready', but 'shovel-worthy' and will provide a positive return on investment. By immediately utilizing these plans to select projects for investment, the province will be able to reduce application timelines and ensure a speedy and safe recovery.

#### **2. Support small and medium sized engineering firms by tackling increasing liability insurance costs through regulatory reform.**

Engineers support the provincial and federal government's approach to focus immediately on "shovel-worthy" infrastructure projects that can deliver short- and long-term benefits for Ontarians.

However, to achieve this, engineering firms must be able to compete in the market. Currently, insurance providers consider Ontario a high-risk jurisdiction. This has impacted engineers greatly, causing an increase in insurance costs and implications on coverage. These changes have not only resulted in the rising cost of liability insurance (professional liability as well as commercial general liability/property) but have prevented engineers access to specific aspects of insurance coverage that were historically readily available.

This impacts the ability of small to medium sized engineering companies to operate in the province, which limits the amount of infrastructure that can be built, further debilitating economic growth. Further, this increases the

costs of engineering projects, costs which are being downloaded to consumers. As the largest procurer of infrastructure projects, the government should be deeply concerned with these escalating costs, and the design talent shortage needed to build the infrastructure needed.

Several factors have caused these conditions:

- The regulatory body, Professional Engineers Ontario (PEO) does not currently make continuing professional development (CPD) mandatory in Ontario, despite the recommendation brought forward by the Elliot Lake Commission of Inquiry;
- There is no minimum required liability insurance for practicing engineers;
- Engineers are not regularly focused on projects within their specialization, and many lack micro-credentials.
- Engineering firms are not required to train and develop their own talent

**To address this the government must:**

**Immediately, as a temporary measure, revoke PEO's power of self-regulation and place it under trusteeship of the provincial government, just like Quebec did from 2016-2019.**

**For long-term sustainability, this regulatory reform, should establish an independent body, like the Office of the Superintendent of Professional Governance (OSPG) in British Columbia, who will be responsible for ensuring consistent and independent oversight of all professional regulators.**

Independent reviews conducted by the Professional Engineers of Ontario have identified significant governance and regulatory failures, that are putting Ontarians at risk. While the government considers the framework required to establish an independent body, similar to the OSPG, this government should act immediately to address the concerns mentioned above by appointing temporary administrative control over PEO, similar to what the government of Quebec did with its Engineering Regulator from 2016-2019, when similar deficiencies were identified.

### **3. Provide further relief to Ontario's businesses and families by making surplus electricity available at current market rates.**

Ontario must leverage its existing assets, which include its low-emission electricity system. This system has already been transformed into a low emission system, which produces significant amounts of emission-free electricity that is in surplus to domestic needs. Ontario currently exports most of this surplus to other Canadian provinces and the United States at low wholesale market energy prices and discards the amounts it cannot export. Unfortunately, Ontario consumers cannot access this low-cost surplus electricity, as Ontario's retail price plans do not allow surplus electricity to be made available at its low wholesale market energy price.

The government's recent announcements of suspending time-of-use rates for 45 days and deferring a portion of Global Adjustment (GA) charges for some industrial and commercial electricity consumers are only beneficial to some energy users.

The Government of Ontario should take this opportunity to implement **permanent electricity price reform** that will allow consumers to purchase surplus electricity now and in the future. This will alleviate the economic burden posed by COVID-19 by reducing energy bills for consumers and businesses, as well as decreasing greenhouse gas (GHG) emissions. This reform is required to achieve real economic relief both in the short and long term. Additionally, low-cost, carbon free electricity can support increased adoption of electric vehicles (EV), supporting job creation in the selling of EVs and its required infrastructure in both public and private locations.

**4. Work with the Federal Government to upgrade and modernize the digital infrastructure that will ensure businesses and workers succeed.**

COVID-19 has showed all of us that technology and high capacity infrastructure is no longer a luxury, but a necessity for both businesses and consumers to engage in today's economy. Unfortunately, access to high-speed internet is inconsistent or not available to some Ontarians. This has made working remotely challenging to certain businesses and individuals, having an impact on economic productivity.

In an environment geared towards e-commerce and online learning solutions, the government should prioritize access to broadband internet to all Ontarians, keeping in mind the need to properly connect remote and rural communities. Once construction sites open, investment in digital infrastructure will also ensure that certain simple practices and permit issuing is kept online, in order to help maintain physical distancing protocols.

As digital becomes embedded into business models and operations, it is imperative that all of Ontario's engineering companies have the capacity to operate in the new ecosystem. There is a clear chasm that exists between organizations and companies in their digital capacity. Funding digitization will enable the government to close some of the gaps that exist and keep business operating and safeguard engineering jobs in the province.

**5. Support local manufacturing innovation and production**

The Government of Ontario has launched a procurement tool that will remove barriers and leverage Ontario manufacturing capacity in the fight against COVID-19. Immediately, the government must continue to support the manufacturing sector to maintain strong supply chains.

The government should refocus investment in "Made-In Ontario" solutions and products. This could be achieved by working with the federal government to identify nationally strategic products and services and establish a minimum level of domestic production of these. Items such as medical supplies, personal protective equipment (PPE), food, energy, and other essentials should be included.

The uptake of technology and digitization will improve the sectors ability to be able to switch production to respond to consumer demand more quickly, not only in times of crisis but also in response to market shifts. For economic recovery it is critical that engineering expertise be deployed to ensure the safety and optimization of innovative solutions within industrial spaces. Ontario should work with the federal government to provide additional advanced manufacturing (AM) focused programs with potential financial incentives for Ontario companies to enhance their competitiveness both domestically and internationally. Supporting businesses in improving current manufacturing processes and methods, developing, and implementing digital technologies and focusing on developing more sustainable and energy-efficient products, will help create resiliency in this sector and improve Ontario's export potential.

OSPE believes that these recommendations are essential for the economic recovery of our province. We look forward to working with the government to further develop these recommendations. If you have any additional questions please contact Stuart Atkinson, OSPE Policy and Government Relations Lead at [satkinson@ospe.on.ca](mailto:satkinson@ospe.on.ca) or 416-223-9961 ext. 225.

Sincerely,



Réjeanne Aimey, P.Eng.  
Chair and President  
Ontario Society of Professional Engineers



Sandro Perruzza  
Chief Executive Officer  
Ontario Society of Professional Engineers



**CC:**

Hon. Doug Ford, Premier of Ontario  
Hon. Vic Fedeli, Minister of Economic Development, Job Creation and Trade  
Hon. Peter Bethlenfalvy, President of the Treasury Board  
Hon. Caroline Mulroney, Minister of Transportation  
Hon. Christine Elliott, Deputy Premier and Minister of Health  
Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Hon. Greg Rickford, Minister of Energy, Northern Development and Mines and Minister of Indigenous Affairs  
Hon. John Yakabuski, Minister of Natural Resources and Forestry  
Hon. Laurie Scott, Minister of Infrastructure  
Hon. Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries  
Hon. Lisa Thompson, Minister of Government and Consumer Services  
Hon. Monte McNaughton, Minister of Labour, Training and Skills Development  
Hon. Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction



BEHIND EVERY GREAT ENGINEER.

February 12, 2019

Sent via email to: [attorneygeneral@ontario.ca](mailto:attorneygeneral@ontario.ca)

The Honourable Caroline Mulroney  
Attorney General of Ontario  
720 Bay Street  
McMurtry-Scott Building, 11<sup>th</sup> Floor  
Toronto, Ontario  
M7A 2S9

### **Professional Engineers Ontario – Governance and Non-Regulatory Activity**

Dear Attorney General Mulroney,

On February 8, 2019, we attended Professional Engineers Ontario's (PEO) council meeting to present a joint motion with Consulting Engineers Ontario (CEO) regarding the lack of focus and extent of non-regulatory activity at PEO.

In our joint motion, we asked that PEO:

- Extend the scope of its independent Regulatory Performance Review currently underway to include a second phase looking at governance;
- Make the reports from all phases of the review public; and
- Adopt the recommendations contained in the reports and begin execution of an implementation plan within three months.

Unfortunately, the motion was withdrawn by PEO council, with reasoning ranging from the motion being premature, to not having the finances or time to complete such a review in 2019, to it being beyond OSPE's scope to comment on PEO's activities. We see this as a missed opportunity to proactively address the risk to the engineering profession outlined in our November 22, 2018 letter to you. Based on the tone of the meeting and comments made by many of the councillors including the LG Appointees, we do not have full confidence that progress will be made without clearer direction from the Attorney General.

Since sending our previous letter to you and voicing our concerns with PEO, OSPE has received support from members across the province, including professional engineers licensed by PEO and engineering graduates, some of whom are working towards licensure. They shared stories of how PEO's lack of focus on regulation has negatively impacted their projects, workplaces and careers.



We are continuing to work towards a resolution, and to that end, will be asking that the leadership of our three organizations reconvene to determine whether there is a viable path forward. If we do not come to a mutually agreeable resolution, we believe it would be prudent to have a joint meeting with you and your deputy minister when PEO's Regulatory Performance Review report is complete to better brief you on the concerns and recommendations outlined within it. We feel that at this time you will be able to provide clearer direction to PEO on how to address its governance issues so that it can refocus on regulating the practice of professional engineering.

Thank you for your continued diligence and leadership in ensuring that self-regulated professions stay singularly motivated to protect the public interest. For the future of the engineering profession, it is critical that PEO does not engage in activities that distract from its vitally essential mandate. We will be in touch again in the coming months.

Sincerely,



Jonathan Hack, P.Eng.  
President and Chair



Sandro Perruzza  
Chief Executive Officer

CC:

David Artemiw, Director, Policy, Office of the Attorney General  
Joseph Hillier, Senior Policy Advisor, Office of the Attorney General  
Christine Hill, P.Eng., Chair, CEO  
Bruce Matthews, P.Eng., CEO, CEO  
Jonathan Hack, P.Eng., Chair, OSPE  
David Brown, P.Eng., President, PEO  
Johnny Zuccon, P.Eng., Registrar, PEO



BEHIND EVERY GREAT ENGINEER.

November 22, 2018

The Honourable Caroline Mulroney  
Attorney General of Ontario  
720 Bay Street  
McMurtry-Scott Building, 11<sup>th</sup> Floor  
Toronto, Ontario  
M7A 2S9

### **Professional Engineers Ontario – Governance and Non-Regulatory Activity**

The Ontario Society of Professional Engineers (OSPE) is the advocacy association and voice of the engineering profession in Ontario. We represent the entire engineering community, including professional engineers, engineering graduates and students who work or will work in several of the most strategic and influential sectors of Ontario's economy. OSPE's mission is to ensure government, media and the public appreciate how critical the engineering profession is to growing Ontario's economy while protecting the environment and improving the quality of life we enjoy in our province.

We would like to express our support for the letter you received from our colleagues at the Consulting Engineers of Ontario (CEO) dated November 20, 2018 expressing their concerns regarding the non-regulatory activities of Professional Engineers Ontario (PEO). We share and can further highlight these concerns.

OSPE was formed in 2000 after members of PEO voted to separate regulatory and advocacy functions into two distinct organizations. This division of mandates is used by several other professions; for example, lawyers have the Law Society of Upper Canada for regulation and the Ontario Bar Association for advocacy. However, throughout OSPE's 18 years of existence, PEO has continued to engage in advocacy and other member services activities, in spite of the fact that these clearly fall under OSPE's mandate. This has limited the effectiveness of both organizations, resulting in mandate confusion at PEO, and hampering OSPE's efforts to act as the sole voice of the engineering profession to government and the public on engineering advocacy issues.

We believe that greater role clarity for PEO would allow the regulator to be more effective in carrying out their mandate:

- 1. Protection of the Public – Continuing Professional Education:**

During the Elliot Lake Commission of Inquiry, both OSPE and PEO recommended the implementation of a mandatory Continuing Professional Education program so

that the regulator could provide assurances that professional engineers are consistently up-to-date on current and new codes, standards, practices, and technologies. Recommendation 1.24 of the Report compiled by the Hon. Paul R. Belanger on October 15, 2014 clearly stated that “The Professional Engineers of Ontario should establish a system of mandatory continuing professional education for its members as soon as possible, and in any event, no later than 18 months from the release of this Report.”

Although PEO has established a Practice Evaluation and Knowledge (PEAK) program to address this recommendation, over four years have passed since the release of the report, and PEAK is neither compulsory, nor has it been effectively adopted by PEO’s licencees. A recent review of the program has revealed that fewer than one third of licencees have fully completed the PEAK questionnaire. Upon a review on the PEO practitioner’s directory on November 20, 2018, of the 22 professional engineers on PEO Council, only 12 have participated in PEAK and declared their practising/non-practising status.

**2. Elimination of PEO Lobbying Capability (Government Liaison Program):**

With respect to PEO’s non-regulatory activities, OSPE would like to highlight PEO’s Government Liaison Program (GLP), which exists to “Build the Influence of PEO with Government”. OSPE feels it is inappropriate for an organization that aspires to be a co-regulator with government to also run a program for the purpose of influencing government and promoting the work of professional engineers. We believe this is a fundamental conflict of interest.

PEO has a well-developed technical interface with government concerning enforcement issues for the engineering profession. We applaud their stated intention to be “partners with the government” in regulation. We do not believe that any resources need to be put in place to lobby the government on behalf of members – this is not appropriate for a regulator.

Through the Office of the Attorney General, and under the *Professional Engineers Act*, R.S.O. 1990, c.P.28, the Government of Ontario made the decision to prescribe PEO’s role as that of regulator. OSPE believes this arrangement must be respected by PEO by focusing only on their core mandate – licensing individuals who have met the rigorous qualifications, disciplining licence holders who fail to maintain the profession’s technical and ethical standards, and ensuring that only licence holders practise professional engineering.

OSPE supports PEO’s legislated powers to self-regulate the engineering profession and would like to continue positive relations with our sister organization. However, additional role clarity and mandate emphasis will ensure greater efficiencies for both organizations, and reduced costs for our members. Put simply, PEO can only effectively regulate by remaining solely focused on the public interest. OSPE will continue to advocate for what’s best for the engineering profession.

We wish to also clarify that OSPE has the utmost confidence in the competencies and abilities of PEO's President, Mr. David Brown, P.Eng., and of the Interim Registrar, Mr. Johnny Zuccon, P.Eng., however, the governance structure of PEO does not allow them the authority to implement the required changes.

We believe that an opportunity for action exists in the near term to pull together a meeting of the Presidents and CEOs of all three organizations with the purpose of achieving a consensus plan as we move forward. This plan, supported by the Attorney General, must resolve the two primary issues identified – PEO's Governance Model and Focused Mandate.

Our goal is to ensure that PEO is efficiently and effectively fulfilling its mandate of regulating the engineering profession for the people of Ontario.

Sincerely,



Jonathan Hack, P.Eng.  
President and Chair



Sandro Perruzza  
Chief Executive Officer

CC: David Artemiw, Director of Policy, Office of the Attorney General  
Christine Hill, P.Eng., Chair, CEO  
Bruce Matthews, P.Eng., Chief Executive Officer, CEO  
David Brown, P.Eng., President and Chair, PEO  
Johnny Zuccon, P.Eng., Interim Registrar, PEO